

CZMA_s AND COASTAL ENVIRONMENTS: TWO DECADES OF REGULATING LAND USE CHANGE ON INDIA'S COASTLINE



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PREETI VENKATRAM, KANCHI KOHLI AND SATNAM KAUR

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LIST OF ABBREVIATIONS

ACF	: Assistant Conservator of Forests	EPA	: Environment (Protection) Act
APCZMA/ APSCZMA	: Andhra Pradesh Coastal Zone Management Authority/ Andhra Pradesh State Coastal Zone Management Authority	ESA	: Ecologically Sensitive Area
APPCB	: Andhra Pradesh Pollution Control Board	ETRP	: Emergency Tsunami Reconstruction Project
BISAG	: Bhaskaracharya Institute for Space Applications and Geo-Informatics	FAQ	: Frequently Asked Questions
CAG	: Comptroller and Auditor General	FIR	: First Information Report
CD	: Compact Disc	GCZMA/ GSCZMA	: Goa Coastal Zone Management Authority/ Gujarat Coastal Zone Management Authority/ Goa State Coastal Zone Management Authority/ Gujarat State Coastal Zone Management Authority
CESS	: Centre for Earth Science Studies	GEC	: Gujarat Ecology Commission
CMDA	: Chennai Metropolitan Development Authority	GEER	: Gujarat Ecological Education and Research
CPCB	: Central Pollution Control Board	GIDA	: Goshree Islands Development Authority
CPR	: Centre for Policy Research	GIS	: Geographic Information System
CRZ	: Coastal Regulation Zone	GMB	: Gujarat Maritime Board
CUSAT	: Cochin University of Science and Technology	GO (MS)	: Government Order (Manuscript Series)
CVCA	: Critically Vulnerable Coastal Area	Gol	: Government of India
CWRDM	: Centre for Water Resources Development and Management	GPCB	: Gujarat Pollution Control Board
CZ	: Coastal Zone	GSPCB	: Goa State Pollution Control Board
CZIS	: Coastal Zone Information System	GUIDE	: Gujarat Institute of Desert Ecology
CZMA	: Coastal Zone Management Authority	GVMC	: Greater Visakhapatnam Municipal Corporation
CZMP	: Coastal Zone Management Plan	GWB	: Ground Water Board
DA	: Dearness Allowance	HC	: High Court
DCZMA	: District Coastal Zone Management Authority	HTL	: High Tide Line
DCZMC	: District Coastal Zone Management Committee	ICMAM	: Integrated Coastal and Marine Area Management
DFO	: District Forest Officer	ICZM	: Integrated Coastal Zone Management
DLC	: District Level Committee	ICZMP	: Integrated Coastal Zone Management Project
DLCC	: District Level Coastal Committee	IDA	: International Development Association
DSDA	: Digha Sankarpur Development Authority	IESWM	: Institute of Environmental Studies and Wetland Management
EAC	: Expert Appraisal Committee	IIT	: Indian Institute of Technology
EC	: Environment Clearance	IOM	: Institute for Ocean Management
ECR	: East Coast Road	IREL	: Indian Rare Earths Limited
EIA	: Environment Impact Assessment	IRS	: Institute of Remote Sensing

IT	: Information Technology	RTI	: Right to Information
KCZMA/ KSCZMA	: Karnataka Coastal Zone Management Authority/Kerala Coastal Zone Management Authority/ Karnataka State Coastal Zone Management Authority/ Kerala State Coastal Zone Management Authority	SAC	: Space Application Centre
KSCSTE	: Kerala State Council for Science, Technology and Environment	SBB	: State Biodiversity Board
KSPCB	: Karnataka State Pollution Control Board/ Kerala State Pollution Control Board	SC	: Supreme Court
LB	: Lower Bench	SCZMA	: State Coastal Zone Management Authority
LSG	: Local Self Government	SEAC	: State Expert Appraisal Committee
LTL	: Low Tide Line	SEIAA	: State Environment Impact Assessment Authority
MPA	: Marine Protected Area	SLC	: State Level Committee
MCZMA	: Maharashtra Coastal Zone Management Authority	SO	: Special Order
MoEF	: Ministry of Environment and Forests	SPMU	: State Project Management Unit
MPSEZ	: Mundra Port and Special Economic Zone	SZ	: South Zone
MS	: Member Secretary	TA	: Travel Allowance
MSPCB	: Maharashtra State Pollution Control Board	TLCMC	: Taluka Level Coastal Monitoring Committee
NCSCM	: National Centre for Sustainable Coastal Management	TN	: Tamil Nadu
NCZMA	: National Coastal Zone Management Authority	TNCZMA/ TNSCZMA	: Tamil Nadu Coastal Zone Management Authority/ Tamil Nadu State Coastal Zone Management Authority
NDZ	: No Development Zone	TNPCB	: Tamil Nadu Pollution Control Board
NGO	: Non Governmental Organisation	ToR	: Terms of Reference
NGT	: National Green Tribunal	UNEP-GPA	: United Nations Environment Programme- Global Programme of Action
NHO	: National Hydrographic Office	USD	: United States Dollar
NIO	: National Institute of Oceanography	UT	: Union Territory
NOC	: No Objection Certificate	UTCZMA	: Union Territory Coastal Zone Management Authority
OCZMA/ OSCZMA	: Odisha Coastal Zone Management Authority/ Odisha State Coastal Zone Management Authority	WB	: West Bengal
OP	: Original Petition	WBCZMA/ WBSCZMA	: West Bengal Coastal Zone Management Authority/ West Bengal State Coastal Zone Management Authority
OSPCB	: Odisha State Pollution Control Board	WBPCB	: West Bengal Pollution Control Board
PCB	: Pollution Control Board	WP (C)	: Writ Petition (Civil)
PIL	: Public Interest Litigation	WP	: Writ Petition
PSVL	: Pioneer Sand Dune Vegetation Line		
PWD	: Public Works Department		

