

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT PUNE**

MEMORANDUM OF APPLICATION

(Under Sections 15 of read with section 18 National Green
Tribunal Act, 2010)

APPLICATION NO. 4 OF 2024

BETWEEN:

Yogesh Pratap Singh

... **APPLICANT**

AND

Member-Secretary, National Coastal Zone Management Authority

& Another

... **RESPONDENTS**

**REJOINDER TO FURTHER AFFIDAVIT-IN-REPLY OF
RESPONDENT NO. 1 AND 2 I.E. NATIONAL COASTAL
ZONE MANAGEMENT AUTHORITY AND THE
MINISTRY OF ENVIRONMENT, FORESTS AND
CLIMATE CHANGE**

I, Yogesh Pratap Singh, the Applicant above-named, residing at Mumbai, do hereby solemnly affirm and state as under:

1. The Applicant has gone through the further, Affidavit-in-Reply of the abovementioned Respondents, and accordingly, tenders this Rejoinder.
2. The Applicant submits that this Affidavit-in-Reply submitted by 'These Respondents' is simply an affirmation to the opinion given National Centre for Sustainable Coastal Management (NCSCM). This opinion is legally and factually incorrect and completely untenable.
3. The reasons for rejecting this opinion of the NCSCM is given hereunder:

4.0 REASONS:

4.1 REASON NO. 1:

MOEFCC and the NCSCM have got their facts wrong – Mithi river as referred to in the Affidavit-in-Reply is not at the edge of Salsette Island – It is one of the many fresh water rivers which originate from within the Salsette Island and discharge their waters in the Arabian Sea:

The Applicant submits the in the Affidavit-in-Reply under reference, it has been stated as under:

‘The term "Island along the mainland coast" refers exclusively to offshore islands, i.e., those located in the sea but detached from the mainland. **Salsette Island is bordered by the sea on three sides and the Mithi River on one side.** This configuration does not conform to a standard island definition, and is more appropriately aligned with a peninsula, which is surrounded by water on three sides and connected to land on one.’

(Emphasis supplied).

The fact stated above is an utterly wrong fact.

The true fact is that Mithi River starts from the hills of Salsette Island, almost in the middle of this Island, and discharges its water in the west coast of this Island in the Arabian Sea.

This is apparent from a map of the Mithi River a copy of which is hereto annexed (with supplied illustrations) and marked as **ANNEXURE-'A-1'**.

Further, a Wikipedia Article on Mithi River, (**ANNEXURE-'A-2'**), mentions as under:

“Mithi River is a river on Salsette Island, the island for the city of Mumbai, India.”

....

“The river originates from the overflow of Vihar Lake and also received the overflows from the Powai Lake about 2 KM downstream. It flows 18 km before discharging into the Arabian Sea at Mahim Creek.”

Therefore, it is seen that This Respondents have their facts wrong.

It is reiterated that the Mithi River flows from the centre of the Salsette Island and not from the Eastern Side of the Salsette Island. Needless to add that the Salsette Island is surrounded by sea on all sides, and runs along the mainland coast and Mithi River is within the Salsette Island.

4.2 REASON NO. 2:

NCSCM seeks to change history – All over the world, right from historical times till this day, Salsette Island, of which Mumbai is a part, has been reckoned as an Island – now without any cogent legal reasoning NCSCM seeks to change history – position not tenable:

The Applicant submits that right from the historical times, Mumbai has been reckoned as a part of the greater Salsette Island. It is surrounded by water on all sides. Barges and boats navigate this entire island from all sides and can encircle them. Such barges and boats can encircle the entire Salsette Island though their own power.

This historical fact has been authentically stated in the official Maharashtra State Gazetteer for the historic 'Greater Bombay District', (**ANNEXURE-'A-3'**) where the following has been stated:

“Geographically speaking, the district entirely lies outside the mainland of Konkan in Maharashtra in a group of islands separated from the mainland by the narrow Thane creek and a somewhat wider Harbour

Bay. The district at present occupies the original island group of Bombay- now practically a southward protruding peninsula of the larger Salsette- and most of the island of Salsette, with the former Trombay island appended to it in its south-east. A small part in the north of the Salsette island, however, lies in Thane district. The Salsette-Bombay island complex lies off the mouth of the Ulhas river; the estuary in the Vasai creek and the Thane creek together separate it

from the mainland. Thus, the district of Greater Bombay is surrounded on three sides by the seas- by the open Arabian sea to the west and the south and the Harbour Bay and the Thane creek in the east-but, in the north, the district of Thane stretches along its boundary across the northern parts of Salsette."

It would be pertinent to note that NCSCM is a technical body and it is beyond the scope of its authority to redefine history based on well-accepted geographical facts.

Accordingly, if the argument of a technical body, with no expertise on law and history, is accepted, it would be untenable. In that case, history would have to be redefined, which is not possible to be done by NCSCM.

4.3 REASON NO. 3:

The mandate given to NCSCM by the Coastal Regulation Zone Notification, 2019, is only to demarcate High Tide Line and certain sensitive areas – It is not to decide which land is an island and which is not:

The Applicant submits that the MOEFCC has relied upon a legal opinion given by NCSCM. This is not a tenable position. The mandate given in the Coastal Regulation Zone Notification, 2019, to the NCSCM is only do perform survey related work based on their technical expertise and mechanical infrastructure.

Their mandate is not to confer an opinion on facts and questions of law, which can otherwise be done only by applying the Rules of Interpretation of Statutes on such facts. Their mandate is mainly to measure the coastline and to fix High Tide Line.

More particularly, the essential tasks which have, inter alia, been assigned to the NCSCM in the Notification is as under:

“(i) The land area from High Tide Line (hereinafter referred to as the HTL) to 500 meters on the landward side along the sea front. Explanation. - For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during

the spring tide, **as demarcated by the National Centre for Sustainable Coastal Management (NCSCM)** in accordance with the laid down procedures and made available to various coastal States and Union territories.

2.0 Classification of CRZ. –

.....

(b) A detailed environment management plan shall be formulated by the states and Union territories for such ecologically sensitive areas in respective territories, as **mapped out by the National Centre for Sustainable Coastal Management (NCSCM)**, Chennai based on guidelines as contained in Annexure-I to this notification and integrated with the CZMP.

GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS

1. Demarcation of High Tide Line and Low Tide Line:

1. Demarcation of High Tide Line and Low Tide Line: Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) as carried out by NCSCM for the entire coastline of the country, has been made available to the Coastal States or Union territories and only such demarcation of HTL and LTL shall be applicable for all purposes of this notification.

2. Hazard Line: A 'Hazard line' has been demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes (erosion or accretion) occurring over a period of time. **The hazard line mapped by SOI has been shared with the coastal States or Union territories through NCSCM.** The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMP, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes.

