

Statement on the CRZ Notification and Post-Tsunami Rehabilitation in Tamil Nadu



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Cover photographs: Source: Equations, Bangalore

1. (Right) Coastal constructions flattened by the tsunami.
2. (Left) Illegal sand mining within the CRZ undertaken by rehabilitation agencies

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INTRODUCTION TO THE REPORT

The tsunami that struck several nations in the Indian Ocean on December 26, 2005 destroyed the lives and livelihoods of numerous coastal communities and resulted in significant damage and destruction of property and infrastructure. An accurate total economic estimation of the losses is currently unavailable and will be a challenge to compute. With the passing of the emergency relief stage, the actual complexity and seriousness of rehabilitation and reconstruction is becoming evident. The Government of Tamil Nadu is presently faced with the urgency of launching shelter programmes, reconstruction activities and overall rehabilitation measures in the affected areas. However, the State Government and the UNDP recognise that the tsunami-induced damage can easily deteriorate into a rehabilitation nightmare for coastal communities if these efforts lack direction, clarity of purpose and especially if rehabilitation activities violate existing legal norms and requirements.

It is in this context that this joint ATREE-UNDP report titled '*Statement on the CRZ Notification and Post-Tsunami Rehabilitation in Tamil Nadu*' has been drafted¹. The report attempts an analysis of the position of the law regarding potential rehabilitation efforts along the Tamil Nadu coast. The position of India's principal coastal legislation, the Coastal Regulation Zone (CRZ) Notification, 1991, is examined here. The CRZ Notification is a specialised legal instrument for governing development activities throughout her coastal stretches.

The report is intended to provide government and non-government rehabilitation agencies with a clear understanding of the role and position of the CRZ Notification in any of the rehabilitation efforts that may take place in areas under the jurisdiction of this law. The report is divided into the following sections:

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Annexure 1 *Table on Clauses of the CRZ Notification Relevant to Post-Tsunami Rehabilitation Efforts in Tamil Nadu (Pages 22-29)*

Annexure 2 *The Coastal Regulation Zone Notification, 1991, Consolidated Version [Incorporating amendments up to July, 24, 2003] (Pages 29-*

¹ *This report has been prepared with numerous inputs and assistance from several persons including Bharat Jairaj, CAG, Chennai, T.Mohan and Devika, Advocates, Chennai, Sudarshan Rodriguez, Conservation Management Analyst, Chennai, Kartik Shanker, ATREE, Bangalore and Ravi Chellam, UNDP, New Delhi.*

Section 1

COMMENTARY ON THE CRZ NOTIFICATION, 1991 AND ITS IMPLEMENTATION

India has laws guiding anthropogenic activities along the coast, of which the most significant and specialized legislation is the Coastal Regulation Zone (CRZ) Notification, 1991. Some of the post-tsunami rehabilitation activities to be undertaken by governmental and non-governmental agencies in India are likely to take place in areas falling under the jurisdiction of the CRZ Notification. At this crucial phase of rehabilitation, the overall Rehabilitation Plan for the Tamil Nadu coast or the sectoral plans such as the Shelter Plan, to be developed by the Government of Tamil Nadu or other agencies, must take into consideration the provisions of existing laws of the land. The following commentary seeks to clarify issues and queries that may arise and which have relevance to the context of rehabilitation.

1.1 Legal basis for the Coastal Regulation Zone Notification, 1991

As a guiding document, the CRZ Notification remains relevant, particularly at this stage of rehabilitation. The function of the notification as an environmental protocol for human actions in a sensitive region is evident from the principal legislation wherefrom it draws its powers. The importance that the Government of India has accorded to this notification is clear from the fact that considerable powers are vested with the agencies that are responsible for its implementation.

The CRZ Notification was issued in the year 1991 using the provisions of the Environment (Protection) Act, 1986 and the Environment (Protection) Rules, 1986. The crux of the Environment (Protection) Act and its Rules is that it substantially empowers the Centre [the concerned ministry being the Ministry of Environment and Forests (MoEF)] to take actions '*for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution*'. This includes the promulgation of specified notifications for this purpose. The CRZ Notification was issued under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986. These clauses outline the powers of the Central Government to protect and improve the quality of the environment and take preventive measures to control and abate environmental pollution. This includes the power to delineate areas where anthropogenic activities can be regulated and restricted. The CRZ Notification is therefore a specialised legislation, which was introduced with the intention of protecting the coastal environment of India.

1.2 Physical Jurisdiction of the CRZ Notification

The coastal stretches of India's mainland and her numerous islands including the Andaman & Nicobar Islands and Lakshadweep, are governed by the Coastal Regulation Zone Notification, 1991. However, the CRZ Notification does not apply to an unspecified area, merely meeting the description of a 'coast'. For the purpose of effectively legislating on coastal protection, the law sets limits to the area under its purview. The Coastal Regulation Zone or the zone under the purview of the CRZ Notification was declared² comprising the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) up to 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL. The 500-metre CRZ boundary is drawn at a radial distance (as the crow flies) uniformly from the HTL, and runs parallel to the coast. The measurement of the 500-metre boundary of the CRZ **does not take into account** the height of elevations of land on the

² See Para 1 of the CRZ Notification.

coast, such as the height of hillocks, promontories or cliffs. The MoEF has recognised this while conditionally approving the Coastal Zone Management Plans (CZMPs) prepared by the coastal states, wherein high cliffs and hillocks are included in the CRZ and the CRZ continues several metres beyond these structures (which measure more than 500 metres in height).

In the case of rivers, creeks and backwaters, the notification states³ that the CRZ would apply to both banks of the water body, but the distance of the CRZ from the HTL may be reduced from 500 metres on a case-by-case basis, with the reasons for the reduction to be recorded in the CZMP of that State. However, this distance was not to be less than 100 metres or the width of the river, whichever was less⁴. Therefore, lands in these areas are also subject to the regulations of the notification.

1.3 The CRZ Notification and the regulation of activities on the coast

The jurisdiction of the CRZ Notification is not just defined by its physical boundaries but also by the nature of the activities that it regulates or restricts in the zone. The text of the notification begins by stating that it seeks to declare parts of the coastal stretch as the CRZ and impose restrictions on the *'setting up and expansion of industries, operations or processes, etc'*.

At the outset, it needs to be understood that the CRZ Notification **does not** issue a blanket ban on **all** activities along the coast. The CRZ's regulations apply to a range of human activities taking place within the CRZ areas and especially (but not exclusively) to a range of activities that can be defined as 'industries', 'operations' and 'processes'. The notification provides a list of these activities, some of which are restricted within the CRZ and some of which are permitted under specific conditions⁵. The permitted activities cannot take place in all areas within the 500 metres. The entire CRZ area is classified as CRZ-I, CRZ-II, CRZ-III and CRZ-IV depending on its geomorphology and existing settlement characteristics. In each of these zones, different activities are permitted in different areas (See Section 2).

1.4 Categorisation of coastal areas

The areas that fall under the CRZ are classified into I, II, III and IV categories based on certain characteristics.

CRZ – I (i) areas comprise those areas that are 'ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historical/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time'.

In the present post-tsunami context, the relevance of the notification's emphasis on protection of mangroves and areas impacted by sea level rise is noteworthy. The notification was early to recognize the devastating impacts of unplanned development in these areas and their impacts on coastal communities. The MoEF in its letter to the Chief Secretaries of all coastal States, lays down that in addition to the areas identified by the State Government as CRZ –I, all mangrove areas that are over 1000 sq.km should be declared as CRZ –I.

CRZ –I (ii) areas are those areas lying between the Low Tide Line and the High Tide Line.

³ See Para 1(ii) of the CRZ Notification.

⁴ Inserted in the amendment S.O.(E).No. 550 (E), dated 21st May, 2002.

⁵ Para 2 of the Notification lists 'Prohibited Activities' and Para 3 provides details on the 'Regulation of Permissible Activities'.

CRZ – II consists of ‘areas that have already been developed up to or close to the shoreline’ (the reference here is to geological characteristics and development levels present at the time of the notification i.e, 1991). For the purposes of the notification, "developed area" is referred to as that area within municipal limits or in other legally designated urban areas which are already substantially built up and which have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

CRZ – III areas that are those which are relatively undisturbed and which do not belong to either Category-I or II. These include the coastal zone in rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas which are not substantially built up.

CRZ –IV are those coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II or CRZ-III. None of the small islands on the Tamil Nadu coast are classified as CRZ – IV.

Technically, each zone should be classified by the physical characteristics that existed in 1991 (during which period the coastal states were directed to prepare their Coastal Zone Management Plans) and not by those characteristics that exist at present. However, for the purpose of implementation, the notification also states that in the interim period, till the CZMPs are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of the notification⁶. This implies that in the absence of a fully approved CZMP (with correct categorization of the CRZ areas), implementing agencies should **also** take into consideration the physical characteristics of the coast **along with** the draft CZMPs and arrive at a decision on the area’s categorisation.

It has been alleged by several NGOs that most of the State CZMPs have incorrectly classified the CRZ areas. The MoEF in its letter to all the coastal States’ Chief Secretaries on the subject of approving the CZMPs⁷ has also given directions to re-classify certain zones. The Tamil Nadu State Government is currently in the process of doing the same and getting the CZMP and its revised maps finally approved (Dr, Balaji, Director, Department of Environment, Government of Tamil Nadu, pers. comm.).

1.5 Mechanism for the implementation of the CRZ Notification

The notification states that the respective State Governments should have identified, classified and recorded all the CRZ areas in the State Coastal Zone Management Plans⁸, which was to be approved by the MoEF. In these CRZ areas, from the date of the CRZ Notification i.e 19th February 1991, certain restrictions would be imposed on various anthropogenic activities including the setting up and expansion of industries, operations or processes etc. This would include several activities that would possibly be taken up during the rehabilitation process (See Section 2). The responsibility of implementing the CRZ Notification rests with the State Governments and the MoEF⁹. The notification outlines the activities that are to be permitted by the MoEF¹⁰ and under which conditions. All other activities are to be regulated by the State Governments and Union Territory Administrations within the framework of these approved CZMPs.

⁶ See Para 3(3)(iii) of the CRZ Notification.

⁷ Letters dated 27th September 1996, from the MoEF to the Chief Secretaries of all coastal states. The Letter to the Chief Secretary, Tamil Nadu is No.J-17011/16/93-IA-III.

⁸ Para I(ii) and Para 3(3)(i) of the CRZ Notification state that the Coastal Zone Management Plans should identify and classify the various CRZ areas.

⁹ See Para 3 of the CRZ Notification.

¹⁰ See Para 2 and Para 3 of the CRZ Notification.

On November 26, 1998, the MoEF constituted 13 State Coastal Zone Management Authorities (SCZMA), one for each of the coastal States and Union Territories, and a National Coastal Zone Management Authority (NCZMA) to monitor and implement the CRZ Notification's provisions. The constitution of the SCZMAs varies across the states but their duties and responsibilities are identical. Compared to other authorities constituted by the MoEF under Section 3(3) of the Environment (Protection) Act [EP Act], the SCZMAs have a fairly extensive and important mandate. They are also empowered to "take action and issue directions" — substantial powers in legalese. Among some of its activities, the SCZMAs are mandated to identify ecologically-sensitive and economically-important areas, create integrated management plans and to act as the immediate authority empowered to implement all provisions of the CRZ Notification, including recommending projects for clearances to the government.

The tenure of the Tamil Nadu SCZMAs was extended by three years on January 4, 2002 vide notification No.S.O.23(E). Point VIII of the notification states that the SCZMA is responsible for examining all projects proposed in the CRZ areas and that the SCZMA has to give its recommendations before the project proposals are referred to the Central Government or agencies entrusted to clear projects under the CRZ Notification. In the state of Karnataka, the interpretation of the word 'project' has been expanded to include even proposals for housing. Further, Point IX of the same notification states that the SCZMA shall ensure the compliance of all specific conditions that are stipulated and laid down in the approved Coastal Zone Management Plan of Tamil Nadu. It is clear that the Tamil Nadu SCZMA is the designated authority mandated to legally oversee the regulation of specific activities mentioned in the notification, in the CRZ areas. For the monitoring of compliance and implementation of the notification, it is necessary that the Tamil Nadu SCZMA is an officially functional body.

Ironically, just after the devastating event of the tsunami, the term of the Tamil Nadu SCZMA and those of the other states ended - on January 4, 2005. It is now over two months since their term expired and much longer since the tsunami hit the coast, but the MoEF has not yet renewed the tenure of these authorities. Similarly, the term of the National Coastal Zone Management Authority (NCZMA) also expired on 8th January 2004. The NCZMA is also vested with important responsibilities for coastal protection requiring official tenure to function.