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PREFACE

What we learned about Coastal Zone Management Authorities, how we are continuing to learn, and why all of this matters for legal empowerment

This project is part of an effort to understand how institutions function and interface with the lives of ordinary citizens. It seeks to bridge the gap between law and life. Namati as an organisation is dedicated to researching and understanding how law can be a tool of empowerment and justice. How does law become an opportunity not a threat? How does law become transparent rather than obscure? How does law become effective rather than inert?

This study- a product of Namati's partnership with the Centre for Policy Research- focusses on an important but under-examined set of regulatory institutions in India, the Coastal Zone Management Authorities (CZMAs). If law is to be empowering for the communities who inhabit India's long, great coastline, those communities must be able to understand and engage the CZMAs.

The study represents the most rigorous empirical work on CZMAs to date. The research team interviewed over thirty authority members, reviewed all relevant judgments by the National Green Tribunal, and arduously analysed minutes from over 350 meetings of the authorities. The minutes spanned several decades and all nine coastal states. Based on this research the authors illuminate how the authorities function in practice. They identify practical challenges the authorities face- Coastal Zone Management Plan maps are difficult to use, for example, because they are on a different scale than revenue maps. The authors also document innovations undertaken, and problems faced, by particular states. Tamil Nadu, for example, has made strides in developing extensive monitoring mechanisms, and yet has arguably not managed to translate the monitoring activity into enforcement.

In some areas, reality seems to diverge significantly from original intent. Conservation is a key part of the CZMAs' mandate, for example, but the authors find that only two State CZMAs addressed conservation, and that too for less than 5% of the total time period analysed by this study. In all states, the majority of time in meetings is focussed on project approvals.

The authors suggest six sets of reforms to make the authorities more effective. First, CZMAs should commit to measurable outcomes with respect to the health of the coasts. Without concrete, substantive goals, it is impossible to know whether regulatory procedures are fulfilling their purpose.

Second, the powers of the State and National CZMAs need to be made more clear, including mechanisms for resolving conflicts between competing authorities. Third, the CZMAs should pursue an inclusive approach to developing coastal management plans, one that takes into account the knowledge and needs of coastal dwellers. Fourth, CZMAs require greater capacity to fulfil their essential mission. Currently they are part-time bodies with few, if any, fulltime staff.

Fifth, the CZMAs need to pay greater attention to enforcing their decisions and rules. They should endow District Level Coastal Committees- envisioned under the Coastal Regulation Zone (CRZ) Notification but not yet fully functional in most states- with greater monitoring and enforcement responsibility. Finally, CZMAs should make pertinent information more accessible and legible to the wider public.

We look forward to discussing these findings with authority members and other stakeholders, and to supporting the process of institutional reform.

In the meantime, we have begun to apply a complementary, participant methodology to further explore questions of law and empowerment on the Indian coast.

The Centre for Policy Research-Namati Environmental Justice Program has created a network of grassroots legal professionals, who research these questions through participating in actual legal issues that face communities. These paralegals are trained in basic law and in skills like mediation, organising, education, and legal doctrine. They form a creative, flexible frontline dedicated to finding practical solutions to injustice.