5. Classification of CRZ areas:

(i) The CZM Maps shall clearly demarcate the land use plan of the area and map out the Ecologically Sensitive Areas (ESAs) or the CRZ-IA areas as **per mapping made available by NCSCM** to coastal State or Union territories. All such ESAs shall be appropriately demarcated with colour codes.”

(Emphasis supplied).

From the aforesaid it is seen that the mandate, which has been accorded to NCSCM in the Notification is as a surveying and mapping agency only. It does not hold the mandate to interpret the law by invoking various principles of Rules of Interpretation of Statutes.

For this reason, the opinion given by MOEFCC, in the Affidavit-in-Reply, which in turn is based on the opinion given by NCSCM be rejected.

4.4 REASON NO. 4:

The NCSCM is a judge in its own cause – NCSCM erred to not to consider the Salsette Island as an Island, when the CZMP was made – now it seeks to twist the facts so as not to be proved as wrong:

The Applicant submits the mandate of the Coastal Regulation Zone Notification, 2019, to NCSCM was to demarcate the HTL. However, while doing so, it is clear and apparent that they missed the point that Mumbai is a larger part of the Salsette Island.

At the time of preparing the CZMP, it was not the case of NCSCM that the issue that Salsette Island was an Island was considered and thereupon after deliberations and due application of mind they decided to not to consider it as an Island. It seems this fact that Salsette Island is an Island was not considered at all and the CZMP was prepared considering that the Salsette Island was Mainland.

The correct fact seems that there was no application of mind on whether Salsette Island was an Island or not, and now when this Original Application has been filed, the NCSCM has got disposed to justifying the omission rather than to accepting their wrong.

In other words, NCSCM has become a judge in your own cause, hit by the legal maxim – nemo iudex in causa sua. Therefore, their submissions ought to be rejected in view of the universally accepted and a historic fact that Salsette Island is an Island and that the Salsette Island as a whole is not a peninsula.

4.5 REASON NO.5:

'These Respondents' has wrongly stated that under the Definition of Island in the United Nations:

In the Affidavit-in-Reply under reference, 'These Respondents' have stated as under:

"In light of the above Salsette Island does not qualify as an "island" under international legal definitions (UNCLOS 1982)."

The Applicant submits that this is an incorrect fact which has been submitted before this Hon'ble Tribunal by 'These Respondents'.

The true fact is apparent from the definition of 'island' given in the UNITED NATIONS CONVENTION ON THE LAW OF THE SEA PERTAINING TO THE REGIME OF ISLANDS, where the following definition is given to the word 'Island' (**ANNEXURE-'A-4'** with supplied illustrations):

'An island is a naturally formed area of land, surrounded by water, which is above water at high tide'

It is seen that the Salsette Island is a natural island existing from historical times. It is surrounded by water on all sides. Boats and barges navigate this entire Island all around. Further, this is a large mass of land which is above the HTL.

Accordingly, it is clear and apparent that 'These Respondents' have stated wrong facts related reference to the United Nations Convention on 'The Law of The Sea'.

4.6 REASON NO. 6:

Dictionary meaning has to be adopted under Rules of Interpretation of Statutes:

The Applicant submits that it is a time-honoured principle of Interpretation of Statutes that in case the statute does not define a word specifically, then ordinary dictionary meaning has to be adopted.

In Para 2.4 supported by *ANNEXURE-'A-2'* annexed therein, the definition of island has been stated as under:

"Island, any area of land smaller than a continent and entirely surrounded by water. Islands may occur in oceans, seas, lakes or rivers."

Since the Salsette Island satisfied the above-mentioned criterion, accordingly, it has to be reckoned as an Island.

4.7 REASON NO. 7:

The contention that ICRZ Notification, 2019 does not provide for making Integrated Island Management Plan for islands more than 100 sq KM is not corrected:

The Applicant submits that in this Affidavit-in-Reply it has been wrongly stated as under:

"As per Para 10.2(i) of the ICRZ Notification, 2019, Integrated Island Management Plans (IIMPs) are applicable only to islands having an area less than 100 sq km. The area of Salsete Island is 619 sq km, and hence, it does not qualify for IIMP preparation. Therefore, Salsete island does not fulfil the criteria under Para 10.2(iii) of the said notification and cannot be treated as an island for the purposes of CRZ regulation."

In this reference, the Applicant submits as under:

(a) A perusal of the Island Protection Zone Notification, 2019 (**ANNEXURE-'A-5'**), the last paragraph is Para 9. Accordingly, there seems to an error in mentioning Para 10.2(i) referred to above in the quote. It seems the said Para ought to have been mentioned as Para 10.2(i) of the Coastal Regulation Zone Notification, 2019.

(b) The reliance for preparing Integrated Island Management Plan emanates not from the Island Protection Zone Notification, 2019, but from the provisions of Para 10.2 of the Coastal Regulation Zone Notification, 2019, which point has been specifically traversed through in Para 3.1 (page 9) of the Original Application.

More specifically the said Para 10.2 reads as under:

(iii) Integrated Island Management Plans (IIMPs), as applicable to smaller islands in Lakshadweep and Andaman & Nicobar, as per Island Protection Zone Notification, 2011 number S.O. 20(E), dated the 6th January, 2011, **shall be formulated by respective States or Union territory for all such islands and submitted to Ministry of Environment, Forest and Climate Change and till the IIMPs are framed, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification 2011 number S.O. 19(E), dated the 6th January, 2011, shall continue to apply.**" (Emphasis supplied).

From a plain reading of the above-mentioned provision it is apparent that the Coastal Regulation Zone Notification, 2019 only refers to procedure as applicable to smaller islands for all the mainland islands of India. It does not say that larger islands of Mainland more than 100 sq KM in size would not be governed by the IIMP.

In short, the Coastal Regulation Zone Notification, 2019 mandates that all islands, irrespective of their sizes, shall be governed by that procedure which is specific to the smaller islands in Lakshadweep and Andaman & Nicobar.

Accordingly, this point put up by the Project Proponent is not correct.

5. The Applicant submits that in view of the narrations made in the foregoing, the contentions raised in this 2nd Affidavit-in-Reply of 'These Respondents' be rejected and therefore, the prayers made in the Original Application be made absolute.