1.6 Concerns with the implementation of the CRZ Notification

While the CRZ Notification is one of the earliest specialized environmental legislations, 14 years since its introduction several anomalies have crept in, resulting in serious problems for implementation. Some of these concerns have been pointed out below and need to be recognized before inferring the position of the law regarding rehabilitation efforts (outlined in the subsequent sections).

- Since 1991, there have been 19 amendments and around 3 corrigenda (up to 24th July 2003) to the provisions of the notification. Each of these amendments have sought to dilute the protective measures of the notification and in the process have introduced newer clauses further complicating and rendering meaningless several of the protective clauses of the original notification.
- Despite the numerous amendments, the MoEF has not yet issued a consolidated notification in the official gazette, incorporating all the changes to the original notification. This makes the interpretation of the various clauses of the notification a real challenge. See Annexure 2 for a consolidated notification, which the author has put together. The MoEF's official website presently has only a few select amendments. All amendments and a consolidated notification need to be made publicly available.
- The series of amendments to the notification have made way for several industrial and large-scale commercial activities. However, none of the amendments have sought to clarify some of the other

ambiguities and uncertainties such as the definition of key terms such as ‘local inhabitants’¹¹, ‘traditional rights and customary uses’¹² (See Section 4.6 on Issues requiring clarification from the MoEF).

- Although the states were supposed to prepare their CZMPs before February 1992¹³, they only submitted the CZMPs after being directed to do so by the Supreme Court in 1996¹⁴.
- The MoEF has only conditionally approved these State Coastal Zone Management Plans¹⁵. However, none of the States have incorporated the conditions laid out by the MoEF and are yet to prepare a revised CZMP that has been fully approved by the MoEF incorporating all its conditions. In the case of Tamil Nadu, the Coastal Zone Management Plan is not fully approved and the MoEF has approved only 10 out of the 31 maps developed for the Tamil Nadu coast. For other areas, one would have to rely on the geomorphologic and other characteristics of the region to determine its classification and get an approval from the Department of Environment of the Government of Tamil Nadu. It has to be clarified by the MoEF if this approach will suffice under the present conditions and for this special context of rehabilitation. For a suggested approach on working with the existing Tamil Nadu CZMP, please see Section 3.5 of this document.
- As mentioned earlier, the term of the Tamil Nadu State Coastal Zone Management Authority has not been renewed yet. This implies that rehabilitation and reconstruction activities within the CRZ that require permissions, cannot take place legitimately. This might lead to unwitting violation of the law and future litigation on this matter. Similarly, the renewal of the NCZMA’s term must be take place immediately.
- The High Tide Line and the Low Tide Line are to be demarcated only by certain authorities that have been designated by the Central Government for this purpose¹⁶. However, the Government of India is still in the process of arriving at a common methodology for HTL/LTL demarcation and is still evolving guidelines.
- In none of the states has the High Tide Line demarcation exercise been done at the ground level, for identification of zones and field implementation of the notification. The MoEF directed the Tamil Nadu Government in its letter dated September, 27, 1996, under Condition A (viii), ‘*The Government of Tamil Nadu shall delineate LTL, HTL, 200 metres, 500 metres lines and other relevant lines in respect of creeks, backwaters and rivers affected by tidal action so that distances can be measured, whenever required.*’ The demarcation of the HTL on the ground, in Tamil Nadu, has only taken place for the stretch between Chennai city and Mahabalipuram. For the remaining 920 odd kilometers of coastline in the State, the HTL and other lines remain unmarked on the ground (T.Mohan, Advocate, Chennai High Court, pers. comm.).

¹¹ See Para 6(2) CRZ-III (ia) and Para 6(2) CRZ-III (iii) of the CRZ Notification.

¹² See Para 6(2) CRZ-III (iii) of the CRZ Notification.

¹³ See Para 3(3)(i) of the CRZ Notification.

¹⁴ Vide order dated April, 18, 1996 in W.P.(C) No.664 of 1993 issued in the petition filed by the Indian Council for Enviro-Legal Action.

¹⁵ On September 27, 1996, the MoEF issued a letter to the Chief Secretaries of all coastal States and to the Administrators of the Union Territories, approving the CZMPs subject to the incorporation of various conditions and subsequent receipt of the revised maps from the States.

¹⁶ In its letter No J17011/8/92-IA-III dated 10.5.99, the Government of India indicated names of seven authorised agencies to whom the work of demarcation of HTL and LTL could be entrusted, names (a) Space Application Centre, Ahmedabad, (b) Centre for Earth Sciences Studies, Trivandrum, (c) Institute of Remote Sensing, Anna University, Chennai, (d) Institute of Wetland Management & Ecological Designs, Calcutta, (e) Naval Hydrographer’s Office, Dehra Dun, (f) National Institute of Oceanography, Panjim, Goa.

Section 2

POST TSUNAMI COASTAL REGULATION AND REHABILITATION IN TAMIL NADU

Tsunami-affected countries such as Sri Lanka and Indonesia have announced their decisions to introduce legislations and policies for the protection of coastal communities and to prevent the large-scale destruction of properties and infrastructure. The Government of Sri Lanka has reportedly announced to the press, its intention to ban construction within a 100-meter coastal zone around the country and a 200-meter zone in the North and Eastern province. The Sri Lankan Government has also announced its decision to regulate all new construction in a 700-metre zone beyond the 300-metre coastal zone, declared under the Coast Conservation Act No 57 of 1981 as amended No 64 of 1988¹⁷. Indonesia is contemplating the creation of a buffer zone for the coastal cities of the tsunami hit Aceh province. The Press reports that these new regulations could include avoiding construction of buildings, shops, markets, shopping centres, offices etc nearly two kilometres from the coast. The proposed two-kilometre zone is to have a buffer of mangroves, followed by fishermen's settlements nearly 1.6 kilometres inland¹⁸. The coastal regulations are currently being modified and renewed in these countries to meet challenges such as future tsunamis and other natural coastal disasters.

Clearly, the practice of legislating for coastal protection is not peculiar to India. Sri Lanka moved earlier than India to enact on coastal protection while India followed a good ten years later with the Coastal Zone Regulation Notification, 1991. However, both countries have had serious problems with the implementation of their legislations (Sharma, 1997). There have been several reported violations of the CRZ Notification in India from across the coastal states, besides several problems with implementation (Divan & Rosencranz, 2001).

2.1 CRZ and fishing activities and settlements on the coast

The tsunami has illustrated powerfully the vulnerability of human populations that choose areas close to the shoreline to establish their settlements. However, for some communities, this choice is somewhat pre-determined by the nature of their occupations and sources of livelihood. Traditional fishing communities are dependent on marine resources and the beach space to carry out ancillary activities such as storing their boats, nets, cleaning, salting and drying fish. These activities and the coastal area are intrinsic to their culture and to their way of life. In some parts of the coast, depending on the nature of the fishing craft in use, fisherfolk construct temporary fishing shelters to store their boats. Temporary hutments made of thatch constructed by fisherfolk, are seen in areas where there are a large number of migrant fisherfolk (including those fishers who shift their hutments along the coast during a particular fishing season). They also construct temporary hutments to stay in and guard their expensive gear and craft. It has been observed that with the introduction of more expensive fishing crafts, like the FRP (Fibre Reinforced Plastic) boats with outboard or inboard motors, these fishers are moving closer to the shore to safeguard their fishing equipment. This is attributed to the lack of any sheltered and guarded facilities for mooring these crafts (Bharat Jairaj, Citizen and Consumer Action Group, Chennai, pers. comm.). Discussions with fisher communities will reveal the nature of facilities they need to ensure the security of their fishing craft and gear and the basic facilities they require for carrying on fishing activities along the coast.

There are other inhabitants of the coastal zone, who are not dependent on the resources of the coast for their livelihoods, but who may have inherited or acquired rights over coastal lands. This is especially so in

¹⁷ <http://www.elaw.org/news/press/text.asp?id=2740>

¹⁸ http://abcasiapacific.com/news/stories_to/asiapacific_stories_lofi_1297756.htm

the case of towns and cities. It is generally observed that these constituents of the coastal area possess land titles and records.

The CRZ Notification was an attempt to balance this need to inhabit coastal areas and the need to protect the coastal eco-system from haphazard development, so that the adverse impacts of environmental destruction on human beings are pre-empted. The notification certainly permits human habitation within 500 metres from the shoreline, with specific conditions in the various CRZ areas (See Section 2.2). In its list of prohibited activities, there is absolutely no mention of any blanket ban on the settlement of coastal communities within the 500-metre area. Nowhere in the sections on Prohibited or Restricted activities¹⁹ is there any mention of the fishing activities including drying of fish, storing of boats or fishing equipment in temporary sheds and so on. The CRZ Notification either *extinguishes* the rights of persons to carry out certain activities in certain areas (like new constructions in CRZ –I areas) or it *restricts* their rights to carry out certain activities (e.g the building regulations in CRZ –II and III). What the law does not prohibit is permitted (within the limits of the intent and spirit of the law) because any extinguishment or restriction of a right must be made explicit in the law (T. Mohan, Advocate, Chennai High Court, pers. comm.). In view of this understanding, fishing activities and fisherfolk settlements are permitted in the notification. Activities related to marine fishing could also be construed as activities requiring foreshore and waterfront facilities. The notification states that clearance can be given for activities if they absolutely require waterfront and foreshore facilities²⁰.

2.2 Specific regulations on constructions within the CRZ

CRZ – I:

The Notification states that there shall be no ‘new constructions’ in the CRZ –I areas [both CRZ-I(i) and CRZ – I(ii)²¹]. The definition and interpretation of the term ‘new construction’ is important, although not explicitly stated in the notification.

A lawyer in the Madras High Court, Mr. T.Mohan states ‘*there is a difference in the interpretation of the words ‘no construction’, ‘no new construction’ and ‘no reconstruction’. The term ‘new construction’ need not apply to the reconstruction of an earlier authorised structure that was demolished or destroyed by the tsunami, if it is being reconstructed (as part of rehabilitation measures) provided the reconstructed structure is as per the same specifications, style and design as the earlier construction. There should be no increase in the area occupied or in the height of the construction as earlier*’. However it is not really clear if such reconstruction is permitted within the CRZ – I, though the notification does not explicitly prohibit it.

Applying the above interpretation, reconstruction of structures that were demolished in the CRZ –I areas could be possible but **only** if they meet the exact specifications of the earlier structures and if they are in conformity with exiting FSI and FAR norms and are constructed for the earlier purpose only. However, there are several practical problems in enforcing this. To determine if a reconstruction activity will result in the same structure as existed earlier, one would have to firstly determine what the earlier construction’s designs and building specifications were. This appears to be an impossible task, considering that there are no such records available for several constructions in both urban and rural areas. It is also likely that a reconstruction will have different impacts on the environment than the earlier one, particularly if it is constructed using certain kinds of building materials.

¹⁹ See Paras 2 and 3 of the CRZ Notification.

²⁰ See Para 3 (1) of the CRZ Notification.

²¹ Amendment S.O. No. 494(E) dated 9th July 1997 permitted certain constructions within the Sunderbans Biosphere Reserve in CRZ –I(ii) areas. This amendment is being contested in the Delhi High Court in CWP 4198/97.

Most importantly, the situation then and now (post-tsunami) has changed drastically, where safety of constructions and design are much more important. The CRZ does not address any of these issues at present since these were simply not matters envisaged during the drafting of the notification.

The notification is clear that no **new** constructions can be allowed within 500 metres of the CRZ – I areas. This would include all new residential homes, temporary settlements, permanent structures, recreational facilities, cyclone shelters, public infrastructure facilities such as roads, bridges, schools, playgrounds, parks, medical facilities, hospitals and health centres, shops etc. Perhaps the reconstruction of these structures, if they were existing authorised constructions, would be possible according to earlier specifications. However, there are valid concerns regarding the impacts of reconstruction activity in areas already demarcated as ecologically sensitive (CRZ- I(i)) and importantly on the safety and appropriateness of reconstruction designs in light of the tsunami disaster.