Rather than treating their clients as victims requiring an expert service- "I will solve this problem for you"- community paralegals say this: "We will solve this together, and when we're done you will be in a stronger position to tackle problems like these in the future." It is through this process of building an epistemic community geared towards finding solutions, that we learn about the actual life of law and regulation.

Our paralegals educate coastal communities about environmental regulation. The paralegals support coastal dwellers to comply with regulatory requirements- helping, for example, fisher people to navigate procedures for obtaining CRZ clearance for their homes. The paralegals also help craft remedies for possible violations that threaten people's livelihoods: destruction of mangroves, say, or blockage of fisher people's access to the sea, or wrongful discharge of effluents. The methodological assumption is that only through participation in the crafting of remedies do we truly understand the impact of legislation and institutional action.

The purpose of this participation in the life of law is to strengthen both citizens and institutions. In some ways, by performing the necessary task of interface, interaction, mediation between citizen and state these paralegals help institutions understand better where citizens are coming from; and they help citizens understand better the issues involved in regulation.

We look forward to sharing the results of the paralegal efforts as they emerge. Together with the research presented here, they will form a powerful basis from which to pursue a genuinely sustainable development path for the Indian coast.

Vivek Maru and Pratap Bhanu Mehta

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This report on the performance of the Coastal Zone Management Authorities (CZMAs) and the implementation of the Coastal Regulation Zone (CRZ) Notification, has taken longer than expected. Yet, we have been enthused and motivated by the support and cooperation of the two organisations that own this report, the Centre for Policy Research (CPR) and Namati. The research team would like to specially thank Dr. Pratap Bhanu Mehta and L. Ravi at CPR for their support and Namati's Vivek Maru for valuable suggestions on the design of the project and research analysis. Vivek co-conducted the first few interviews for the study in Kerala and Goa. We also thank the Department for International Development (DFID) for their financial support for this project.

This study would not have been possible without the immense cooperation of several sitting and former CZMA members, fishing union activists and NGOs. Their forthright engagement with the questions of the research study and generosity in accommodating our interview schedules into their time and work has been very important for this study. We would specially like to thank Dakshin Foundation, members of the National Fishworkers' Forum (NFF), and the National Coastal Protection Campaign (NCPC).

We collected a number of documents from the CZMA offices and the MoEF to analyse the content of their meetings, procedures and decisions. These were all collected through applications made under the Right to Information (RTI) Act. Most of our applications were responded to and we received large parcels with labelled and numbered documents. We appreciate very much the efforts of the offices of the CZMAs and the Ministry of Environment and Forests (MoEF) to provide us these documents, some of which are several years old.

A special word of thanks is due to Kavitha Chalakkal who managed the research study during the first year and a half and put together the first set of analyses based on the interviews she conducted with CZMA members. Kavitha moved on to join another organisation and we wish her the very best. We also thank Vaidehi Bhagwat who helped us in compiling and analysing the information present in the meetings' minutes, reports and guidelines. Vaidehi moved on to pursue higher studies and we wish her the best in her future endeavours. We thank Nadav Karasov too, who interned with Namati and provided research inputs for the study. We also want to acknowledge Harish Moger, N. M. Vinayaka and Vinod Patgar for conducting discussions with District Coastal Zone Management Committee members as part of this research, and Mahabaleshwar Hegde for doing the translations for the same.

Finally we would like to thank Sreedevi Lakshmi Kutty, Selvan Thandapani and Nia Murphy for working with us under considerable time pressure to proof-read, edit, design and prepare not just this study for publication, but a set of illustrative brochures on the performance of CZMAs. They achieved this amidst their professional interests in organic farming, art, travel and coffee roasting. We hope to share their interests in these subjects now that we have completed this research study.

- Manju, Meenakshi, Preeti, Kanchi and Satnam



Chilika, Odisha, Kanchi Kohli

INTRODUCTION

India's Environment (Protection) Act (EPA) of 1986 contains a clause under Section 3 (1) which gives power to the Central Government i.e. the Union Ministry of Environment and Forests (MoEF) to take all measures that it feels are necessary to protect and improve quality of the environment and to prevent and control environmental pollution. To meet this objective, Section 3 (2) (v) provides for "restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards". This clause was used by the Central Government to promulgate the Coastal Regulation Zone (CRZ) Notification, 1991.¹

While the Notification is a legal instrument, its genesis is in Indira Gandhi's (the then Prime Minister of India) letter of November 1981 to all the Chief Ministers of India's coastal states stipulating that no development should be allowed within 500 m of the High Tide Line (HTL) in order to maintain the beauty and ecological integrity of the nation's beaches.² However, state governments continued to treat coastal spaces as wastelands to be put to economic use, to be industrialised or brought under agriculture. Environmentalists involved in coastal environmental protection claim that this failure was on account of the lack of a legal instrument for the protection of coasts.³ They engaged in a collaborative effort with Maneka Gandhi, the Environment Minister during 1989-91 and an ardent supporter of environmental causes, and bureaucrats of the newly formed Ministry of Environment and Forests, to draft a legal framework for coastal protection. This was the CRZ Notification of 1991, under the EPA.