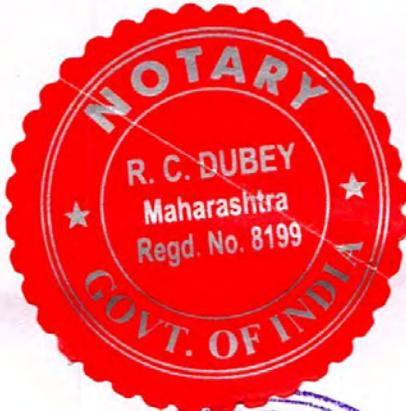
Yogeshkrataphdjh
APPLICANT

Solemnly affirmed in Mumbai

Dated this day, of the August 2025

19 AUG 2025

BEFORE ME



BEFORE ME

[Signature]

R. C. DUBEY
NOTARY
Maharashtra
(Govt of India)



19 AUG 2025

R.C. DUBEY (NOTARY GOVT. OF INDIA)	
Notarial Register	
Sr No	932 19/8/25





Mithi River

The **Mithi River** (Pronunciation: [miʈʰiː]) is a river on Salsette Island, the island of the city of Mumbai, India. The Mithi is the confluence of tail-water discharges of the Powai and Vihar lakes. The river is seasonal and rises during the monsoons. The overflowing lakes also contribute to the river flow, which is stopped by a dam at other times.

Geography

The river originates from the overflow of Vihar Lake and also receives the overflows from the Powai Lake about 2 km downstream. It flows for 18 km before discharging into the Arabian Sea at Mahim Creek, flowing through residential and industrial complexes of Powai, Saki Naka, Kurla, Kalina, Vakola, Bandra Kurla Complex, Dharavi and Mahim. The river has an average width of 5 metres in the upper reaches, has been widened to 25 m in the middle reaches and up to 70 m in the lower reaches after the 26 July 2005 deluge (944 mm in 24 h on 26 July 2005).

Environmental degradation

The river has been polluted by dumping of raw sewage, industrial waste and municipal waste into the river. Besides this, illegal activities like washing vessels, animals and oily drums, discharge of unauthorised hazardous waste are also carried out along the course of this river. Cattle sheds in some areas contribute animal waste. Barrel cleaners, scrap dealers and others dump sludge oil, effluent and garbage in the river. The organic waste, sludge and garbage dumping has reduced the carrying capacity of the river. The water with mixture of sewage and industrial waste is a threat to marine life. The river bed is full of sludge, garbage and vegetation growth like water hyacinth in many parts.^[2]

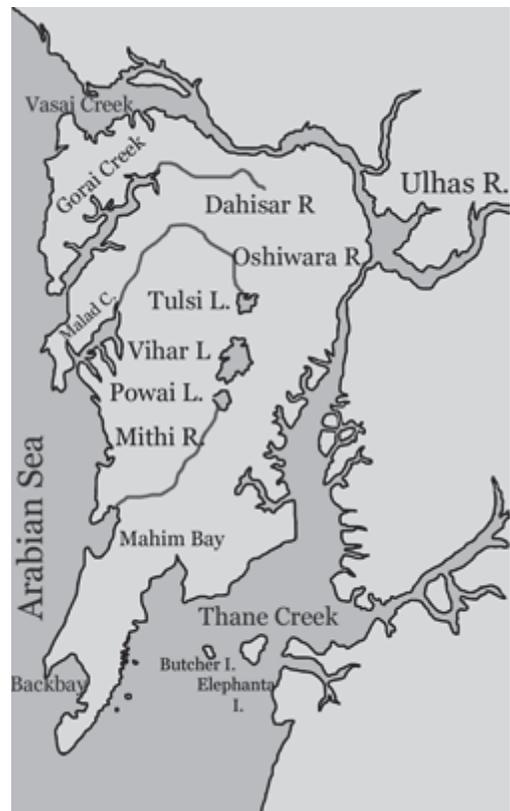
Cleanup

The Municipal Corporation of Greater Mumbai has undertaken a cleanliness drive lately so that the floods of 26 July 2005 are not repeated. An environmental group has been formed by Rajendra Singh, an award-winning conservationist in 2009. The BMC has been able to remove just 267,000 cubic metres so far, or 60% of what is required.^[3]

Mithi River



Mithi River at Filter Pada



The Mithi river is in the centre

Location

Country	India
State	Maharashtra
District	<u>Mumbai Suburban</u>
City	<u>Mumbai</u>

Physical characteristics

Source	<u>Vihar Lake</u>
2nd source	<u>Powai Lake</u>
• location	Aarey Colony, Goregaon (E)
3rd source	Vakola Creek
• location	<u>Chhatrapati Shivaji Maharaj International Airport</u>
Mouth	<u>Arabian Sea</u>
• location	<u>Mahim Creek</u>
Length	18 km (11 mi) ^[1]

Development

Many young entrepreneurs in and around Mumbai are now aggressively involved with raising awareness of the degradation of the Mithi River, and creating awareness on a global scale as the government of India has again began to ignore this extremely important issue.^[4] In 2009, environmentalist and Magsaysay Award winner, Rajendra Singh lead a *yatra*, of a group of environmentalist and NGOs, through Mumbai city along the degraded Mithi river to highlight its problems.^[5]



Mithi river in Mumbai showing the concrete pillars used in increasing its width

A Contemporary Art show was also held in 2009 to increase awareness of the dire situation of the Mithi River in Bombay by Chintan Upadhyay titled *Khatti – Mithi*.^[6]

See also

- List of rivers of India
- Rivers of India
- Seven Islands of Bombay



References

1. "Mumbai Metropolitan Region Development Authority - Mithi River Development and Protection Authority" (<https://mmrda.maharashtra.gov.in/mithi-river-development-and-protection-authority-mr-dpa->).
2. "Mithi river water pollution and recommendations for its control" (<http://mpcb.gov.in/images/mithireport.pdf>) (PDF). *Maharashtra Pollution Control Board*. Retrieved 29 August 2014.
3. Aghor, Ashwin (12 January 2009). "Eco group formed to revive Mithi River" (http://www.dnaindia.com/mumbai/report_eco-group-formed-to-revive-mithi-river_1220795). *DNA*. Retrieved 21 June 2009.
4. "Mithi River - Let's Try and save Mithi River in Bombay / Mumbai it's turned in to 101% sewage" (<https://web.archive.org/web/20090713220343/http://mithiriver.ning.com/>). Archived from the original (<http://mithiriver.ning.com/>) on 13 July 2009. Retrieved 5 July 2009.
5. "Waterman of India plans a river parliament to revive the Mithi" (<https://archive.today/20120906172146/http://www.expressindia.com/latest-news/waterman-of-india-plans-a-river-parliament-to-revive-the-mithi/409452/>). *Indian Express*. 12 January 2009. Archived from the original (<http://www.expressindia.com/latest-news/waterman-of-india-plans-a-river-parliament-to-revive-the-mithi/409452/>) on 6 September 2012.
6. "Water babies, stinky but timely" (<http://timesofindia.indiatimes.com/Mumbai/Water-babies-stinky-but-timely/articleshow/4711076.cms>). *The Times Of India*. 28 June 2009.