CRZ – II:

Within the CRZ –II areas, there are more relaxations for constructions and all activities in general. The following are extracted from the provisions of the notification²²:

- Buildings can be constructed only on the landward side of an existing road (or roads approved in the CZMP)²³.
- Buildings can be constructed only on the landward side of existing authorised structures²⁴ (that which is **adjoining** or **nearest to** the proposed construction). It is sometimes wrongly interpreted that construction is possible in all areas on the landward side of the authorised structure that is closest to the shoreline along the stretch of the coast.
- These buildings shall be subject to existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio (FSI/FAR)²⁵.
- Buildings will not be permitted on the landward side of new roads (other than those approved in the CZMP) if these new roads are constructed on the seaward side of an existing road²⁶.
- The above regulations will not apply to **approved** housing schemes of State Urban Development Authorities, if at least one phase of the construction commenced prior to February 19, 1991. However, MoEF approval would be necessary for the same²⁷.
- The reconstruction of authorised buildings is **explicitly permitted** in this zone, subject to existing FSI/FAR norms and without a change in the existing use²⁸.
- The construction of buildings should be consistent with the surrounding landscape and local architectural style.

It should be noted that the notification states that permission shall be given only for activities that primarily require foreshore or waterfront facilities. The notification provides explicit building regulations including locations for these buildings. However, for activities that are permissible in the notification and those requiring foreshore or waterfront facilities, no specific location is mentioned in the notification, unless these activities involve the construction of structures that can be defined as ‘buildings’.

²² See Para 6(2) CRZ – II of the CRZ Notification.

²³ See Para 6(2) (i) CRZ – II of the CRZ Notification.

²⁴ See Para 6(2) (i) CRZ – II of the CRZ Notification.

²⁵ See Para 6(2) (i) CRZ – II of the CRZ Notification.

²⁶ See Para 6(2) (i) CRZ – II of the CRZ Notification.

²⁷ See Para 6(2) (i) CRZ – II of the CRZ Notification.

²⁸ See Para 6(2)(ii) CRZ – II of the CRZ Notification.

CRZ – III:

The area up to 200 metres from the High Tide Line is to be earmarked as a ‘No Development Zone’ (NDZ). Within the NDZ, the following regulations exist:

- No construction is possible in this zone unless it is the repair of **existing authorised structures**, which do not exceed the existing FSI, existing plinth area and existing density.
- Certain activities and uses are permitted in the NDZ. The activities mentioned in these clauses which are permitted and which could be relevant or which have a bearing on rehabilitation include agriculture, horticulture, gardens, pastures, parks, play fields, forestry, salt manufacture from sea water, facilities for generating power by non-conventional energy sources, weather radars and the mining of rare minerals²⁹.
- Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted in the NDZ, on a case to case basis, by the Central Government or the State Coastal Zone Management Authority³⁰.
- The construction of units or structures ancillary thereto for domestic sewage treatment and disposal is permissible in the NDZ notwithstanding the clauses 2(iv) of the Notification³¹.

For the remaining areas of the CRZ –III, in the region between 200 and 500 metres from the HTL, the following construction related activities are permitted:

- Hotels and beach resorts for tourists and visitors are permitted according to certain guidelines³², in designated areas and with prior approval of the MoEF.
- Construction or reconstruction of dwelling units is permitted under the following conditions:
 - As long as they are within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans.
 - As long as the total number of dwelling units in this area are not more than twice the number of existing units.
 - As long as the total covered area on all floors of the dwelling unit does not exceed 33 percent of the plot size.
 - As long as the overall height of the dwelling construction does not exceed 9 metres.
 - As long as the construction is not more than 2 floors (ground floor plus one floor).
- All other construction activities proposed in this area should be permissible activities under the notification including facilities essential for such activities (e.g those requiring foreshore facilities).
- An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those Panchayats the major part of which falls within CRZ if no other area is available for construction of such facilities³³. This authority has not yet been constituted and neither has the Tamil Nadu CZMA been authorised in this regard.
- Reconstructions and alterations of existing authorised buildings are permitted, subject to the same regulations above³⁴.

²⁹ The words ‘mining of rare minerals’ was inserted by amendment S.O.550(E), dated 21st May, 2002.

³⁰ This entire clause was inserted by amendment S.O.550 (E), dated 21st May, 2002.

³¹ The clause on the discharge of domestic sewage was inserted by amendment S.O.550 (E), dated 21st May, 2002

³² See Annexure –II of the CRZ Notification.

³³ This clause was inserted by the amendment S.O.494(E), dated 9th July,1997.

³⁴ See Para 6(2)CRZ –III (v)of the CRZ Notification.

The above interpretations maybe clarified with the Tamil Nadu Coastal Zone Management Authority and with the MoEF.

2.2 CRZ and land tenure

It has been noted that the number of settlements along the coast, and particularly close to the shoreline, have sharply increased over the years. It is not clear how many of these settlements, particularly those of the fishing community, are ‘authorised’ constructions.

An authorised construction or structure or building could generally be defined as one of the following:

- One where records are available proving that it was constructed prior to February 19, 1991³⁵, (irrespective of the zone) with all other necessary permissions granted to these constructions under the provisions of other laws, such as the Town and Country Planning Act.
- One that was constructed after February 19, 1991, provided the specifications were as per the provisions of the CRZ Notification and where records exist to prove that the structure is authorised (such as a No Objection Letter or Letter of Permission from the Panchayat, or in the form of an entry in the register of the concerned local office of the Department of Land Records).

The CRZ Notification does not permit the construction of unauthorised structures and in fact stresses the legitimacy of all constructions along the coast. Since a large section of the marine fishing community is not in possession of land titles (a long standing demand of the fisherfolk), the Panchayats are unable to authorise their constructions. The numerous ‘unauthorised constructions’ by fisherfolk needs to seen in this light. There were several structures along the coasts which may not have been authorised and which were destroyed by the tsunami. Strictly speaking, the reconstruction of those structures and dwelling units that were unauthorised prior to the tsunami would not be permitted by the notification in any of the zones. As explained earlier, most of the settlers near the coast have been fisherfolk who are dependent on the coast for their livelihoods and survival. As per the CRZ Notification, such constructions can only be permitted in the CRZ –II and III areas. However, it is expedient that a Coastal Settlement Process takes place immediately to accord land titles for dwelling purposes only to the existing fisherfolk, with full participation of the fishing Panchayats. This will assist in checking future unplanned growth while providing the long-standing demand of the fishing community for security of land tenure.

This report also recommends that one approach to addressing the issue of reconstruction of structures that might have not have the necessary authorisation is to declare the earlier fisherfolk dwellings as approved/ authorised structures. However, this approval should not apply to any other construction other than fisherfolk’s dwellings.

2.3 Table on rehabilitation activities and the position of the CRZ (Annexure 1)

The table in Annexure 1 provides the position of the CRZ Notification on various possible activities that can be construed to be part of rehabilitation measures. The list of activities mentioned are only indicative of the range of rehabilitation measures that might finally be undertaken in Tamil Nadu. It can be seen that several of these activities do not find a clear definition in the Notification. However, many of these activities may be considered as ‘building constructions’, in which case they would have to follow the norms laid out in the Notification (see Section 2.2). There are also some activities for which clarifications need to be sought from the MoEF to determine if these activities can be permitted within the Notification (See Section 4).

³⁵ The date the Notification was issued.

Section 3

LIVELIHOOD, ENVIRONMENT AND DISASTER MITIGATION CONCERNS WITH REHABILITATION EFFORTS ON THE TAMIL NADU COAST

The occurrence of the tsunami in the Indian Ocean and its devastating impact on the Indian coastline has shown that the coast is not immune to such natural disasters. The Bay of Bengal has experienced cyclones and storms that have earlier resulted in large scale human tragedies. It is only prudent that the rehabilitation efforts undertaken now, envisage such disasters in future and are designed to protect coastal communities from their impacts.

3.1 Livelihoods and rehabilitation measures

The CRZ is clear on the position of settlements in one aspect - it requires authorisation for construction. However, as mentioned earlier, there were several hutments and permanent houses that were unauthorised constructions in this area. What will be the position of the State Government on the rehabilitation and reconstruction of buildings that were earlier illegal or did not have the necessary permissions/ records? Several fisherfolk are presently homeless and in need of rehabilitation and shelter. Their present situation needs to be seen in light of the fact that pattas or land titles form the basis for authorisation and the Government of Tamil Nadu needs to undertake a process of settling land claims and rights before declaring these fishing dwellings unauthorised. It should also be borne in mind that the State Government has a responsibility to ensure the welfare of all its citizens and the Directive Principles of State Policy urge that the State should strive to provide its citizens 'shelter' as a basic need. Case Law in the form of Supreme Court judgements interprets the Right to Shelter as a fundamental right falling within Article 21 of the Constitution.

The fishing communities in Tamil Nadu have demanded the conversion of Revenue '*Poromboke*' land (a land category also known as Revenue Wasteland) into '*grama natham*' or Village Common Land. By doing this the rights over this land vests with the village, thereby enabling the Panchayats to authorise or restrict the authorisation of buildings under their jurisdiction.

What is clear is that the new constructions must take place in permitted areas of the CRZ alone and according to the building norms laid out in the notification. In addition, taking into consideration disaster preparedness concerns, the constructions of new settlements would have to be located and constructed such that they are protected from the vagaries of nature. This would mandate building technologies that are appropriate to the surrounding environment and also capable of providing adequate shelter and facilities in the event of another disaster.

There are several other aspects of livelihoods that the CRZ Notification does not address. These are related to reconstructing the lives and livelihoods of people in a manner that the existing pressures on scarce coastal and marine natural resources aren't further intensified. There have been several suggestions from fishworker associations such the National Fishworkers' Federation (NFF)³⁶ and the NGO Coordination Centre, Nagapattinam to refrain from exacerbating the overcapacity of fishing fleets on the Tamil Nadu coast³⁷. The International Collective in Support of Fishworkers has suggested that livelihood options must be provided that reduce the pressure on the existing marine fishing fleet³⁸ (Mathew, 2005).

³⁶ See full report on http://www.tsunami2004-india.org/modules/xt_conteudo/index.php?id=12

³⁷ See reports on livelihoods at <http://www.tsunami2004-india.org/>

³⁸ See <http://www.newindpress.com/newspages.asp?page=2&Title=Second+Article&aDate=2%2F1%2F2005> for the full article.

The Government needs to decide whether it will restore destructive fishing technologies such as bottom trawling, by reintroducing and distributing trawlers to the fishing community, or whether it will take this opportunity to support and restore sustainable fishing practices such as artisanal fisheries. It has been suggested by fishworker support groups that the labour force earlier employed on trawlers that have been damaged in the tsunami be provided with alternate employment opportunities (Anon, 2005a). It has also been suggested that this opportunity of shifting to non-fishing livelihoods be extended even to the non-mechanised fishing sector (Anon, 2005b)³⁹.

Surveys of fisherfolk, mussel collectors and other coastal communities are being undertaken in some of the affected areas. Estimations of the loss of property should be carried out along with views of these communities on alternative livelihood options. This exercise must be a participatory one, involving the communities concerned. It should be recognised that no alternative livelihood option or settlement option should be forced on these communities, particularly those dependent on the coast, such as fisherfolk. It has been reported that several fishermen do not want to enter the seas immediately. Time must be given for these affected communities to come to terms with the disaster and overcome fears they may have about the sea that sustained them for generations.

3.2 Disaster Mitigation and rehabilitation measures

Clearly the Environment (Protection) Act and the CRZ Notification were both issued by the Central Government in recognition of the sensitivity of the environment. However, 19 major amendments have been made to this notification, nearly all of which have sought to dilute its protective measures. These amendments have introduced several relaxations for industrial activity and activities that really do not require the foreshore and the waterfront in order to be carried out. These include Nuclear Power Installations, Information Technology industries and Special Economic Zones.

The recent tsunami affected areas well inland from the seashore, but completely devastated the near shore settlements. It has been unequivocally expressed by several agencies including fishworker associations, environment groups and other concerned citizens, that the provisions of the CRZ Notification must be implemented. In most areas of the coast, the results of the implementation of the notification are evident from the numerous instances of unauthorised constructions on the coast and the countless petitions pending in courts on non-implementation and highlighting violations of the law. The Supreme Court has also passed explicit orders reaffirming the need to implement the notification.

This combination of nearly 14 years of poor implementation, coupled with 19 major amendments to the notification make the prospect of rehabilitation and especially disaster management according to the present provisions of the CRZ Notification a daunting task. While there exist several questions on the reconstruction of settlements in the CRZ areas, the implementation of these provisions is still possible if there is assiduous follow up by the State Government on the issues such as those identified in this report (See Section 4 on Clarifications and Section 3.5 on Suggestions (collated from various legal experts, NGOs and organisations involved in rehabilitation efforts)]. The real challenge before the State is the setting up of safeguards against natural disasters that strike the numerous industries that have been permitted access to the fragile coastal zone. The MoEF should undertake a process of **Review of the Amendments to the CRZ Notification** immediately, with a view to restoring and strengthening its protective provisions. The MoEF has been repeatedly requested by environmental organisations to do so in the past.