The 500 m from the HTL mentioned in Indira Gandhi's letter became legally categorised as the 'Coastal Regulation Zone' and this space was to be governed by a complex set of prohibitions, procedures and plans. Since then, the CRZ Notification has been applicable to India's coastline that extends over 7,500 km and hosts a quarter of the country's population, including fishermen and other communities, who engage in a whole range of livelihoods and occupations such as fisheries, salt production, horticulture and shrimp farming.

COASTAL AREAS

It is estimated that about 3,200 fishing villages are situated along the Indian coastline and harvest 75 per cent of the total national fisheries resources.⁴ Each village uses up to a distance of 3 km beyond its village boundary for net repairs, boat parking, fish drying and other fisheries related activities.⁵

There are certain kinds of industries and infrastructure projects, such as ports and oil pipelines that can be undertaken only at this cusp of land and sea. The sea food industry, export processing zones, shipping, ports, security infrastructure and manufacturing units that require large amounts of water would also prefer coastal locations. With greater emphasis on renewable energy, the sea also holds huge potential for tidal and ocean thermal energy.

¹ The other uses have been for the declaration of Murud Janjira and other areas as ESAs and the EIA Notification, 2006

² Alvares, C. (2011, January 24). Towards ruin: The coast is finally clear. *Outlook*.

³ Goenka, D. (2000, August). The fragile coastline in protecting nature. *Seminar*.

⁴ Sharma, C. (2007, May). Presentation at Kalpavriksh-PANOS Media Dialogue on Coastal issues.

⁵ Rodriguez, S., Balasubramanian, G., Peter, S. M., Duraiswamy, M., & Jaiprakash, P. (2008). Community perceptions of resources, policy and development, post-tsunami interventions and community institutions in Tamil Nadu, India. UNDP/UNTRS, Chennai and ATREE, Bangalore, India.

Coastal areas are ecologically very significant with a wide range of ecosystems such as mangroves, coral reefs, salt marshes, sand beaches and dunes, estuaries and lagoons. Mangroves and sand dunes are the first line of defence in cases of cyclones and storm surges. Coral reefs are considered very good indicators of the health of the seas. The beauty of beaches and seas has drawn more and more people to these areas. Even at premium prices, there is a great demand for beach facing homes, hotels and tourist resorts. Some of the largest cities around the world and in India are located on the coasts.

The CRZ Notification is meant to regulate the use of coastal space among competing uses such as competing housing, industry, and public use while also maintaining the ecological viability of these niche spaces.

The main aspects of the CRZ Notification are the following:

Zonation: The space between the Low Tide Line (LTL) and the High Tide Line (HTL), 200 m from HTL and 500 m from HTL on the landward side, as well as the space from the LTL to 12 nautical miles into the sea are classified as CRZ I, II, III or IV. While ecologically sensitive areas and areas between the LTL and HTL are CRZ I, the level of development already present differentiates areas as CRZ II or III. The area from the LTL up to 12 nautical miles seawards is CRZ IV. The Coastal Zone Management Plans (CZMPs) are being prepared for clearly identifying the CRZ sub-zones and implementing the CRZ Notification's clauses.

Regulation: The agencies responsible for CRZ implementation determine the grant of approvals to permissible projects. These agencies are to ensure compliance of their orders, identify violators, if any, and direct the concerned authorities to initiate action against violations.

Conservation: Although the Notification does not emphasise the importance of proactively undertaking conservation of coastal ecosystems per se, it seeks to protect them by prohibiting or regulating the use of these sensitive spaces for other purposes.