External links

- *Five Disasters Waiting to Happen* (<http://www.sundancechannel.com/films/500203164>), a film that chronicles the Mithi river's ecological issues.
- Mithi river water pollution and recommendations for its control (<http://mpcb.gov.in/images/mithireport.pdf>) by Maharashtra Pollution Control Board
- 'Making the Sewer...a River Again – Why Mumbai must reclaim its Mithi.' A film by Riddhi J Chokhawala, Gautam Kirtane and Dhaval Desai, Research Fellows, Observer Research Foundation Mumbai (<https://www.youtube.com/watch?v=C4tYtd-4PR4>)
- Kadinsky, Sergey "Mithi River, Mumbai" *Hidden Waters Blog* 1 February 2016 (<https://hiddenwatersblog.wordpress.com/2016/02/01/indias-urban-streams/>)

Maharashtra State Gazetteers

Greater Bombay District

[Home](#) | [Preface](#) | [Chapters](#) | [Gazetteer Publications](#) | [Appendix](#) | [Maps](#) | [Bibliography](#) | [Inscriptions](#) | [Photos](#)

GENERAL

TOPICS

[Geography](#)[Geology](#)[Climate](#)[Forests](#)[Wild Animals and Birds](#)[Fish and Fisheries](#)[Snakes](#)[Floristic Wealth of Borivli National Park](#)[Fauna](#)[Annexure I](#)[Annexure II](#)

GEOGRAPHY

(The section on Geography is contributed by Prof. B. Arunachalam, Geography Department, University of Bombay, Bombay)

THE URBAN AGGLOMERATION OF GREATER BOMBAY is a unique entity in the physical and cultural setting of not only Maharashtra but also the whole of India. Located on the western sea-board, overlooking the Arabian Sea and commanding the Suez Route on the world shipping ways, and backed by a productive hinterland, linked through routeways on it through the Thai and Bhor *ghats* across the Sahyadri, this giant gateway to India is the economic nucleus of Maharashtra. It is a cloister of commerce and industry, business and administration.

Bombay in India and Maharashtra: Ranked eighth in the world, Greater Bombay had a population of 5.96 millions in 1971 ; the population figures hover around 8.2 millions at present (1981). As the administrative capital of the State of Maharashtra, it dominates the regional scene, accounting for 11.5 per cent of its total population, 39 per cent of its urban population, nearly 75 per cent of its industrial activity and nearly two-thirds of its industrial workers. As the leading port of the country, handling slightly less than a third of the external maritime trade of India, its port functions permeate and dominate the national economy. Easily the largest industrial node, with a concentration of textiles, engineering, chemicals and drugs industries, it contributes nearly 15 per cent of the industrial income of the nation. It is also the leading banking and financial centre of the nation and accounts for about 42 per cent of its total revenue from air-borne and sea-borne trade of India and 34 per cent of the national income, accruing through income tax revenues. The rapidly fusing amalgam of the Bombay city region has turned out to be one of the biggest urban complexes of the nation. Yet this great city of Western India has risen from humble ranks, of that of a group of fishing hamlets to that of an industrial giant over the span of a few hundred years; its history of spectacular growth is not paralleled by other cities in the country.

Location, Size and Area : Greater Bombay, the smallest of the districts of Maharashtra is entirely an urban district, that has submerged in itself the former villages in the peri-urban fringe. The district, extends between 18°53'N. and 19°20'N. and between 72°45'E. and 73°00'E. It has an east to west extent of about 12 km. where it is broadest, and a north-south extent of about 40 km. The district covers an area of 437.71 sq. km. that constitutes 0.14 per cent of the total area of the State of Maharashtra. The importance of the district is also apparent from the fact that the district supports a population of about 8 millions, sharing 11.5 per cent of the population of the State, which is enormously out of proportion to the size of the district.

Geographically speaking, the district entirely lies outside the mainland of Konkan in Maharashtra in a group of islands separated from the mainland by the narrow Thane creek and a somewhat wider Harbour Bay. The district at present occupies the original island group of Bombay— now practically a southward protruding peninsula of the larger Salsette— and most of the island of Salsette, with the former Trombay island appended to it in its south-east. A small part in the north of the Salsette island, however, lies in Thane district. The Salsette-Bombay island complex lies off the mouth of the Ulhas river; the estuary in the Vasai creek and the Thane creek together separate it from the mainland. Thus, the district of Greater Bombay is surrounded on three sides by the seas— by the open Arabian sea to the west and the south and the Harbour Bay and the Thane creek in the east—but, in the north, the district of Thane stretches along its boundary across the northern parts of Salsette.

Administrative Evolution : Initially the district of Bombay included only the city island. In 1920, when the Salsette taluka was divided into North Salsette and South Salsette; South Salsette consisting of 86 villages was separated from the Thane district, to constitute the newly created Bombay Suburban district. This district was made up of two talukas: Borivali with 33 villages, and Andheri with 53 villages. Thirty-three villages from the Bombay Suburban district were transferred to the Thane district in 1945; 14 of these 33 villages, required for the development of Aarey Milk Colony, were returned to Bombay Suburban district in 1946.

On the 15th April, 1950, the municipal limits of Bombay were extended to include the Andheri taluka of the Bombay Suburban district as suburban Bombay. The Borivali taluka, together with a village transferred from Thane district was also appended to Bombay when the municipal corporation limits were further extended on 1st February 1957. Thus, the Greater Bombay district, comprising the city proper and suburban areas came into being since 1957.

Present set-up : For administrative purposes, the district is at present divided into 15 wards. The area, population and density of population in the different wards are given below:—

Ward		Area (Sq. km.)	Population in 1971	Density per hectare
City	A	11.41	1,84,104	161
	B	2.46	1,75,131	712
	C	1.78	3,12,472	1,756
	D	6.63	3,82,742	577
	E	7.41	5,28,736	714
	F	21.17	6,62,516	313

ANNEXURE-'A-4'

Office for Ocean Affairs and the Law of the Sea



The Law of the Sea

Régime of Islands
Legislative History
of Part VIII (Article 121)
of the United Nations Convention
on the Law of the Sea



United Nations · New York, 1988

RELEVANT PROVISION OF THE UNITED NATIONS CONVENTION ON THE
LAW OF THE SEA PERTAINING TO THE REGIME OF ISLANDS: ARTICLE 121

"PART VIII

"REGIME OF ISLANDS

"Article 121

"Régime of islands

"1. An island is a naturally formed ~~area of~~ land, surrounded by water, which is above water at high tide.

"2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.