³⁹ See full report on http://www.tsunami2004-india.org/modules/xt_contenido/index.php?id=8

3.3 Environmental concerns and rehabilitation measures

As a result of poor implementation of the CRZ Notification, several sensitive coastal features such as mangroves, coral reefs and sand dunes have been destroyed. While it is still debatable whether these features would actually provide protection from a force as large as the recent tsunami, anecdotal reports from various areas and news reports in the press suggest that mangrove forests, large sand dunes and in some instances even old forest plantations have been able to provide some measure of protection. These features could possibly provide a buffer against strong winds and break the velocity of oncoming waves.

While the scale of human tragedy is unquestionable and evident, the impacts on the ecosystem are still largely unknown. Rehabilitation efforts must recognise and integrate the knowledge that:

- There are limits to the resilience of the coastal and marine ecosystem.
- Adverse impacts on the ecosystem can affect livelihoods of communities dependent on them.
- Environmental considerations must be central to the precautionary approach in the rehabilitation process.

The coastline is a dynamic area and significant anthropogenic activities could easily result in environmental catastrophes. Constructions such as seawalls and groynes are known to exacerbate erosion problems in the coast. Such constructions are well known to interfere with the natural movement of sand particles causing erosion in other areas of the coast. This also prevents important ecological events such as the nesting of marine turtles on beaches, besides restricting human access to the inter-tidal zone. These constructions also mar the aesthetic value of the coastline, which can reduce potential incomes that could trickle in from truly eco-sensitive tourism.

3.5 Suggestions to determine areas for reconstruction incorporating provisions of the CRZ Notification

The following basic steps A, B and C maybe followed in determining areas for reconstruction and rehabilitation:

A. Identification Exercise to Determine CRZ Areas for Reconstruction and Rehabilitation

1. A list of coastal villages affected by the tsunami with lands located within the CRZ must be identified.
2. The maps from the Tamil Nadu CZMP for these villages needs to be located and checked to see if they have been approved by the MoEF or not.
3. In instances where these maps have been approved, the survey numbers and corresponding CRZ category must be circulated to all Government officials present in these regions, NGOs, Panchayat members and others currently engaged in rehabilitation efforts for verification and feedback. Copies of these must be available for distribution at the offices of the District Collector, at the village land records offices and Panchayat offices.
4. In event of the fact that the CRZ maps and zones for these villages has not yet been approved by the MoEF, the Field Team (see Pt B. below) on the CRZ Notification and Rehabilitation must carry out an identification exercise to assist the State Government in determining the zonation of these areas.

B. Constitution of the Field Team on the CRZ Notification & Rehabilitation

1. The goal of this Field Team on CRZ & Rehabilitation will be to carry out the ground verification of coastal geomorphological characteristics of the relevant coastal villages against the information provided in the Tamil Nadu CZMP maps for these areas.
2. This Field Team should consist of lawyers who have a good knowledge of the CRZ Notification, NGO representatives, officials deputed by the State Government, members of the Tamil Nadu State Coastal Zone Management Authority and representatives/ officials of rehabilitation programmes, ecologists, social scientists and a GIS expert.
3. The Field Team will use the characteristics given in Para 6(1) of the CRZ Notification and the Conditions given in the MoEF's letter to the State Government dated September 27, 1996 to identify the various zones of the CRZ in the field.
4. The Field Team would have the autonomy to decide on its manner of functioning and may adopt methods that are most suited for the achievement of its aims. This can include training of volunteers, creation of special teams for ground verification and the conducting of meetings.
5. The team shall call for and conduct public hearings (assisted by the relevant District Collector at the District level and the relevant officers at the Taluka and village levels) for the purpose of identification of the various zones.
6. The team will also collate information on available Government revenue lands where construction of shelters is possible, based on the conditions and norms of the CRZ Notification and the MoEF's directions.
7. The team shall also identify the High Tide Line and other distances of the CRZ to be demarcated on the ground in these areas, based on the norms set out in Para 6(1) of the notification and the MoEF's directions.
8. The report of the Field Team shall be open to inspection and must be made publicly available on the website of the Government of Tamil Nadu inviting suggestions and comments.
9. Following the finalisation of the report, the Field Team shall carry out a verification exercise at the village, taluk and district level wherever possible, and with assistance from the concerned Government administrative officer.
10. The Field Team shall submit its report at the earliest possible date incorporating the suggestions and comments from the public and shall provide information to the Technical Group for Rehabilitation (see Pt C. below).

C. Constitution of the Technical Group for Rehabilitation in Tamil Nadu

1. The Responsibility of the Technical Group shall be to identify suitable and appropriate building technologies, designs and integrated settlement designs for the affected areas of the Tamil Nadu coast.
2. The Technical Group shall comprise of an inter-disciplinary team of experts from various sustainable building and appropriate building design experts, experts from bio – developer groups, and representatives from the NGO Coordination / Resource Centre, ecologists, social scientists, disaster management experts, organisations such as INTACH who have developed rehabilitation planning guidelines and principles etc (This is only an indicative list and not complete).
3. The Technical Group shall involve local fisherfolk and other coastal communities in developing such designs such that these structures are appropriate to their cultural and lifestyle needs.
4. The participatory process undertaken by the Technical Group can also be extended to cover the post rehabilitation scenario and put the community in charge of maintenance and upkeep, which is often a gray area in public projects (Anon, 2005c).

5. The Technical Group shall collect and incorporate data from reports on past/recent cyclonic events and other such relevant data, to assess beach dynamics and appropriate settlement designs, from the point of view of disaster management/mitigation.
6. The Technical Group shall develop building norms and designs for both individual residential constructions as well as for the design, rebuilding and integrated rehabilitation of the affected communities.
7. The Technical Group shall pay special attention to life-styles and occupational needs especially in the areas of housing, infrastructure, utilities and distribution of shared spaces (Anon, 2005c).
8. The Technical Group shall also focus on the restoration of ecological features of the coast, where appropriate and shall build in the components of coastal protection using sustainable and ecologically appropriate technologies and designs.
9. The Technical Group shall also undertake a **Review of the amendments to the notification** with a view to strengthening the protective clauses of the notification, keeping in mind future disaster mitigation concerns.
10. The Technical Group must be supported by the Tamil Nadu Government in the undertaking a demonstration of integrated rehabilitation measures in select villages.

Section 4

ISSUES REQUIRING CLARIFICATION FROM THE MINISTRY OF ENVIRONMENT AND FORESTS ON POST- TSUNAMI REHABILITATION EFFORTS

4.1 Land rights

There were settlements along the coastal stretches that were settlements of fisherfolk and were temporary structures on Government lands. It is assumed that these constructions did not have permission from the Panchayats and did not figure in any of the official land records. These structures would technically be considered as unauthorised constructions. The MoEF needs to clarify some of the questions with respect to reconstruction in CRZ –I areas. In light of the tsunami and the importance of maintaining the integrity of sensitive coastal ecosystems, it is recommended here that the MoEF not recommend reconstruction in the CRZ –I areas. It is strongly urged that adequate compensation, land and shelter be provided to those who were living in the CRZ –I areas prior to the tsunami. However, these new lands need to be located at a distance away from ecologically sensitive and dynamic areas of the coast. This recommendation on reconstruction within the CRZ –I areas needs to be especially flagged as a concern to the MoEF.

4.2 Tamil Nadu State Coastal Zone Management Authority

Point VIII of the notification S.O.23 (E) constituting the TNCZMA clearly states that the SCZMA is responsible for examining all projects proposed in the CRZ areas and that the SCZMA has to give its recommendations before the project proposals are referred to the Central Government or agencies entrusted to clear projects under the CRZ Notification. This implies that the SCZMA is the authority that has to approve or monitor residential constructions besides industrial projects. However, the tenure of the Tamil Nadu SCZMA expired on January 4, 2005 and has not yet been extended. It is not possible for the State CZMAs to function in the absence of an extended tenure. The MoEF should be requested to immediately extend their tenure in light of the recent disaster and the urgency of rehabilitation needs.

4.3 Functions of State and District Coastal Zone Management Authorities

Tamil Nadu has a coastline of more than 900 kilometres. It is not possible for one CZMA to monitor and implement the notification's provisions. The state of Karnataka has begun to demonstrate a positive correlation between the creation of District (empowered) CZMAs and the proper monitoring of the provisions of the notification. The execution of the functions of the State CZMAs across the coast could be greatly facilitated by the creation of District CZMAs whose basic functions would include: a) verification of details⁴⁰ of proposed activities in the CRZ areas, b) periodic monitoring of the coastal stretch to identify violations of the notification, c) booking of violators for violations of the EP Act and d) providing details of violations to the State CZMAs for necessary action.

⁴⁰ Details could include distance of proposed construction from HTL, presence of authorised structures in the vicinity, physical characteristics of the area, violations of the notification etc

4.4 Constitution of a Field Team to identify CRZ areas in affected coastal villages

At present, there is no accurate information available on the CRZ categories of the survey numbers along the affected coastal villages. The MoEF has only conditionally approved the Tamil Nadu State CZMP and only 10 out of 31 maps have been revised. The correct identification of the various zones in the CRZ is important for the initiation of rehabilitation measures.

To expedite matters, it is crucial that a Field Team with the responsibility to provide field information and verification of CRZ areas and details of anthropogenic activity to the Tamil Nadu State CZMA and the MoEF, is constituted immediately. It is being proposed in this report that a Field Team assists the Tamil Nadu State CZMA in the identification of such zones and areas where rehabilitation and reconstruction can take place in accordance with the provisions of the CRZ Notification bearing in mind livelihood, environment and disaster mitigation concerns (See Section 3). The MoEF needs to be informed of this exercise should the Tamil Nadu Government consider the creation of the Field Team. In addition, the MoEF could consider issuing a notification/G.O/Circular expanding the functions of the TNSCZMA to also provide assistance to the *Field Team for CRZ and Rehabilitation* and the *Technical Group for Rehabilitation*.

4.5. Clarification of activities permitted in the Notification

At present the notification does not mention that fishing, drying and other activities, the storing of boats in temporary sheds made of thatch, etc are restricted or prohibited in any way. However, are these activities permitted in the CRZ –I areas? For the purposes of clarifying this, the MoEF should issue a clarification by amendment, stating the same.

Para 3 (1) of the notification states that clearance can be given for activities if they absolutely require waterfront and foreshore facilities. Logically this should include activities that are carried on by fisherfolk in these areas such as fish drying, making temporary sheds of thatch for the storing of boats and nets etc. the notification should explicate this. The notification states that all other activities require the permission of the State Government.

Para 6(2) of the notification makes certain allowances for CRZ –III areas, where some activities, which do not require a foreshore or waterfront (such as dispensaries), can be permitted in the CRZ –III areas. However, there are no such relaxations stated for CRZ –II areas. Bearing in mind that Para 3(1) mentioned above only allows foreshore and waterfront dependent activities, this implies that these special relaxations are only meant for the CRZ –III areas and not for the CRZ –II areas. The MoEF needs to clarify this point.

4.6. Amendment for appropriate building and settlement norms for tsunami-affected areas identified by the Technical Group

Section 3 of this report suggests the formation of a Technical Group for the identification of appropriate building technologies and integrated settlement designs for the tsunami-affected regions of the Tamil Nadu coast. The Technical Group shall devise norms that are in keeping with the CRZ Notification but shall also identify additional norms that are designed keeping in mind disaster management concerns and with a more holistic and integrated approach to rehabilitation. Some of these norms may be different and more detailed than those in the CRZ Notification at present.

The MoEF needs to be informed of these revised building norms and settlement designs for particular areas of the CRZ. Perhaps the MoEF could be requested to issue an amendment stating that these norms

shall apply to the tsunami affected regions in Tamil Nadu, to ensure that there is uniformity in rehabilitation designs.

4.7 Definition of terms in the Notification

In its present state, the Notification does not provide any definitions of the terms used in the Notification. An indicative list of some of these terms is provided below. It may be useful to have a clarification of these terms from the MoEF by means of a glossary. Some of these include 'Foreshore and waterfront activities', 'Traditional rights and customary uses', 'Local inhabitants', 'Gaothans and fishing villages', 'New constructions', 'Reconstruction', 'Repairs', 'Buildings', 'Local architectural styles', 'Industries', 'Projects', 'Processes', 'Activities', 'Temporary structures /sheds'.