CRZ IMPLEMENTATION AND CHALLENGES

The implementation of the CRZ Notification, 1991 was dogged by critical failures and gaps such as the failure to mark the HTL, non finalisation of CZMPs and numerous amendments to the Notification to allow setting up of projects that were not permitted earlier.⁶

Through this period, eight committees were also set up to suggest ways by which the Notification could be implemented. These were:

1. B. B. Vohra Committee- 1992
2. Prof. N. Balakrishnan Nair Committee- 1996
3. Fr. Saldanha Committee I- 1996
4. Dr. Arcot Ramachandran Committee- 1996
5. Fr. Saldanha Committee II- 1997
6. D. M. Suthankar Committee I- 2000
7. D. M. Suthankar Committee II- 2000
8. Swaminathan Committee- 2005

By 2002, the implementation of the CRZ Notification was nearly impossible due to the number of piecemeal amendments that fragmented the Notification. Until 2011, it was in force as a 'patchwork notification' with little clarity on the steps that need to be followed for its implementation. Clauses of the Notification could be understood only with reference to plans, documents, subsequent notifications and case precedents. Implementation was as much directed by varied practices and resources available to the agencies as by requirements of the Notification.

Unlike the linear procedures of the EIA Notification, 2006, which is the other notification under the EPA for regulating the siting of industries, the process under the CRZ Notification

⁶ Menon, M., Rodriguez, S., & Sridhar, A. (2007). Coastal Zone Management Notification '07: Better or bitter fare? ATREE, Bangalore.



Boat Repair at Nagapattinam, Tamil Nadu, Manju Menon

can barely be laid out in a flowchart. As the EIA Notification follows a step wise format for implementation, it is relatively easy to tell which processes have been followed and what is the status of implementation. Unlike the *sequential* procedures of the EIA Notification, the CRZ Notification is a set of independent clauses that can be taken up in *parallel*. It is meant to perform more than one regulatory task and not necessarily in a certain order. It is at once a basis for coastal planning, regulation of industrial development on the coast, enforcement of conditional clearances and coastal conservation. The only cohesive factor is that all these tasks are meant to take place in the same geographical zone, the CRZ. The CRZ Notification is a set of discrete parts with little connection between the main tasks. This creates challenges in implementing and monitoring the Notification.

From July 2004 onwards a series of committees, drafts and public consultations went into the making of the CRZ Notification, 2011. The experience of the tsunami in December 2004 in the Indian Ocean also emphasised the vulnerability of coastal areas to natural disasters and the impacts these could have on coastal populations and property. The contestations around what should be in the new Notification, how it could utilise scientific principles of management, how it should treat fisheries related infrastructure and other such issues continued until the new Notification finally replaced the earlier forms, on January 6, 2011.

This law making process included numerous stakeholders, as a result the final outcome is a negotiated document that sought to please several interests. A number of studies and reports have documented these processes.⁷

COASTAL ZONE MANAGEMENT AUTHORITIES (CZMAs)

Clause 4 of the CRZ Notification, 1991, under the sub heading "Procedure for monitoring and enforcement", stated:

"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 maybe designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective Jurisdictions."

These designated authorities were the State Pollution Control Boards. In the case filed by the Indian Council for Enviro-Legal Action on the non-implementation of various clauses of the CRZ, the Supreme Court (SC) ordered on April 18, 1996:

"(3) Considering the fact that the Pollution Control Boards are not only overworked but simultaneously have a limited role to play insofar as it relates to controlling of pollution for the purpose of ensuring effective implementation of the notifications of 1991 and 1994, as also of the Management Plans, the Central Government should consider setting up under Section 3 of the Act, State Coastal Management Authorities in each State or zone and also a National Coastal Management Authority."

This established the Coastal Zone Management Authorities (CZMAs) as the only institutions at the State and National level in charge of overseeing the implementation of the CRZ Notification. They came into existence in 1999 and are now 16 years old. While the list of members has changed periodically, the composition and functions of these institutions have remained more or less the same.

It is odd that while the CRZ Notification is one of the most fought over and debated notifications, there has been almost no attention paid to the National and State Coastal Zone Management Authorities (NCZMA and SCZMAs). There have been numerous street agitations, meetings, seminars, academic papers on law and policy, as well as official drafting and redrafting of the clauses of the Notification, yet the subject of CZMAs has been mostly absent from these studies or discussions.

In the public domain, there is no official study by the Ministry or by any organisation interested in the question of coastal governance, on how these institutions are faring. The committees set up earlier to assess the CRZ Notification and suggest changes did not look into the CZMAs. The World Bank that has invested substantially in developing Integrated Coastal Zone Management (ICZM) Plans in three pilot states has also not undertaken a systematic review of the CZMAs. There has been no assessment of the functioning of the CZMAs, by the office of the Comptroller and Auditor General (CAG), unlike in the case of other institutions and laws related to forests and the environment. The CAG has investigated the utilisation of funds related to compensatory afforestation, the outcomes of pollution control measures and project specific instances of forest diversions in the past.⁸ The only reference to guidelines or working orders for the CZMAs that we found, during the course of our research, was in the discussions by the Tamil Nadu CZMA in its meeting in November 2008.⁹

⁷ Menon, M., Rodriguez, S., & Sridhar, A. (2007). Coastal Zone Management Notification '07: Better or bitter fare? ATREE, Bangalore; EQUATIONS (2008). Coastal regulation in India: Why do we need a new Notification?; Post Tsunami Environmental Initiative (2007). Report on ecological and social impact assessments in mainland India. Submitted to UNDP Post Tsunami Environmental Initiative.