"3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf."

ANNEXURE-'A-5'

[भाग II-खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

37

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 8th March, 2019

S.O.1242(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.20 (E), dated the 6th January, 2011 (hereinafter referred to as the Island Protection Zone Notification, 2011), the Central Government declared certain coastal stretches of Andaman and Nicobar and Lakshadweep as the Island Protection Zone (hereinafter referred to as the IPZ); under Section 3 of Environment (Protection) Act, 1986;

And Whereas, the Ministry of Environment, Forest and Climate Change has received representations from Union territories (UTs) of Lakshadweep and Andaman and Nicobar, besides other stakeholders, regarding certain provisions in the IPZ Notification, 2011 related to management and conservation of marine and coastal ecosystems, development in coastal areas, eco-tourism, livelihood options and sustainable development of coastal communities etc;

And Whereas, various stakeholders have requested the Ministry of Environment, Forest and Climate Change to address the concerns related to coastal environment and sustainable development with respect to the IPZ Notification, 2011;

And Whereas, the Ministry of Environment, Forest and Climate Change had constituted a Committee under the Chairmanship of Dr. Shailesh Nayak to examine various issues and concerns of coastal states and Union territories and various stakeholders, relating to the IPZ Notification 2011 and to recommend appropriate changes in the said Notification;

And Whereas, the report submitted by Dr. Shailesh Nayak Committee has been examined in the Ministry and consultations have been held with various stakeholders in this regard;

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 and in supersession of Island Protection Zone Notification 2011, vide number S.O.20(E), dated the 6th January, 2011, except as respects things done or omitted to be done before such supersession, the Central Government, with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming, does hereby, declare the coastal stretches of the eight bigger oceanic islands in Andaman and Nicobar namely, Middle Andaman, North Andaman, South Andaman, Great Nicobar, Baratang, Havelock, Little Andaman, Car Nicobar Islands and the water area up to territorial water limits of the country, as the Island Coastal Regulation Zone (hereinafter referred to as the ICRZ) as under:

- (i) The land area from High Tide Line (hereinafter referred to as the HTL) to 200 meters on the landward side along the sea front for Group-I Islands and 100 meters on the landward side along the sea front for Group-II Islands.
- (ii) The eight bigger oceanic islands in Andaman and Nicobar (ICRZ Islands) shall be grouped as follows:

Group-I:	Islands with geographical areas >1000 sq.km such as South Andaman, Middle Andaman, North Andaman and Great Nicobar.
Group-II:	Islands with geographical areas >100 sq.km but < 1000 sq.km such as Baratang, Little Andaman, Havelock and Car Nicobar.

Explanation,- For the purposes of this Notification, the expression "High Tide Line" means the line on the land upto which the highest water line reaches during the spring tide, as demarcated by the National Centre for Sustainable Coastal Management (NCSCM), Chennai in accordance with the laid down procedures.

- (iii)(a) The ICRZ shall apply to the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).
- (b) The distance of the ICRZ along the tidal influence water bodies, thus determined, shall be demarcated accordingly in the Island Coastal Zone Management Plan (hereinafter referred to as the ICRZP).

- (c) The ICRZ boundaries along the creeks etc. as above shall however be subject to revision and final approval of the respective ICRZ Plans as per this Notification, framed with due consultative process and public hearing etc. and environmental safeguards enlisted therein. Till such time the ICRZ Plans to this notification is approved, the limit of 100 meters or width of the creek whichever is less, shall continue to apply.
- Explanation: For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons and ponds etc. that are connected to the sea.
- (iv) The intertidal zone means the land area between the HTL and the Low Tide Line (hereinafter referred to as the LTL).
- (v) The water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.
- 2. Classification of the ICRZ –** For the purpose of conserving and protecting the coastal areas and marine waters, the ICRZ area shall be classified as follows, namely:-
- (i) **ICRZ-I** areas are environmentally most critical and shall be further classified as under:
- (ii) **ICRZ-IA:**
- (a) The ICRZ-I A shall constitute the following ecologically sensitive areas and the geo- morphological features which play a role in the maintaining the integrity of the coast viz.:
- (i) Mangroves. In case mangrove area is more than 1000 square meters, a buffer of 20 meters along the mangroves shall be provided and such area shall also constitute CRZ –I A.
 - (ii) Corals and coral reefs;
 - (iii) Sand Dunes;
 - (iv) Biologically active Mudflats;
 - (v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, the Forest (Conservation) Act or Environment (Protection) Act; including Biosphere Reserves;
 - (vi) Salt Marshes;
 - (vii) Turtle nesting grounds;
 - (viii) Horse shoe crab's habitat;
 - (ix) Sea grass beds;
 - (x) Seaweeds,
 - (xi) Nesting grounds of birds;
 - (xii) Areas or structures of archaeological importance and heritage sites.
- (b) A detailed environment management plan shall be formulated by the Union territories for such ecologically sensitive areas (ESAs) in respective territories, as mapped out by NCSCM, based on guidelines as contained in **Annexure-I** and integrated in the ICRZ Plans.
- (iii) **ICRZ-I B:** The CCRZ-IB shall consist of the intertidal zone i.e. the area between Low Tide Line and High Tide Line shall constitute the ICRZ-I B.
- (iv) **ICRZ-II:**
- (a) The ICRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built up plots to that of total plots being more than 50% and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains etc.
 - (b) The Land areas along the creeks or tidal influence water bodies, located in the ICRZ II shall also be earmarked as ICRZ II and the distance upto which the ICRZ is to be reckoned as the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt)

measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).

- (v) **ICRZ-III:** The land areas that are relatively undisturbed (viz. rural areas etc.) and those do not fall under ICRZ-II, shall constitute ICRZ-III.

Explanation.- 1. For Group-I Islands, the area up to 100 meter from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ).

Provided that the NDZ for development of eco-tourism activities shall be 50 m and the Andaman and Nicobar administration shall ensure that the concerns of the fishing community are fully protected.

2. For Group-II Islands, the area up to 50 mts from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ).

Provided that the NDZ for development of eco-tourism activities shall be 20 m and the A&N administration shall ensure that the concerns of the fishing community are fully protected.

- (vi) Land area up to 20 m from the HTL, or width of the creek whichever is less, along the tidal influenced water bodies in the CRZ III, shall also be earmarked as the NDZ and the distance upto which the NDZ is to be reckoned as the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).

Note: The NDZ shall not be applicable in such areas falling within notified Port limits.