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ANNEXURE – 1

CLAUSES OF THE CRZ NOTIFICATION RELEVANT TO POST-TSUNAMI REHABILITATION EFFORTS IN TAMIL NADU

Rehabilitation related activities	Clauses of the CRZ Notification	Interpretation / Comments
1. Ground water extraction.	<p>Para 2(x) prohibits the harvesting or drawal of ground water and construction of mechanisms for the same within 200 m of HTL; in the 200m to 500m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries.</p> <p>Provided that drawal of ground water is permitted, where no other source of water is available and when done manually through ordinary wells or hand pumps, for drinking and domestic purposes, in the zone between 50 to 200 m from High Tide Line in case of seas, bays and estuaries and within 200 m or the CRZ, whichever is less, from High Tide Line in case of rivers, creeks and backwaters subject to such restrictions as may be deemed necessary, in areas affected by sea water intrusion, that may be imposed by an authority designated by State Government/Union Territory Administration.</p> <p>Para 6(2) CRZ –III (iii) states that an authority designated by State Government/Union Territory Administration may permit construction of ...water supply...</p>	<p>The harvest of ground water is permitted in all zones only at a distance 200 m away from the HTL and only if used for drinking, horticulture, agriculture and fisheries purposes.</p> <p>The authority mentioned here has not yet been constituted.</p> <p>It is not clear if the authority mentioned here has been constituted yet.</p>
2. Construction of permanent houses.	Para 6(2) CRZ –I, II, III	Please see Section 2.2 Specific regulations on constructions within the CRZ.
3. Construction of temporary shelters.	No specific mention in the Notification.	The Notification does not explicitly state its position on temporary shelters.

<p>4. Construction of public toilets.</p>	<p>Para 6(2) CRZ –I No new constructions possible in the CRZ –I areas.</p> <p>Para 6(2) CRZ –II</p> <p>No specific mention of the term ‘public toilets’.</p> <p>Para 6(2) CRZ –III (i) states that the area upto 200 m is to be earmarked as the No Development Zone (NDZ). No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density’.</p> <p>Para 6(2) CRZ –III (ia) states that construction of ...community toilets... and provision of facilities for water supply, drainage, sewerage, which is required for the local inhabitants, may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.</p>	<p>Public toilets maybe permitted if they are considered as part of fishing hamlets and gaothans.</p> <p>As built up structures, public toilets would be considered as ‘buildings’. The norms for buildings would therefore apply to public toilets.</p> <p>Only the repair of authorised public toilet structures is possible in the NDZ. See Section 2.2 on Specific regulations on constructions within the CRZ, for an account of the building norms in the CRZ- III areas.</p> <p>Community toilets can be constructed in the NDZ of the CRZ –III areas if permitted by the Tamil Nadu SCZMA.</p>
<p>5. Construction of hospitals / dispensaries.</p>	<p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 6(2) CRZ-III (ia) states that construction of dispensaries... which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.</p>	<p>No new construction of hospitals and dispensaries are permitted in CRZ – I.</p> <p>Hospitals and dispensaries are not activities that require the foreshore or waterfront. While buildings are permitted in CRZ – II areas, those buildings that do not require the waterfront and foreshore shall not be permitted. It therefore appears that the allowances made for dispensaries (see below) within CRZ –III areas are not applicable to CRZ –II areas.</p> <p>In permitted areas in the CRZ – III dispensaries (not hospitals) can be constructed, provided the norms for the construction of buildings should be followed.</p>

<p>6. Construction of sheds for repair work.</p>	<p>No specific mention in the notification.</p> <p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>See Section 2.2 on Specific regulations on constructions within the CRZ</p> <p>No new constructions would be permitted in CRZ –I areas. For the reconstruction of destroyed sheds in the CRZ –I areas, a clarification from the MoEF and Tamil Nadu SCZMA will have to be sought.</p> <p>Only those constructions that require the foreshore and waterfront maybe permitted. Sheds could be considered as permissible and requiring the foreshore area, only if they catering to beach landing crafts that cannot be hauled further inland and if these sheds are meant for petty repairs. Large boat making yards would not be permitted in the 500 m area unless these require docks.</p> <p>As part of fishing villages and gaothans, these maybe permitted in the CRZ –III areas. It is not clear if these are permitted in CRZ –II areas which are not fishing villages or gaothans.</p>
<p>7. Construction of fish drying and storage yards.</p>	<p>No specific mention in the notification.</p> <p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>Fishing related constructions that could be considered permissible only if the activity requires foreshore or waterfront facilities. For e.g fish washing and sun drying on the beach requires the foreshore and waterfront and is not prohibited in the notification. There are several fishing related activities that do not require the waterfront or foreshore area like the storage or desiccation of fish products in permanent constructions does not require the foreshore or waterfront and even today takes place at distances beyond 500 m. Constructions of the latter category cannot be permitted in the CRZ.</p>
<p>8. Construction of fishing harbours.</p>	<p>Para 3 (1) states that clearance shall be given for any activity within the Coastal Regulation Zone if it requires waterfront and foreshore facilities.</p>	<p>Fishing related constructions could be considered permissible if they require foreshore facilities.</p>

9. Construction on hilltops.	No specific mention in the Notification.	The MoEF letter to all the coastal states mentions that promontories and hilltops are to be considered as CRZ – I areas. The zonation of hilltops needs to be checked against the categorisation of the area & construction activities.
10. Construction near creeks, backwaters and estuaries.	<p>Para 6(2) CRZ-I, CRZ –II and CRZ –III</p> <p>Condition B. (iii) in the MoEF’s letter to the Chief Secretaries states that along the rivers, creeks and backwaters which are influenced by tidal action, the CRZ will extend up to 500 m. However, as per this letter, the CRZ for Tamil Nadu extends only up to 100 m along rivers, creeks and backwaters within areas that are categorised as CRZ -II.</p>	<p>The notification mentions the norms under which constructions can take place in these areas.</p> <p>The CRZ extends to 500 m in CRZ –I and III areas and 100 m for CRZ –II areas.</p>
11. Coir rope making yards.	<p>No specific mention in the notification.</p> <p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	This is not a foreshore activity and may not be construed to be a permissible activity under the notification. However, this is more of a home-based industry and as long as there are no additional constructions, this would not be considered as a prohibited activity under the notification.
12. Shell mining.	<p>No specific mention in the Notification.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 2(xi) Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas.</p>	<p>This would not be permitted in CRZ –I(i) areas.</p> <p>As minerals, seashells are the same as limestone – a mineral that is available in areas outside of the coastal areas as well. Therefore, by common definition, it is not a rare mineral and mining of the same may not be permitted in areas falling within the jurisdiction of the CRZ. Note: This does not apply to the collection of live clams primarily for consumption of shellfish.</p>

13. Sand mining for local use.	<p>Para 2 (xi) Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas.</p> <p>No specific mention of the use is made in the notification.</p>	<p>The MoEF's letter to the Chief Secretaries on the CZMP states that sand dunes will be classified as CRZ –I. Silica sand is a mineral that is found outside the CRZ and therefore cannot be mined in the CRZ area. Beach sand is also an important buffer against wind action.</p> <p>Therefore construction using locally available silica sand and sand stone for local constructions is not permitted within the CRZ.</p>
14. Sand mining for commercial purposes.	<p>Para 2 (xi) Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas.</p>	<p>See above.</p> <p>However, the mining of those minerals not found elsewhere is currently permitted within the CRZ, except in CRZ –I(i) areas. Silica sand and soil material available outside the CRZ cannot be used mined from the CRZ for commercial purposes or for construction.</p>
15. Construction of fish markets.	<p>No specific mention in the notification.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>This is not an activity that requires foreshore or waterfront facilities.</p> <p>It does not appear that that construction of fish markets are permitted in CRZ –II areas.</p> <p>If the construction of petty markets are within the ambit of traditional rights and customary uses, then these constructions will be permitted in the area between 200-500 m in the CRZ – III areas.</p>
16. Construction of cyclone relief shelters.	<p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 6(2) CRZ- II allows certain buildings according to</p>	<p>See Section 2.2 on Specific regulations on constructions within the CRZ.</p> <p>There is no specific mention of cyclone shelters in the CRZ – II areas. It would seem logical that cyclone relief shelters would have to be located in areas close to existing settlements. These would need to follow specifications for buildings within</p>

	<p>certain FSI/FAR norms.</p> <p>Para 6(2) CRZ –III (ia) states that construction of ...public rain shelters... which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.</p>	<p>CRZ areas.</p> <p>Cyclone shelters are permitted in CRZ – III areas even in the NDZ, but need to be approved by the Tamil Nadu State CZMA.</p>
<p>17. Construction of petty shops for local use.</p>	<p>Para 6(2) CRZ – I, II and III</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>See Section 2.2 on Specific regulations on constructions within the CRZ</p> <p>No new constructions are possible in CRZ – I areas. It is not clear if reconstruction of these shops is permitted in CRZ – I areas.</p> <p>Reconstructions will be permitted in permitted areas of the CRZ –II and III areas, as per the building norms specified in the notification.</p> <p>As part of fishing villages and gaothans, these are permitted in the CRZ –III areas. It is not clear if these are permitted in CRZ –II areas which are not fishing villages or gaothans.</p>
<p>18. Agriculture in coastal areas.</p>	<p>Para 6(2) CRZ – I</p> <p>No specific mention of agriculture in these areas.</p> <p>Para 6(2) CRZ – I</p> <p>No specific mention of agriculture.</p> <p>Para 6(2) CRZ – III states, ‘...However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry...’</p>	<p>It can be assumed that agriculture that existed prior to February 1, 1991 would be permitted.</p> <p>Agriculture can take place in the CRZ – II areas keeping in mind the rules regarding the drawal of ground water.</p> <p>Agriculture is permitted in the CRZ – III areas in the NDZ and also in the other areas of the III areas, subject to rules on ground water drawal.</p>
<p>19. Agriculture by flattening sand dunes.</p>	<p>CRZ –I areas are considered to be ecologically sensitive areas.</p>	<p>Condition A (xv) of the MoEF’s letter to the Chief Secretary states that sand dunes are to be considered CRZ – I areas.</p>

20. Setting up of industries.	Para 2, 3, 4 and 6 of the notification.	The CRZ Notification has explicitly laid out rules and norms for industrial activity in areas under its jurisdiction.
21. Building of bus shelters / bus stands.	Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.	Bus shelters are not activities that require either the foreshore or the waterfront. These structures can be constructed at a distance beyond 500m from the coast.
22. Building of temples / shrines / places of worship.	<p>Para 6(2) CRZ – I, no new constructions are permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 6(2) CRZ – II states regulations on the constructions of buildings.</p> <p>Para 6(2) CRZ –III (ii) states that construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line maybe permitted so long they are within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. There are other norms for building constructions for these permitted constructions within the 200-500 m area.</p>	<p>The Notification does not make a specific mention of the term ‘temples’ or ‘places of worship’. However, these could be construed to be ‘buildings’.</p> <p>It is not clear if reconstruction of demolished places of worship are permitted in the CRZ – I areas.</p> <p>Places of worship do not require the waterfront or the foreshore. However the reconstruction and repair of existing authorised structures would be possible within the CRZ –II areas provided they conform to the building norms and the other FSI/FAR norms, in permitted CRZ - II areas.</p> <p>These places of worship may fall within the ambit of traditional rights and customary uses within fishing villages and gaothans. Buildings that are places of worship may be permitted in areas that are permitted and as per building norms in the CRZ – III areas.</p>
23. Disposal of construction debris and wastes.	Para 2(vi) states that dumping of town waste or debris either for land filling or otherwise is prohibited.	The dumping of construction material and other debris from the destruction caused by the tsunami cannot be dumped in any part of the CRZ areas.
24. Demolition of structures.	Para 3(2) (iv) states that the demolition or reconstruction of - (i) buildings of archaeological or historical importance (ii) heritage buildings (iii) buildings under public use	There is no mention of other kinds of demolition, except in the context of reconstruction of existing and earlier structures.