⁸ Comptroller and Auditor General of India (2008). Environmental auditing in India. Retrieved on December 2, 2013 from <http://iced.cag.gov.in/wp-content/uploads/2013/09/Environment%20auditing%20in%20India.pdf>

⁹ Letter No. 11-70/2006-IA-III dated November 7, 2008 had the following key instructions for the SCZMAs: (1) Recommendations on projects to be sent to the MoEF within 30 days of their receipt. (2) In case CZMAs are not in operation, due to being reconstituted, State Department of Environment to provide recommendations on projects. (3) If the SCZMA takes more than 30 days in sending the recommendations, project proponent is free to submit the proposal directly to the Ministry. The EAC will consider it in its meeting and the Member Secretary of the concerned SCZMA will be present with all information on the project. (4) List of projects received and their status to be uploaded on the SCZMA websites.

How are the CZMAs set up and administered for functioning? Why has there been little interest in analysing if the design and function of CZMAs allow them to fulfil all the objectives of the CRZ Notification? Is it because the CZMAs were not mentioned in the text of the 1991 Notification? In the absence of a clear set of outcomes listed in the CRZ Notification, 2011, what parameters do the CZMAs use to take decisions? Though the SC in its order gave directions pertaining to CZMAs and CZMPs, the Plans continue to be central to all discussions on CRZ while the CZMAs are almost never spoken or written about. These are the questions that prompted us to undertake a research study on the institutions related to CRZs.

Through this study, we intend to bring CZMAs into the public discussion on CRZ implementation. The CZMAs need our attention as they are the only institutional bodies at present through which all objectives of the Notification are sought to be realised. Their task of determining the future of the coastal landscape through approvals, building and demolishing of coastal structures, afforestation and protection of coastal defences from natural disasters and through participatory processes of decentralised planning, is an inordinately difficult task, particularly in a federal political structure. Since 2011, the CZMAs have brought together within their ambit not just disciplinary expertise but also the local knowledge of the fishing communities. Due to their composition, mandate and textured sense of the Notification in practice, the role of the CZMAs in achieving positive and measurable outcomes from the CRZ Notification is most significant.

METHODOLOGY

This report analyses the institution of CZMAs and their decision making practices with respect to the clauses of the CRZ Notification. The study offers valuable insights into how clauses are interpreted by the actors entrusted with the task of day to day implementation.

Data: The report relies on four sets of primary data. It analysed data collected from 39 interviews conducted in 2012 with sitting and ex-members of the National and State Coastal Zone Management Authorities, staff, consultants and officers of the MoEF in charge of implementation of the CRZ Notification. The analysis also included discussions with the Member Secretary of the Gujarat CZMA (in 2013) and three community representatives on the Uttara Kannada coastal committee (in 2014) (see list of interviewees and discussants in Annexure 3). The report is also based on a quantitative and qualitative analysis of a total of over 350 minutes of meetings of the NCZMA and the CZMAs of the nine coastal states. The third set of primary data that this report has used is the legal cases on CZMAs in the National Green Tribunal (NGT). The NGT's website was accessed between August and October 2013. The study has analysed all available final orders and judgments on the subject of CZMAs uploaded on the NGT website since its functioning in July 2011.¹⁰ As per the data on the NGT's website, through its period of existence up to October 2013, the NGT has heard and passed final orders and judgments on 10 CZMA cases. Official documents like the CRZ Notification, its circulars and amendments, notifications of CZMAs and District Level Coastal Committees and appointment orders of the CZMAs have been used as the basis for analysing the institutional architecture of the CRZ. Information related to administrative functioning, funding and internal notes of the MoEF related to CRZ and CZMAs were also obtained through RTI applications (see details in Annexure 2) and analysed. Such an exhaustive database of primary information is what makes this analysis and report the first of its kind. Besides these sources of primary data, the report has also analysed secondary data available on CRZs in other published research reports, academic papers and newspapers articles.