- (vii) **ICRZ-IV.-** The ICRZ - IV shall constitute the water area and shall be further classified as under:
- (viii) **ICRZ- IVA.-** The water area and the sea bed area between the Low Tide Line up to twelve (12) nautical miles on the seaward side shall constitute ICRZ-IV A.
- (ix) **ICRZ- IVB.-** ICRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.
3. **Prohibited activities within ICRZ.-** The following activities shall be prohibited, in general, within the entire ICRZ. Exceptions to these and other permissible or regulated activities in specific ICRZ categories viz. ICRZ-I, II, III & IV, shall however be governed by the provisions under para 5 of this Notification:
- (i) destruction of corals.
 - (ii) mining of sand from in and around coral areas, nesting and breeding grounds of endemic and endangered species.
 - (iii) shore protection works (hard constructions) on the seaward side of the corals.
 - (iv) setting up of new industries and expansion of existing industries, operations or processes.
 - (v) manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of Ministry of Environment, Forest & Climate Change.
 - (vi) setting up of new fish processing units.
 - (vii) land reclamation, bunding or disturbing the natural course of seawater.
 - (viii) discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
 - (ix) dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
 - (x) port and harbour projects in high eroding stretches of the coast.
 - (xi) mining of sand, rocks and other sub-strata materials.
 - (xii) dressing or altering active sand dunes.

- (xiii) in order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited. Adequate measures for management and disposal of plastic materials shall be undertaken in the ICRZ.
- (xiv) drawal of ground water.

4. Regulation of permissible activities in the ICRZ

(I) ICRZ-I.-

(II) **ICRZ-IA.-** These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the ICRZ-I A areas, with following exceptions:

- (a) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved ICRZ Plans as per this Notification, framed with due consultative process/ public hearing etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the ICRZ Plans.
- (b) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems/mechanisms and construction of road on stilts etc. that are required for public utilities.
- (c) Construction of roads and roads on stilts, by way of reclamation in ICRZ-IA areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial environment impact assessment or both, to be recommended by the Coastal Zone Management Authority (CZMA) and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

(III) ICRZ-IB.-

The activities shall be regulated or permissible in the ICRZ-I B areas as under:

- (i) Land reclamation and bunding etc. shall be permitted only for activities such as;
 - (a) Foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard and sea links etc.
 - (b) Projects for Defence, strategic and security purpose;
 - (c) Road on stilts, provided that such roads shall not be authorized for permitting development on the landward side of such roads, till the existing High Tide Line:

Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair and maintenance.
 - (d) Measures for control of erosion.
 - (e) Maintenance and clearing of waterways, channels, ports and hover ports for coast guard.
 - (f) Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.
- (iii) Power by non-conventional energy sources and associated facilities.
- (iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.
- (v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in **Annexure-II**, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid etc.

- (vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers & food grains in notified Ports.
- (vii) Hatchery and natural fish drying.
- (viii) Existing fish processing units may utilize 25% additional plinth area for modernization purposes (only for additional equipments and pollution control measures) subject to the following:
- FSI of such reconstruction not exceeding the permissible FSI permissible as per prevalent town and country planning regulations.
 - Additional plinth area is constructed only to the landward side.
 - Approval of the concerned State Pollution Control Board or the Pollution Control Committee.
- (ix) Treatment facilities for waste and effluents and conveyance of treated effluents.
- (x) Storm water drains.
- (xi) Projects classified or identified as strategic, Defence related projects and Projects of Department of Atomic Energy.
- (xii) Manual mining of atomic mineral(s) notified under Part-B of First Schedule of Mines and Minerals (Development and Regulation) Act, 1957 occurring as such or in association with one or other minerals in the inter-tidal zone by such agencies as authorised by Department of Atomic Energy, as per mining plan approved by the Department of Atomic Energy.
- Provided that the manual mining operations are carried out only by deploying persons using baskets and hand spades for collection of ore or mineral within the intertidal zone and as per approved mining plan, without deploying or using drilling and blasting or Heavy Earth Moving Machinery in the intertidal zone.
- (xiii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xiv) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water, intake water for desalination plants etc., and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or the State Pollution Control Board (SPCB) or the Pollution Control Committee (PCC), as the case may be.
- (xv) Pipelines, conveying systems including transmission lines.
- (xvi) Weather radar for monitoring of cyclones prediction ocean observation platforms, movement and associated facilities.
- (xvii) Salt harvesting and associated facilities.
- (xviii) Desalination plants and associated facilities.
- (xix) Mining of sand for construction purposes:
- Provided that the mining of sand shall be permitted by Andaman and Nicobar CZMA in identified non-eco sensitive and approved sites, as identified by Institute of Ocean Management (IOM), Chennai, subject to the following, namely:-
- the mining plans shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, bird nesting sites and other protected areas.
 - total quantity of sand to be mined shall be fixed taking into consideration the order of Hon'ble Supreme Court, dated 7th May, 2002 in Writ Petition (Civil No.2002 of 1995).
 - the sand mining shall be monitored by a constituted Committee by the Lieutenant Governor of Andaman and Nicobar comprising of (1) Chief Secretary, Andaman & Nicobar, (2) Secretary, Department of Environment, (3) Secretary, Department of Water Resources, (4) Secretary, Andaman and Nicobar Public Works Department, (5) Representative from the Regional Office of Ministry of Environment, Forest and Climate Change, Bhubaneshwar and (6) Representative of an NGO based at Andaman and Nicobar.
- (IV) ICRZ-II**
- (i) Activities as permitted in ICRZ-I B, shall also be permissible in ICRZ-II, as applicable.

- (ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized fixed structures; provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.
- (iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio prevailing as on the date of this notification in the official gazette, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or the Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned Union territory Coastal Zone Management Authority (CZMA) and the concerned CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environment protection measures, etc. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on the coast or coastal waters.
- (iv) Reconstruction of authorized buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of this Notification. and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or the Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned Union territory Coastal Zone Management Authority (CZMA) and the concerned CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environment protection measures, etc. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on the coast or coastal waters.
- (v) Development of vacant plots in designated areas for construction of beach resorts/hotels/tourism development projects subject to the conditions or guidelines at Annexure-III.
- (vi) Temporary tourism facilities shall be permissible in the beaches which shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks and the like, drinking water facilities, seating arrangements, facilities associated for water sports activities etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved ICRZ Plan as per this Notification, framed with due consultative process and public hearing etc. and further subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities and environmental safeguards enlisted in the ICRZ Plans.
- (vii) Construction or repairs of infrastructure facilities for Marine Coastal Police Stations may be permitted on a case to case basis by CZMA.
- (viii) Mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (V) ICRZ-III:**
- (a) Activities as permitted in ICRZ-I B, shall also be permissible in ICRZ-III, as applicable.
- (b) Regulation of activities in the NDZ: Following activities shall be permitted or regulated in the NDZ.-
- (i) no construction shall be permitted within NDZ in ICRZ-III, except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density; for permissible activities under the notification including facilities essential for activities and construction/reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements.
- (ii) agriculture, horticulture, gardens, pastures, parks, playfields and forestry.