	<p>require environmental clearance from the MoEF For the purpose of this clause (iv) ‘public use’ includes buildings for the purposes of worship, education, medical care and cultural activities.</p>	
<p>25. Activities costing above Rs 5 crores.</p>	<p>Para 3(2) (v) states that all activities with investment of five crore rupees or more will require environmental clearance from the Ministry of Environment and Forests, Government of India.</p>	<p>All activities with an investment of five crores and which are permissible as per Para 3 of the Notification, will require environmental clearance from the Ministry of Environment and Forests, Government of India.</p>
<p>26. Activities costing below Rs 5 crores.</p>	<p>Para 3(2) (v) ... activities involving investment of less than five crore rupees shall be regulated by the concerned authorities at the State or Union territory level in accordance with the provisions of sub paragraph (2) of paragraph 6 of Annexure-I of this notification.</p>	<p>Activities that are specified in the notification, which are below 5 crores need to be cleared by the State Government.</p>

**THE COASTAL REGULATION ZONE NOTIFICATION, 1991
CONSOLIDATED VERSION**

[INCORPORATING AMENDMENTS UPTO 24TH JULY 2003]

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With support from
United Nations Development Programme, New Delhi

THE COASTAL REGULATION ZONE NOTIFICATION

¹MINISTRY OF ENVIRONMENT AND FORESTS (Department of Environment, Forests and Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991

S.O.114 (E). - Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No.944 (E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government:

Now, therefore in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ).

[***] See endnote i

²[Clause (i)]

³ [For the purposes of this notification, the High Tide Line means the line on the land up to which the highest water line reaches during the spring tide. The High Tide Line shall be demarcated uniformly in all parts of the country by the demarcating authority or authorities so authorised by the Central Government, in accordance with the general guidelines issued in this regard]

⁴[***] See endnote ii

⁵[(ii) The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks and backwaters and may be modified on a case to case basis for reasons to be recorded in writing while preparing the Coastal Zone Management Plans provided that this distance shall not be less than 100 meters or the width of the creek, river or backwaters, which ever is less. The distance up to which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance up to which the tidal effects are experienced which shall be determined based on salinity concentration of 5

¹ The original notification was published in The Gazette of India (Extraordinary), No. 105, Part II, Section 3(ii) dated February 20, 1991.

² Inserted by amendment S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

³ Earlier provisions replaced by S.O 1122(E) dated 29th December 1998 vide Gazette of India (Extra) No. 849.

⁴ The earlier 'Note' was omitted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

parts per thousand (ppt). For the purpose of this notification, the salinity measurements shall be made during the driest period of the year and the distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans.;

2. Prohibited Activities:

The following activities are declared as prohibited within the Coastal Regulation Zone, namely:

[***] See endnote iii

⁶[(i) setting up of new industries and expansion of existing industries, except

(a) those directly related to water front or directly needing foreshore facilities ⁷[*]

(b) Projects of Department of Atomic Energy,] ⁸[and]

⁹[(c) Non-polluting industries in the field of information technology and other service industries in the Coastal Regulation Zone of Special Economic Zones (SEZ)]

¹⁰[provided that (a) facilities for generating power by non conventional energy sources and setting up of desalination plants may be permitted within the said zone in areas not classified as CRZ-I (i); and (b) construction of airstrips in the said zone in areas not classified as CRZ-I (i) may also be permitted in the Islands of Lakshadweep and Andaman & Nicobar by Government of India in the Ministry of Environment & Forests.]

(ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment & Forests. No. S.O. 594(E) dated 28th July, 1989, S.O. 966(E) dated 27th November, 1989 and GSR 1037(E) dated 5th December, 1989;

¹¹[except transfer of hazardous substances from ships to ports, terminals and refineries and vice versa, in the port areas:]

[***] See endnote iv

¹²[Provided that, facilities for receipt and storage of petroleum products and Liquefied Natural Gas as specified in Annexure III appended to this notification and facilities for regasification of Liquefied Natural Gas, may be permitted within the said Zone in areas not classified as CRZ-I (I), subject to the implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated by the Government of India in the Ministry of Environment and Forests]

⁶ The earlier clauses were substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

⁷ The word 'and' was deleted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁸ the word 'and' was inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁹ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

¹⁰ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

¹¹ Inserted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

¹² Substituted by S.O 329 (E) dated 12th April 2001, vide Gazette of India (Extra) No. 237

(iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);

¹³[Provided that existing fish processing units for modernisation purposes may utilise twenty five per cent additional plinth area required for additional equipment and pollution control measures only subject to existing Floor Space Index/Floor Area Ratio norms and subject to the condition that the additional plinth area shall not be towards seaward side of existing unit and also subject to the approval of State Pollution Control Board or Pollution Control Committee]

[***] See endnote v

¹⁴[(iv) setting up and expansion of units / mechanisms for disposal of wastes and effluents, except facilities required for –

- (a) discharging treated effluents into water course with the approval under the Water (Prevention and Control of Pollution) Act, 1974;
- (b) storm water drains;
- (c) treatment of wastes and effluents arising from hotels and beach resorts located in Coastal Regulation Zone areas other than Coastal Regulation Zone –I and disposal of the treated wastes and effluents;
- (d) treatment of domestic or municipal sewage in the Union territories of the Andaman and Nicobar Islands and Lakshadweep and disposal of the treated effluents;]

(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;

(vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;

(vii) dumping of ash or any wastes from thermal power stations;

[***] See endnote vi

¹⁵[(viii) Land reclamation, bunding or disturbing the natural course of sea water except those required for conservation or modernisation or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of waterways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge;

provided that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible.]

¹³ Inserted by S. O. No. 494 (E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

¹⁴ Substituted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563.

¹⁵ Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

(ix) Mining of sands, rocks and other substrata materials, ¹⁶[except (a) those rare minerals not available outside the CRZ areas and (b) exploration and extraction of Oil and Natural Gas,]

[***] See endnote vii

¹⁷[Provided that in the Union territory of the Andaman and Nicobar Islands, mining of sand may be permitted by a committee constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of – (1) the Chief Secretary Andaman & Nicobar Administration; (2) Secretary, Department of Environment; (3) Secretary, Department of Water Resources; and (4) Secretary, Andaman Public Works Department:

Provided further that the Committee may permit mining of sand upto 44,102 cu.m. for construction purposes on a case to case basis, for the period on and from the 1st day of April, 2003 to the 31st day of March, 2004 from sites selected, *inter-alia*, based on rate of replenishment or deposition of sand:

Provided also that the permission as may be granted under this sub-paragraph for mining of sand shall be based on mining plans and shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, birds nesting sites and protected areas.;

(x) harvesting or drawal of ground water and construction of mechanisms therefore within 200 m of HTL: in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture agriculture and fisheries;

[***] See endnote viii

¹⁸[Provided that drawal of ground water is permitted, where no other source of water is available and when done manually through ordinary wells or hand pumps, for drinking and domestic purposes, in the zone between 50 to 200 m from High Tide Line in case of seas, bays and estuaries and within 200 m or the CRZ, whichever is less, from High Tide Line in case of rivers, creeks and backwaters subject to such restrictions, as may be deemed necessary, in areas affected by sea water intrusion, that may be imposed by an authority designated by State Government/Union Territory Administration.]

¹⁹[(xi) construction activities in ²⁰[CRZ-I] except as specified in Annexure I of this notification]

(xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and

(xiii) dressing or altering of sand dunes, hills, natural features including landscape changes for beautification, recreational and other such purposes, except as permissible under this Notification.

¹⁶ Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

¹⁷ Substituted by S.O.635 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 496.

¹⁸ Substituted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

¹⁹ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237 .

²⁰ The earlier words ‘ ecologically sensitive areas’ were replaced in amendment S.O 329(E) dated 12th April 2001.

3. Regulation of Permissible Activities:

All other activities, except those prohibited in para 2 above, will be regulated as under:

(1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities.

²¹[The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities, and the decision shall be conveyed within thirty days thereafter.]

(2) The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely:

²²[(i) Construction activities related to projects of ²³[Department of Atomic Energy or] Defence requirements for which foreshore facilities are essential such as slipways, jetties, wharves, quays; except for classified operational component of defence projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements, except in very special cases and hence shall not normally be permitted in the CRZ)]

²⁴[(ia) the clearance granted shall be valid for a period of five years for the commencement of the construction or operation.];]

[***] See endnote ix

²⁵[(ii) operational constructions for ports, harbours and light houses and construction activities of jetties, wharves, quays, slip ways, pipelines and conveying system including transmission lines, provided that, environmental clearance in case of constructions or modernization or expansion of jetties and wharves in the Union territory of Lakshadweep for providing embarkation and disembarkation facilities shall be on the basis of a report of scientific study conducted by the Central Government or any agency authorized or recognized by it suggesting environmental safeguard measures required to be taken for minimizing damage to corals and associated biodiversity.]

²⁶[(ii)a. Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;]

(iii) Thermal power plants (only foreshore facilities for transport of raw materials facilities for in-take of cooling water and outfall for discharge of treated waste water / cooling water); and

²⁷[(iii a) Housing schemes in CRZ area as specified in sub-paragraph (2) of paragraph 6;

²¹ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

²² Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

²³ Inserted by S.O 329(E) dated 12th April 2001.

²⁴ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

²⁵ Substituted by S.O.636 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 497.

²⁶ Inserted by S.O 730 (E) dated 4th August 2000, vide Gazette of India (Extra) No. 521.

²⁷ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

(iii b) Mining of rare minerals;
(iii c) Specified activities/facilities in SEZ subject to one time approval by the Government of India in the Ministry of Environment and Forests to such activities based on the Master Plan of SEZ, spatial distribution of projects to be located in CRZ and such other information as may be required for the purpose.]

²⁸[(iii d) facilities for generating power by non conventional energy sources, desalination plants and weather radars;

(iii e) airstrips and associated facilities in Lakshadweep and Andaman and Nicobar Islands.]

[***] See endnote x

²⁹[(iv) Demolition or reconstruction of -

- (i) buildings of archaeological or historical importance
- (ii) heritage buildings; and
- (iii) buildings under public use.

Explanation: - For the purpose of this clause iv, 'public use' shall include use for purposes of worship, education, medical care and cultural activities.

(v) All other activities with investment of five crore rupees or more:

Provided that activities involving investment of less than five crore rupees shall be regulated by the concerned authorities at the State or Union territory level in accordance with the provision of sub-paragraph (2) of paragraph 6 of Annexure-I of this notification.]

(3) (i) The coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures-I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;

(ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3 (2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexures-I and II of the Notification; and

(iii) In the interim period till the Coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administrations shall ensure adherence to these regulations and violations, if any, shall be subject to the provisions of the Environment (Protection) Act, 1986.

4. Procedure for monitoring and enforcement:

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

²⁸ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

²⁹ Substituted by S.O 460(E) dated 22nd April 2003, vide Gazette of India (Extra) No. 376.

³⁰ Signed

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ANNEXURE-I
COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone:

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide ³¹[Line on the] landward side are classified into four categories, namely:

³²[Category I (**CRZ-I**):]

(i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historical/heritage areas, areas rich in genetic-diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.

(ii) Area between the Low Tide Line and the High Tide Line.

Category-II (CRZ-II):

The areas that have already been developed upto or close to the shoreline. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains:

Category III (CRZ-III):

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV):

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands except those designated as CRZ-I, CRZ-II or CRZ-III.

³⁰ Original notification S.O.114 (E) signed [N.K-15019/1/84-IA-III (Vol.II)] R.Rajamani, Secretary

³¹ The original words '...Line of the...' were replaced by '...Line on the...' in S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

³² The original words ' Category I(CRZ-T)' was changed to 'Category I (CRZ -I)' by S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

Norms for Regulation of Activities:

6(2) The development or construction activities in different categories of CRZ areas shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms:

CRZ-I

[***] See endnote xi

No new construction shall be permitted in CRZ I ³³[except (a) Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines ³⁴[*](c) facilities that are essential for activities permissible under CRZ I,]

³⁵[*(d) operational construction of jetties, wharves or construction, development or modernization of jetties and wharves in the Union territory of Lakshadweep for providing embarkation or disembarkation facilities on the basis of a scientific study report conducted by the Central Government or any agency authorized or recognized by it suggesting environmental safeguard measures required to be taken for minimizing damage to corals and associated bio-diversity; and (e)] ³⁶ [*] (d) ³⁷[installation of weather radar for monitoring of cyclone movement and prediction by Indian Meteorological Department] and (e) construction of trans-harbour sea-links]

[***] See endnote xii

³⁸[Between the LTL and HTL, activities are specified under paragraph 2 (xii) may be permitted.

In addition, between LTL and HTL in areas, which are not ecologically sensitive and important, the following may be permitted;

(a) Exploration and extraction of Natural Gas,

(b) Activities as specified under proviso of ³⁹[sub paragraphs (i) and (ii)] of paragraph 2, ⁴⁰[*]

(c)] ⁴¹[Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Bio-sphere reserve area of West Bengal, on a case to case basis,] ⁴²[by the West Bengal State Coastal Zone Management Authority] ⁴³[*]

⁴⁴[(d) salt harvesting by solar evaporation of sea water.]