¹⁰ The legislation constituting the NGT was gazetted in June 2010, and the Tribunal was formally established on October 18, 2010. However, it was only in April 2011 that the Rules to enable the implementation of the new Act were put in place. Even then the NGT was not up and running. It was only after an order of the Supreme Court in May 2011 - where the Ministry of Environment and Forests (MoEF) gave clarifications on several pending issues including on the status of the NGT, its various benches, appointments, and allowances of the judicial and expert members - that things got moving at last. References: Kohli, K. (2012, February 2). NGT: The first seven months. www.indiatogether.org and Kohli, K., & Menon, M. (2012, April 14). The nature of green justice. *Economic and Political Weekly*, XLVII(22).

Data collection methods and tools: The interviews were conducted through a questionnaire (Annexure 4) administered individually to the interviewees. Most such interviews were difficult because of limited time given by interviewees, difficulty in revealing details of cases and the sensitivity related to being overcritical of the Authority and their member colleagues. We obtained over 350 minutes of CZMA meetings through RTI applications. While we received most of the responses to our applications without having to file first appeals [see details in the box 'Experience of Obtaining Information through Right to Information (RTI) Applications'], what was surprising is the state of CRZ archives maintained by the CZMAs. From some states, all the minutes of the meetings were not received as hard copies, so we relied on the CZMA websites, which had more minutes of meetings. Since minutes of some SCZMAs were not numbered, it is impossible to be certain if we have indeed collected all the minutes through RTI applications and the websites. Therefore, we can only claim to have analysed all the minutes that we received through the RTI route and from the websites. The legal orders and judgments were obtained from the NGT website. All files uploaded on the website were searched for the keywords 'Coastal Zone Management Authority' and 'CZMA'. All files that came up with either keyword were analysed.

EXPERIENCE OF OBTAINING INFORMATION THROUGH RIGHT TO INFORMATION (RTI) APPLICATIONS

RTI applications were filed with the SCZMAs to procure copies of the meetings' minutes (when unavailable on the internet), details regarding sitting and scrutiny fees, budget, violations and constitution of District Level Coastal Committees (DLCCs). RTI applications were also filed with the MoEF to obtain information pertaining to submission of CZMPs by the states, guidelines/instructions/directions issued by the MoEF to the SCZMAs and allocation of funds to the SCZMAs (for details, see Annexure 2). In some instances the applications were followed by appeals and at times the follow up took place over the telephone or over email. If after filing the RTI application the information was found online at a later date, then the matter was not pursued further. While, most RTI applications were responded to, a few instances are worth mentioning.

- Occasionally, replies from some of the SCZMAs were received much after 30 days of filing the RTI application, and also post filing the first appeal, but had a date that fell within the mandated initial 30 days reply period.
- Some matters were left unresolved. For example, while the reply to the query about the Andhra Pradesh CZMA's budget gave a figure for annual expenditure on paying sitting fees, the RTI application that had specifically asked about sitting fees received a reply saying that the question "does not arise". Though follow up for trying to resolve this discrepancy was done through a hard copy letter and also telephonically, the confusion was not sorted out.
- After enquiring about the sitting and scrutiny fees in the case of Gujarat, the Gujarat SCZMA informed us that our application had been forwarded to the Gujarat Maritime Board (GMB) as they had the requisite information. However, when an appeal was filed regarding incomplete provision of information with the GMB, it directed us to file the appeal with the GCZMA as the information pertains to the GCZMA. In light of this, an appeal was then filed with the appellate authority of the GCZMA. The GCZMA replied saying that the first appeal needed to be filed with the concerned organisation i.e. the GMB. Yet another appeal to the GMB was then made. Despite three appeals to the two different authorities, information regarding the sitting fees was not received. It is worth noting here that while the office of the GCZMA is housed in the environment department, meetings of the GCZMA take place in the office of the GMB and GCZMA has involved GMB in verification of a number of cases of violations. This case highlights the overlap between the role of the two organisations in the implementation of the CRZ Notification and the confusions it may create for the general public.

Data analysis: The report has relied on mixed methods for data analysis. The responses to the open ended questionnaire as well as the text of the meetings' minutes were interpreted qualitatively and analysed for trends and patterns.

All the minutes of the CZMA meetings were analysed on the basis of the three main roles they are expected to perform: the zonation of coasts as per the CZMP, the regulatory function that involves approvals and compliance and the conservation function.