- (iii) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA.
 - (iv) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee.
 - (v) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
 - (vi) wherever there is a national or state highway passing through the NDZ of ICRZ-III areas, temporary tourism facilities such as toilets, change rooms, drinking water facility and temporary shacks can be taken up on the seaward side of the road.
 - (vii) on landward side of such roads in the NDZ, Resorts / hotels and associated tourism facilities shall be permitted. Such facilities shall, however, be permitted only subject to the incorporation of tourism plan in the approved ICRZ Plans as per this Notification and the conditions / guidelines at **Annexure-III**, as applicable.
 - (viii) temporary tourism facilities shall be permissible in the NDZ and beaches in the ICRZ-III areas and such temporary facilities shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks and the like, drinking water facilities, seating arrangements, facilities associated for water sports activities etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved ICRZ Plan as per this Notification framed with due consultative process and public hearing etc. and further subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities and environmental safeguards enlisted in the ICRZ Plans.
 - (ix) mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (c) For ICRZ-III Areas beyond the NDZ, activities shall be permissible and regulated as under:
- (i) development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions / guidelines at Annexure-III;
 - (ii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages etc. Building permission for such construction or reconstruction will be subject to local town and country planning rules with an overall height of construction not exceeding nine meters and with only two floors (ground + one floor);
 - (iii) the local communities including fishermen can be permitted to facilitate tourism through 'home stay' without changing the plinth area/ design or facade of the existing houses.
 - (iv) construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges etc.
 - (v) Construction or repairs of infrastructure facilities for Marine Coastal Police Stations may be permitted on a case to case basis by CZMA.
- (d) Drawing of groundwater and construction related thereto shall be prohibited within 200 meters of HTL except for the use of local communities in areas inhabited by them. In the areas between 200 meters - 500 meters of the HTL, groundwater withdrawal can be permitted only through manual means from ordinary wells for drinking, horticulture, agriculture and fisheries etc. where no other source of water is available. Restrictions for such drawal may be imposed by the designated Authority by UT administration in the areas affected by sea water intrusion.
- (e) Mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (VI) ICRZ-IV.-** Activities shall be permitted and regulated in the CRZ IV areas as under:
- (i) Traditional fishing and allied activities undertaken by local communities.
 - (ii) Land reclamation and bunding etc. to be permitted only for activities such as;

- (a) Foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard etc.
- (b) Projects for Defence, strategic and security purpose including Coast Guard.
- (c) Measures for control of erosion.
- (d) Maintenance and clearing of waterways, channels and ports.
- (e) Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (iii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, navigational safety facilities, and the like.
- (iv) Power by non-conventional energy sources and associated facilities.
- (v) Transfer of hazardous substances from ships to Ports.
- (vi) Storage of non-hazardous cargo like edible oil, fertilizers and food grains in notified Ports.
- (vii) Facilities for discharging treated effluents into the water course.
- (viii) Projects classified as Strategic and Defence related projects including coast guard coastal security network.
- (ix) Projects of Department of Atomic Energy.
- (x) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xi) Exploration and mining of atomic minerals notified under Part-B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), occurring as such or in association with other mineral(s) and of such associated mineral(s).
- (xii) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or the State Pollution Control Board (SPCB) or the Pollution Control Committee (PCC), as the case may be.
- (xiii) Pipelines, conveying systems including transmission lines.
- (xiv) Weather radar for monitoring of cyclone prediction, ocean observation platforms, movement and associated facilities.

5. Island Coastal Regulation Zone Plan (ICRZP):

- (i) The Andaman and Nicobar administration shall revise or update their respective island coastal regulation zone plan (ICRZP) framed under IPZ Notification, 2011, as per provisions of this Notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest. All the project activities attracting the provisions of this Notification shall be required to be appraised as per the updated ICRZ Plans to this Notification. Until and unless the plans are so revised or updated, provisions of this Notification shall not come in force and the plans as per provisions of IPZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects;
- (ii) The ICRZ Plans may be prepared or updated by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders;
- (iii)(a) Draft plans shall be prepared in 1:25,000 scale map identifying and classifying the ICRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV of the notification, which involve public consultation;
 - (b) All developmental activities listed in this notification shall be regulated by the Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved ICRZ plans, as the case may be, in accordance with provisions of this notification;
- (iv) The draft plans shall be submitted to the A&N CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;

- (v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the plans;
- (vi) The ICRZ Plans shall not normally be revised before a period of five years after which, the concerned Union territory administration may consider undertaking a revision.
- 6. Areas requiring special consideration: Small Islands of Andaman Islands and Nicobar and Lakshadweep:**
- (i) All the smaller Islands in Andaman and Nicobar and Lakshadweep, other than those listed under the ICRZ categories, shall also be covered under this Notification.
- (ii) These smaller islands shall be managed through the respective Integrated Island Management Plans (hereinafter referred to as the IIMP). Integrated Island Management Plans (IIMPs) shall be formulated by respective Union territory administration for all such Islands as per guidelines contained in **Annexure-IV**, and submitted to Ministry of Environment, Forest and Climate Change for approval at the earliest. Until and unless the IIMPs are framed, provisions of this Notification shall not come in force and the IIMPs as per provisions of IPZ Notification 2011 shall continue to be followed.
- (iii) In view of the unique coastal systems and space limitations in these islands, a No Development Zone (NDZ) of 20 meters from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under:
- (a) Existing dwelling units of local communities of these islands may be repaired or reconstructed within 20 meters from the HTL and however, no new construction shall be permitted.
- (b) Foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up in NDZ limits subject to due environmental safeguards.
- (c) Activities in the Coastal Water areas, inter-tidal zone and ecologically sensitive areas shall be permitted or regulated as in the ICRZ-I and ICRZ-IV areas under Para 4 of this Notification.
- (d) Development in these Islands beyond 20 meters of HTL shall be governed by the respective IIMPs and local regulations, as applicable.
- 7. ICRZ clearance for permissible or regulated activities- Delegations**
- (i) All permitted or regulated project activities attracting the provisions of this notification shall be required to obtain ICRZ clearance prior to their commencement.
- (ii) All development activities or projects in ICRZ-I and ICRZ-IV areas, which are regulated and permissible as per this notification, shall be dealt with by the Ministry of Environment, Forest and Climate Change for clearance, based on the recommendation of the concerned CZMA.
- (iii) For all other permissible and regulated activities as per this Notification, which fall purely in ICRZ-II and ICRZ-III areas, the ICRZ clearance shall be considered by the concerned CZMAs. Such projects in ICRZ -II and III, which also happen to be traversing through ICRZ-I and/or ICRZ-IV areas, ICRZ clearance shall, however be considered only by the Ministry of Environment, Forest and Climate Change, based on recommendations of the CZMA.
- (iv) Projects or activities which attract the provisions of this Notification as also the provisions of EIA Notification 2006, shall be dealt with for a composite Environmental and ICRZ clearance under EIA Notification 2006 by the concerned approving Authority, based on recommendations of concerned CZMA, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) for category 'B' projects and by the Ministry of Environment, Forest and Climate Change for category 'A' projects respectively.
- (v) In case of building and construction projects with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, these shall be approved by the concerned local Union Territory Planning Authorities in accordance with this notification, after obtaining recommendations of the CZMA.
- (vi) Only for self-dwelling units up to a total built up area of 300 sq. meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of the CZMA. Such authorities shall, however, examine the proposal from the perspective of this Notification, before according approval.
- 8. Procedure for ICRZ clearance for permissible and regulated activities:**
- (i) The project proponents shall apply with the following documents to the concerned Union territory Coastal Zone Management Authority for seeking prior clearance under the ICRZ Notification:

- (a) Project summary details as per **Annexure-V** of the notification.
 - (b) Rapid EIA Report including marine and terrestrial component, as applicable, except for building construction projects or housing schemes.
 - (c) Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification) if located in low and medium eroding stretches, as per the ICRZP to this notification.
 - (d) Risk Assessment Report and Disaster Management Plan except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification.
 - (e) ICRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office order number J-17011/8/92-IA-III dated 14th March 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM.
 - (f) Project layout superimposed on the above map duly indicating the project boundaries and the ICRZ category of the project location as per the approved ICZMP of this Notification.
 - (g) The ICRZ map normally covering 7km radius around the project site also indicating the ICRZ-I, II, III and IV areas including other notified ecologically sensitive areas.
 - (h) “Consent to establish” or NOC from the concerned State Pollution Control Boards or Union Territory Pollution Control Committees for the projects involving treated discharge of industrial effluents and sewage. In case prior consent of Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this Notification.
- (ii) The Andaman and Nicobar CZMA shall examine the documents as in (i) above, in accordance with the approved ICRZ Plan or IIMP, as the case may be, and in compliance with ICRZ notification and make recommendations within a period of sixty days from date of receipt of complete application as under:-
- (a) For the projects or activities also attracting the EIA Notification, 2006, the CZMA shall forward its recommendations to the Ministry of Environment, Forest and Climate Change or SEIAA for category ‘A’ and category ‘B’ projects respectively, to enable according a composite clearance under the EIA Notification:
 Provided that, even for such Category ‘B’ projects located in ICRZ-I or ICRZ-IV areas, final recommendation for ICRZ clearance shall be made only by Ministry of Environment, Forest and Climate Change to the concerned SEIAA to enable it accord a composite EC and ICRZ clearance to the proposal.
 - (b) ICZMAs shall forward their recommendations to the Ministry of Environment, Forest and Climate Change for the projects/activities not covered in the EIA notification, 2006, but attracting ICRZ Notification and located in ICRZ-I or ICRZ-IV areas.
 - (c) Projects or activities not covered in the EIA notification, 2006, but attracting ICRZ Notification and located in ICRZ-II or ICRZ-III areas shall be considered for clearance by the concerned ICZMA within sixty days of the receipt of the complete proposal from the proponent.
 - (d) In case of construction projects attracting CRZ Notification but with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification 2006, CZMAs shall forward their recommendations to the Union territory planning authorities, to facilitate granting approval by such authorities.
- (iii) The Ministry of Environment, Forest and Climate Change, shall consider complete project proposals for clearance under the ICRZ Notification, based on the recommendations of the ICZMA, within a period of sixty days.
- (iv) In case the ICZMAs are not in operation due to their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the Union territory Administrations, who are the custodian of the ICRZ Plans or IIMPs, to provide comments and recommend the proposals in terms of the provisions of the said notification.
- (v) (a) The clearance accorded to the projects under this notification shall be valid for a period of seven years, provided that the construction activities are completed and the operations commence within seven years from the date of issue of such clearance.
- (b) The validity may be further extended for a maximum period of three years, provided an application is made to the concerned authority by the applicant within the validity period, along with recommendation

for extension of validity of the clearance by the concerned Union Territory Coastal Zone Management Authority.

(vi) Post clearance monitoring:-

(a) It shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.

(b) The compliance report shall also be displayed on the website of the concerned regulatory authority.

(vii) To maintain transparency in the working of the CZMAs, it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved ICRZ Plans or IIMPs of the respective Islands of the Union territory.

9. Enforcement of the ICRZ Notification:

(i) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated there under, the powers either original or delegated are available under the Environment (Protection) Act, 1986 with the Ministry of Environment, Forest and Climate Change, and the Union territory Administration, NCZMA and SCZMAs;

(ii) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by the Ministry of Environment, Forest and Climate Change in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of 1993;

(iii) The Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the Union Territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned comprising at least three representatives of local traditional coastal communities including from fisherfolk;

(iv) The Union territory administration may consider further delegation of the enforcement of this notification to the level of respective District Magistrates;

(v) The dwelling units of the traditional coastal communities including fisher folk as were permissible under the provisions of the IPZ notification, 2011, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely:-

(a) these are not used for any commercial activity.

(b) these are not sold or transferred to non-traditional coastal community.

[F.No.12-14/2018-IA-III]

RITESH KUMAR SINGH, Jt. Secy .

Annexure-I

CONSERVATION, PROTECTION AND MANAGEMENT FRAMEWORK FOR ESAs

The coastal and marine Ecologically Sensitive Areas (ESAs) and the geo-morphological features play a vital role in maintaining the functions of the coast. Mangroves, beaches, coral reefs etc., aid in controlling coastal erosion, shoreline change, saltwater intrusion and also serve as natural defence against coastal hazards such as storm surges, cyclones and tsunamis. The ESAs maintain the biological integrity of the coast by providing direct and indirect ecosystem services to the coastal livelihood. In addition, several invaluable archaeological and heritage sites are also located along the coast. Hence conservation and protection of the above areas/ features/ sites become necessary.

1. General measures

(i) All ESAs shall be identified and boundary delineated by NCSCM using satellite data.

(ii) The State/UT Governments through the authorized agencies shall prepare CZMP as per the guidelines contained in the Notification highlighting the conservation and protection of the ESAs.

(iii) Those activities permissible under this notification shall be included in the CZMPs.