⁴⁵[(e) desalination plants, ⁴⁶[*] (f) storage of non hazardous cargo such as edible oil, fertilizers and food grain within notified ports;]

⁴⁷[(g) construction of trans-harbour sea links]

³³ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

³⁴ The word 'and' was deleted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

³⁵ Amendment S.O.636 (E) dated 30th May 2003 vide Gazette of India (Extra) No. 497, deleted the word 'and (d)' and inserted this clause.

³⁶ Substituted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563. The amended clause appears to be wrongly numbered as (e), not taking into consideration the earlier amendment S.O.636 (E) dated 30th May 2003.

³⁷ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No 906.

³⁸ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

³⁹ Substituted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁴⁰ The word 'and' was deleted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁴¹ Inserted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

⁴² Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

⁴³ The word 'and' was deleted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁴⁴ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁴⁵ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁴⁶ The word 'and' was deleted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563.

⁴⁷ Inserted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563.

CRZ-II

[***] See endnote xiii

⁴⁸[(i) Buildings shall be permitted only on the landward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio:

Provided that no permission for construction of buildings shall be given on landward side of any new roads ⁴⁹[(except roads approved in the Coastal Zone Management Plan)] which are constructed on the seaward side of an existing road;]

⁵⁰[Provided further that the above restrictions on construction, based on existing roads/authorised structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing schemes of State Urban Development Authorities implemented in phases for which construction activity was commenced prior to 19th February, 1991 in atleast one phase and all relevant approvals from State/Local Authorities were obtained prior to 19th February, 1991; in all such cases specific approval of the Ministry of Environment and Forests would be necessary on a case to case basis.]

⁵¹[(ia) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mention in para 2 (ii).

(ib) desalination plants

(ic) storage of non hazardous cargo such as edible oil, fertilizers and food grain in notified ports.

(id) facilities for generating power by non conventional energy sources.

(ie) construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar.]

(ii) Reconstruction of the authorised buildings to be permitted ⁵²[subject to the] existing FSI/FAR norms and without change in the existing use.

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

CRZ-III

[***] See endnote xiv

(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone' ⁵³[provided that such area does not fall within any notified port limits or any notified Special Economic

⁴⁸ Substituted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

⁴⁹ Substituted by S. O. No. 735(E) dated 21st October 1997, vide Gazette of India (Extra) No. 592

⁵⁰ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No 470

⁵¹ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No 906

⁵² The words '...subject with the...' was changed to '.... subject to the....' by S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

⁵³ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

Zone]. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities ⁵⁴[***].

However, the following ⁵⁵[uses/activities] may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, playfields, forestry, ⁵⁶[projects relating to the Department of Atomic Energy], ⁵⁷[mining of rare minerals] and salt manufacture from sea water ⁵⁸[facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii), facilities for generating power by non conventional energy sources, desalination plants, weather radars and construction of and construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar]

⁵⁹[(ia) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.]

⁶⁰[(ib) the No Development Zone may be reduced to a minimum of 50 mts in the identified stretches of the Islands in the union Territory of Andaman and Nicobar Islands selected and declared by the Central Government for promotion of tourism, based on an integrated coastal zone management study conducted or commissioned by the Ministry of Environment and Forests;]

(ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests ⁶¹(MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

⁶²[(ia) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii),

(iib) storage of non hazardous cargo such as edible oil, fertilizers and food grain in notified ports.

(iic) desalination plants

(iid) facilities for generating power by non conventional energy sources

(iie) construction of airstrips and associated facilities in the Island of Lakshadweep and Andaman & Nicobar.]

⁶³[(iif) construction and operation of jetties in the Union territory of Lakshadweep.]

⁵⁴ Sentence deleted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁵ The earlier word 'uses' was replaced by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁶ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁵⁷ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁸ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁵⁹ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁶⁰ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁶¹ Inserted in S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

⁶² Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁶³ Inserted by S.O.636 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 497.

(iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 per cent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors (ground floor plus one floor).

⁶⁴[Construction is allowed for permissible activities under the notification including facilities essential for such activities. An authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayats the major part of which falls within CRZ if no other area is available for construction of such facilities.]

(iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

⁶⁵[(v) In notified SEZ, construction of non-polluting industries in the field of information technology and other service industries, desalination plants, beach resorts and related recreational facilities essential for promotion of SEZ as approved in its Master Plan by SEZ Authority may be permitted.]

CRZ-IV

Andaman & Nicobar Islands:

(i) No new construction of buildings shall be permitted within 200 metres of the HTL;

⁶⁶[except facilities for generating power by non conventional energy sources, desalination plants and construction of airstrips and associated facilities]

⁶⁷[(id) setting up of facilities for treatment of wastes and effluents arising from hotels and beach resorts as well as domestic sewage disposal of the treated wastes in areas other than Coastal Regulation Zone –I based on a detailed scientific study to assess the environmental impact thereof.];]

⁶⁸[(id) The No Construction Zone may be reduced to a minimum of 50 mts in the identified stretches of the Islands in the Union Territory of Andaman and Nicobar Islands selected and declared by the Central Government for promotion of tourism, based on an integrated coastal zone management study conducted by the Ministry of Environment & Forests by itself or through any agency authorized by it in this behalf;]

⁶⁴ Inserted by S. O. No. 494 (E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

⁶⁵ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁶⁶ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁶⁷ Inserted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563. The amended clause either appears to be wrongly numbered as (id) or this clause could pertain to the Lakshadweep.

⁶⁸ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654. This clause also appears to be wrongly numbered.

(ii) The buildings between ⁶⁹[50] and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of constructions shall not exceed 9 metres;

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

⁷⁰[(iv)[***] See endnote xv

(a) Corals from the beaches and coastal waters shall not be used for construction and other purposes;

(b) sand may be used from the beaches and coastal waters, only for construction purpose upto the ⁷¹[31st day of March, 2004] [***] ^{See endnote xvi} and thereafter it shall not be used for construction and other purposes.]

(v) Dredging and underwater blasting in and around coral formations shall not be permitted; and

(vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands:

(i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island ⁷²[on the basis of integrated coastal zone management study] and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects, erosion and ecological sensitivity:

⁷³[(ia)facilities for generating power by non conventional energy sources;

(ib)desalination plants;

(ic)construction of airstrips and associated facilities;]

⁷⁴[(id) operational construction of jetties and wharves or construction, development or modernization of jetties and wharves on the basis of a scientific study conducted by the Central Government or any agency authorized or recognized by it on a case to case basis suggesting environmental safeguard measures required to be taken for minimizing damage to corals and associated biodiversity.]

⁶⁹ The word '200' was replaced by the word '50' by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁷⁰ Substituted by S.O.73(E) dated 31st January 1997, vide Gazette of India (Extra) No. 63.

⁷¹ Substituted by S.O.635 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 496.

⁷² The words 'in consultation with the experts' were replaced by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁷³ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁷⁴ Inserted by S.O.636 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 497.

⁷⁵[(id) setting up of facilities for treatment of wastes and effluents arising from hotels and beach resorts as well as domestic sewage disposal of the treated wastes in areas other than Coastal Regulation Zone –I based on a detailed scientific study to assess the environmental impact thereof.];]

(ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

(iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;

(v) Dredging and underwater blasting in and around coral formations shall not be permitted; and

(vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment & Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

⁷⁶[***]

ANNEXURE-II

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST/VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of **CRZ-III** for temporary occupation of tourists/visitors shall be subject to the following conditions:

(i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line

[***] See endnote xvii

⁷⁷[(ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(ib) no flattening of sand dunes shall be carried out;

(ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

⁷⁵ Inserted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563. The amended clause appears to be wrongly numbered as (id), not taking into consideration the earlier amendment of clause (id) by S.O.636 (E) dated 30th May 2003.

⁷⁶ The earlier clauses were mistakenly repeated in the print of the original notification and were deleted in S.O 190 (E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

⁷⁷ Inserted by S.O. 595 (E) dated 16th August 1994 vide Gazette of India (Extra) No. 406 and retained by the Supreme Court in its order dated 18th April 1996, in WP (Civil) 664 of 1993 I.A 19 of 1995.

(id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.]

⁷⁸[EXPLANATION:

Though no construction is allowed in the No Development Zone for the purposes of calculation of FSI,
⁷⁹[a private owner of land in the NDZ shall be entitled to take into account half of such land for the purpose of permissible-FSI in respect of the construction undertaken by him outside the NDZ].]

⁸⁰[Provided further that construction for the purpose of tourism development may be permitted beyond 50 mts on the landward side of the High Tide Line in the Union Territories of the Andaman and Nicobar Islands and Lakshadweep Islands based on integrated coastal zone management study conducted by the Ministry of environment & Forests by itself or through any agency authorized by it in this behalf;]

(ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. ⁸¹[Further, the total covered area of all the floors shall not be more than 50% of the plot size both in the Union Territory of Andaman and Nicobar Islands and the Union Territory of Lakshadweep Islands]. The open area shall be suitably landscaped with appropriate vegetal cover;

(iii) The construction shall be consistent with the surrounding landscape and local architectural style;

(iv) The overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);

(v) Ground water shall not be tapped within 200 m of the HTL; within the 200 metre - 500 metre zone it can be tapped only with the concurrence of the Central/State Ground Water Board;

(vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;

(vii) The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;

(viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach:

⁷⁸ Inserted by S.O. 595 (E) dated 16th August 1994.

⁷⁹ The words ‘...the area of entire plot including the portion which falls within the no development zone shall be taken into account’ were changed by the Supreme Court in its order dated 18th April 1996, in WP (Civil) 664 of 1993 I.A 19 of 1995.

⁸⁰ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁸¹ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

(ix) To allow public access to the beach, atleast a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and

(x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation), Act, 1980 shall be obtained. The requirements of other Central and State Laws as applicable to the project shall be met with.

(xi) Approval of the State/Union Territory Tourism Department shall be obtained.

7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central/State Government/Union Territories) construction of beach resorts/hotels shall not be permitted.

⁸²[ANNEXURE-III

[See paragraph 2, sub-paragraph (ii)]

List of Petroleum Products Permitted for Storage in ⁸³[Coastal Regulation Zone except CRZ I – (I)]

- (i) Crude Oil;
- (ii) Liquified Petroleum Gas;
- (iii) Motor Spirit;
- (iv) Kerosene;
- (v) Aviation Fuel;
- (vi) High Speed Diesel;
- (vii) Lubricating Oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naptha;
- (xii) Furnace Oil;
- (xiii) Low Sulphur Heavy Stock.
- ⁸⁴[(xiv) Liquefied Natural Gas (LNG)]

]

⁸⁵[***]

⁸² Inserted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393

⁸³ The words ‘ port areas’ was substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

⁸⁴ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237

⁸⁵ Point 6 of S.O 329(E) dated 12th April 2001 stated that ‘environmental clearances accorded by the Ministry of Surface Transport from 9th July 1997 till the publication of this notification are valid. All proposals for environmental clearance pending with the Ministry of Surface Transport stand transferred to Ministry of Environment and Forests from the date of publication of this notification’.

ENDNOTES

ⁱ Clause as per original notification dated 19th February, 1991:

'For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides. Note: - The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers creeks and backwaters may be modified on a case by case basis for reactions to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metre or the width of the creek, river or backwater whichever is less.'

Subsequent substitution of clause by amendment S.O. 595 (E) dated 16th August 1994:

'For the purposes of this notification, the High Tide Line means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority so authorised by the Central Government in consultation with the Surveyor General of India.'

Corridenga S.O 690(E) changed the date of amendment S.O. 595 (E) dated 18th August 1994 to 16th August 1994.

ⁱⁱ Clause as per original notification 19th February, 1991:

'NOTE: The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers creeks and backwaters may be modified on a case by case basis for reactions to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metres or the width of the creek, river or backwater whichever is less.'

Subsequent substitution of the clause by amendment S.O. 595 (E) dated 16th August 1994:

'NOTE: The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks and back waters and may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans. However, this distance shall not be less than 50 metres or the width of the creek, river or backwater whichever is less. The distance upto which development along rivers, creeks and back-waters is to be regulated shall be governed by the distance upto which the tidal effect of sea is experienced in rivers, creeks or back-waters, as the case may be, and should be clearly identified in the Coastal Zone Management Plans.'

The Supreme Court held the following clause inserted by S.O. 595 (E) dated 16th August 1994 to be illegal. After this order by the court the original clause was retained:

'NOTE:- The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers creeks and backwaters may be modified on a case by case basis for reactions to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metres or the width of the creek, river or backwater whichever is less.'

ⁱⁱⁱ Clause as per original notification dated 19th February, 1991:

The following activities are declared as prohibited within the Coastal Regulation Zone, namely:

'setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities'.

S.O 329(E) dated 12th April 2001, replaced the above clause (see the text of the notification).

^{iv} Clause as per original notification 19th February, 1991:

'Provided that Government of India in the Ministry of Surface Transport, on a case to case basis, may permit storage of the petroleum products as specified in Annexure-III appended to this notification within the existing port limits of existing ports and harbours and in those areas of ports that have not been classified as CRZ-I subject to implementation of safety regulations including guidelines issued by Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas after ensuring proper location of site and availability of necessary equipment to meet the safety norms and the exigencies arising due to any accident or spillage'.

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

'...Provided that Government of India in the Ministry of Surface Transport, on a case to case basis, may permit storage of the petroleum products as specified in Annexure-III appended to this notification within the existing port limits of existing ports and harbours and in those areas of ports that have not been classified as CRZ-I subject to implementation of safety regulations including guidelines issued by Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas after ensuring proper location of site and availability of necessary equipment to meet the safety norms and the exigencies arising due to any accident or spillage.'

Subsequent substitution of clause by amendment S.O 730 (E) dated 4th August 2000:

'Provided that, - (i) facilities for storage of the petroleum products as specified in Annexure-III appended to this notification, may be permitted within the said Zone in areas not classified as (CRZ-I) (i), subject to implementation of safety regulations including guidelines issued by the Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to such further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated,- (a) by the Government of India in the Ministry of Environment and Forests to facilities for storage that are wholly or partially outside the existing port limits of existing ports and to the dedicated storage facilities which form part of an integrated project irrespective of falling within or outside the port limits, and (b) by the Government of India in the Ministry of Environment and Forests or the Ministry of Surface Transport to facilities for storage that are within the existing port limits of existing ports. Explanation: For the purpose of facilities for storage, the port limits as notified till the notification of the Government of India in the Ministry of Environment and Forests number S.O.494 (E), dated, the 9th July, 1997 shall be applicable. (ii) facilities for receipt, storage and regasification of Liquefied Natural Gas may be permitted by the Government of India in the Ministry of Environment and Forests within the "Zone in areas not classified as (CRZ-I) (i), subject to implementation of safety regulations including guidelines issued by the Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to such further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated.'

S.O 329(E) dated 12th April 2001, replaced the above clause (see the text of the notification).

^v Clause as per original notification 19th February, 1991:

'(iv) setting up and expansion of units / mechanisms for disposal of wastes and effluents, except facilities required for discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;'

S.O 725 (E) dated 24th June 2003, replaced the above clause (see the text of the notification).

^{vi} Clause as per original notification 19th February, 1991:

'(viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge.'

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

'(viii) land reclamation, bunding or disturbing the natural course of sea water except those required for construction of ports, harbours, jetties, wharves; quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge.'

S.O 329(E) dated 12th April 2001, replaced the above clause (see the text of the notification).

^{vii} Clause as per original notification 19th February, 1991:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas.'

Subsequent insertion of the following clause by amendment S.O.73 (E) dated 31st January 1997 (mistakenly marked as clause (x) instead of (ix)) to read:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas.'

Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Department of Environment; Secretary, Department of Water Resources; and Secretary Public Works Department. Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period upto the 31st day of March, 1998. The quantity of sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of current year and 1997-98 annual plans. The permission of mining of sand may be given on the basis of a mining plan from such sites and in such quantity which shall not have adverse impacts on the environment.'

Subsequent substitution of clause by amendment S.O.334 (E) dated 20th April 1998 to read:

(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas.

*Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department, Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 1998**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly requirement of **1998-99** annual plan. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.'*

Subsequent substitution of clause by amendment S.O.873(E) dated 30th September 1998 to read:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

*Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, **Public Works Department**. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the 30th day of September, 1999. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 1998-99 and 1999 – 2000 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.'*

Subsequent substitution of clause by amendment S.O.998 (E) dated 29th September 1999 to read:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

*"Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 2000**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 1999 – 2000 and 2000- 2001 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.'*

Subsequent substitution of clause by amendment S.O.990 (E) dated 29th September, 2000 to read:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

*"Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 2001**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 2000- 2001 and 2001- 2002 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.'*

Subsequent substitution of clause by amendment S.O 329(E) dated 12th April 2001 to read:

'ix) mining of sands, rocks and other substrata materials except (a) those rare minerals not available outside the CRZ areas and (b) exploration and extraction of Oil and Natural Gas.' The earlier proviso was retained.

Subsequent substitution of clause by amendment S.O. 988(E) dated 3rd October 2001 to read:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

*Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 2002**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 2001- 2002 and 2002-2003 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.'*

Subsequent substitution of clause by amendment S.O 52 (E) dated 16th January 2003 to read:

'(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

Provided that in the Union Territory of the Andaman and Nicobar islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department.

Provided further that the committee may permit mining of sand upto 55,127cu.m. for construction purposes on a case to case basis, for the period on and from the 1st day of April, 2002 to the 31st day of March, 2003, from sites selected, inter-alia, based on rate of replenishment or deposition of sand:

Provided also that the permission as may be granted under this sub-paragraph for mining of sand shall be based on mining plans and stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, birds nesting sites and protected areas.'

S.O.635 (E) dated 30th May 2003, replaced the above clause (see the text of the notification).

^{viii} Clause as per original notification 19th February, 1991:

(x) harvesting or drawal of ground water and construction of mechanisms therefore within 200 m of HTL: in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture agriculture and fisheries;

The amendment S.O.73 (E) dated 31st January 1997 inserted the following proviso after 2(x) (mistakenly referred to as 2(ix) in the gazette amendment):

'Provided that in the Union Territory of the Andaman and Nicobar Islands, drawal of ground water can be permitted from specific sites if no other source of water is available and when done manually through ordinary wells or hand pumps, with the approval of Secretary, Department of Environment, Andaman and Nicobar Administration on a case to case basis, within 50 to 200 m from High Tide Line for local inhabitants for drinking purposes only'

S. O. No. 494(E) dated 9th July 1997 replaced the above clause (see the text of the notification).

The petitioner in CWP 4198/97 [Para 21] submits that the delegation of the powers to designate an authority, by the Central Government to the State Government is ultravires the provisions of Section 3, 4 and 23 of the EP Act. The petitioner in CWP 4198/97 has prayed for the entire notification to be quashed. The case is still pending in the Delhi High Court.

^{ix} Clause as per original notification 19th February, 1991:

'3(2) (ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways: Provided that for expansion or modernisation of existing ports and harbours including fishing harbours operational constructions for ports and harbours and construction of jetties, wharves, quays, slipways, Single Point Mooring and Single Buoy Mooring and for reclamation for facilities essential for operational requirements of ports and harbours in areas within the existing port limits, except the areas classified as category CRZ-I (i), shall require environmental clearance from Government of India in the Ministry of Surface Transport, which shall take decision on these activities on the basis of Environmental Impact Assessment Report: Provided further that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible.'

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

'(ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways:

Provided that for expansion or modernisation of existing ports and harbours including fishing harbours operational constructions for ports and harbours and construction of jetties, wharves, quays, slipways, Single Point Mooring and Single Buoy Mooring and for reclamation for facilities essential for operational requirements of ports and harbours in areas within the existing port limits, except the areas classified as category CRZ-I (i), shall require environmental clearance from Government of India in the Ministry of Surface Transport, which shall take decision on these activities on the basis of Environmental Impact Assessment Report:

Provided further that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible.'

Subsequent substitution of clause by amendment S.O 329(E) dated 12th April 2001:

'(ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways, pipelines, conveying systems including transmission lines.'

S.O.635 (E) dated 30th May 2003, replaced the above clause (see the text of the notification).

^x Clause as per original notification 19th February, 1991:

'(iv) All other activities with investment exceeding rupees five crores.'

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

'(iv) All other activities with investment exceeding rupees five crores except those activities which are to be regulated by the concerned authorities at the State/Union Territory level in accordance with the provisions of paragraph 6, sub-paragraph (2) of Annexure I of the notification.'

S.O 460(E) dated 22nd April 2003 replaced the above clause (see the text of the notification).

^{xi} Clause as per original notification 19th February, 1991:

'No new construction shall be permitted within 500 metres of the High Tide Line. No construction activity, except as listed under 2(xii), will be permitted between the Low Tide Line and the High Tide Line.'

^{xii} Clause as inserted by amendment S. O. No. 494(E) dated 9th July 1997:

'Provided that construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Biosphere reserve area, West Bengal, may be permitted, on a case to case basis, by an authority designated by the State Government;'

Subsequent substitution of clause by amendment S.O 329(E) dated 12th April 2001:

'No new construction shall be permitted in CRZ I except (a) Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines and (c) facilities that are essential for activities permissible under CRZ I, Between the LTL and HTL, activities are specified under paragraph 2 (xii) may be permitted. In addition, between LTL and HTL in areas, which are not ecologically sensitive and important, the following may be permitted;

(a) Exploration and extraction of Natural Gas, (b) activities as specified under proviso of sub paragraph (ii) of paragraph 2, and (c) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Biosphere reserve area of West Bengal, on a case to case basis, by the West Bengal State Coastal Zone Management Authority.'

^{xiii} Clause as per original notification 19th February, 1991:

'Norms for Regulation of Activities. CRZ –II

(i) Buildings shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of FSI/FAR.'

^{xiv} Clause as per original notification 19th February, 1991:

'Norms for Regulation of Activities. CRZ –III

(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI existing plinth area and existing density. However, the following uses may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, playgrounds, forestry and salt manufacture from seawater.'

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

'(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. "No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants'

Subsequent substitution of clause by amendment S.O 550(E) dated 21st May 2002:

'(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone' " provided that such area does not fall within any notified port limits or any notified Special Economic Zone". No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry, mining of rare minerals and salt manufacture from sea water.

(I a) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.'

The amendment S.O 550(E) dated 21st May 2002 deleted the earlier words 'An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants.'

Subsequent substitution of clause by amendment S.O 1100 (E) dated 19th October 2002:

'(i)The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone' " provided that such area does not fall within any notified port limits or any notified Special Economic Zone". No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities.

However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry, mining of rare minerals" and salt manufacture from sea water, facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2 (ii), facilities for generating power by non conventional energy sources, desalination plants, weather radars and construction of and construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar

(I a) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.

^{xv} Clause as per original notification 19th February, 1991:

(iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes:

^{xvi} Clause as per amendment S.O.73 (E) dated 31st January 1997:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 31st day of March, 1998 and thereafter it shall not be used for construction and other purposes.'

Subsequent substitution of clause by amendment S.O 334 (E) dated 20th April 1998:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 1998 and thereafter it shall not be used for construction and other purposes.'

Subsequent substitution of clause by amendment S.O 873(E) dated 30th September 1998:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 1999 and thereafter it shall not be used for construction and other purposes.'

Subsequent substitution of clause by amendment S.O. 998 (E) dated 29th September 1999:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 2000 and thereafter it shall not be used for construction and other purposes.'

Subsequent substitution of clause by amendment S.O. 900(E) dated 29th September 2000:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 2001 and thereafter it shall not be used for construction and other purposes.'

Subsequent substitution of clause by amendment S.O 988 (E) dated 3rd October 2001:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 2002 and thereafter it shall not be used for construction and other purposes.'

Subsequent substitution of clause by amendment by S.O 52 (E) dated 16th January 2003:

'(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 31st March, 200 and thereafter it shall not be used for construction and other purposes.'

S.O.635 (E) dated 30th May 2003 replaced the above clause (see the text of the notification).

xvii Clause as per original notification 19th February 1991:

'7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists/visitors shall be subject to the following conditions:

(i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line;'

Subsequent substitution of clause by amendment S.O. 595 (E) dated 16th August 1994:

'7(i) The project proponent shall not undertake any construction within 200 metres in the land-ward side from the High Tide Line and within the area between the Low Tide and High Tide Lines:

Provided that the Central Government may, after taking into account geographical features and overall Coastal Zone Management Plans, and for reasons to be recorded in writing, permit any construction subject to such conditions and restrictions as it may deem fit;

(ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(ib) no flattening of sand dunes shall be carried out;

(ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.'

The Supreme Court substituted some of the clauses of the above amendment in its order dated 18th April 1996, in WP (Civil) 664 of 1993 I.A 19 of 1995 quashing the 16th August 1994 amendment (see the text of the notification).