KEY OBSERVATIONS FROM MEETINGS' MINUTES

- Across states, in recent times the meetings' minutes have become more voluminous. An exception though is Goa, where the meetings' minutes do not have as many cases of violations discussed in the year 2014 as in its initial meetings and hence the minutes have become shorter.
- Some states such as Gujarat, Karnataka and Tamil Nadu report in their meetings' minutes, on actions taken on the decisions taken in the previous meeting.
- Proposals concerning reconstruction or repair of already existing structures and housing projects are largely not discussed in the meetings' minutes of Gujarat, Odisha and West Bengal. Meanwhile, they contribute considerably to the total number of projects discussed in the meetings' minutes of Kerala, Maharashtra, Goa, Karnataka and Tamil Nadu (for details, see Annexure 1).
- Court cases [High Court (HC) and NGT] have been discussed a number of times while deliberating on cases of violations in the meetings' minutes of Kerala and Goa.
- At times, the title or name of the same agenda item or the same project proposal is not consistent across meetings' minutes. This makes tracking progress of project proposals difficult. Also, there have been instances when important information such as CRZ sub-zone (I, II, III or IV) and name of the proponent is missing. There may also be cases when site visits, although conducted, have not been discussed in the meetings' minutes and hence are not accounted in our calculations.
- Across states, different SCZMAs record meetings' minutes in a different manner and some have changed the minutes recording format over time. However, there are some observations: Maharashtra categorises them on the basis of the kind of matters (court cases, government proposals, policy decisions, etc.), Goa categorises project proposals on the basis of the zone they seek to be set up in and the kind of activity and Tamil Nadu, West Bengal and Odisha do not categorise them. States like Goa and Odisha keep matters not fitting as project proposals and violations, under 'Other matters'.

Quantitative analysis was done for the rate and process of approvals of projects by SCZMAs and the number of violations registered by SCZMAs. All of these were quantified on the basis of coding done by us for these activities. These project approvals are based solely on the information provided in the minutes of the meetings. It is likely that all such cases were not documented in them. Regarding violations, we have also provided the number of violations as listed by some of the SCZMAs on their respective websites, as reported by the SCZMAs to NCZMA in June 2013 and as obtained by us through RTI applications. These numbers do not necessarily match.

A comparative analysis has been presented for data from the SCZMAs on the frequency of meetings, their composition, other administrative arrangements for the functioning of office, performance of CRZ related tasks like preparation of CZMPs and conservation activities.

A classification of topics discussed during the CZMA meetings was also done. Based on coding, a comparative analysis was done for the frequency of the topics discussed by the CZMAs. For this purpose, while all available minutes of the meetings (from January 2003 to June 2013) of the NCZMA were considered, the minutes of the meetings of all SCZMAs during the years 2010 and 2013 were analysed. We chose these years for a few reasons.

To give the most recent representation of SCZMA functioning, we chose 2 years from the last 5 years. We consciously also chose one year before and one year after the CRZ Notification, 2011 came into effect. We also had access to all minutes of meetings for all SCZMAs (except Maharashtra in 2010) for these two years.

A binding constraints analysis was carried out on the data collected through the interviews to understand the three most challenging problems that the CZMA members felt must be tackled, for CZMAs to function better.

The results of the study are presented in a question and answer form in this report.

Limitations: As stated in earlier sections, the limitations of undertaking such an exercise are inherent in the sources of data. The storage and retrieval of archived meetings' minutes of the CZMAs since 1996 is varied. Official documents, unless copies are provided to researchers who file RTI applications, are impossible to access as no library of such material is maintained.

We chose to study the functioning of CZMAs for the entire period of their existence rather than focus on a shorter period of time or a particular range of CZMA functions or a single SCZMA. Focussed and smaller studies may have resulted in more in-depth information. However, we chose to develop a bird's eye view of CZMAs since this is the first study on the subject. Subsequent research projects in this area will benefit immensely from the data generated through our study.

The study did not interview stakeholders, like the petitioners in the court cases pertaining to CRZ issues, coastal communities, Non Governmental Organisations (NGOs) and local bodies working on these issues to understand the experience of implementation of the CRZ Notification. This study focusses largely on how CZMAs have implemented the various functions laid out in the CRZ Notification and how they have interpreted clauses that are open ended. The limitations of the questionnaire as a tool for data gathering are only too well known to the researchers. Several interviewees, especially government officials did not have enough time to complete the interview. We were also unable to conduct interviews with the CZMA members of Andhra Pradesh, Maharashtra and West Bengal due to various logistical reasons. Despite these shortcomings, we believe this study has finally opened the window to the functioning of the single institution for coastal regulation in the country. We believe this report will form a useful basis for future studies and research on coastal environmental regulation and the institutions empowered to carry out the task. The report will serve as an important tool for policy makers, NGOs and coastal communities who have been engaged in advocacy for better planning and regulation of the coastal environment.

CHAPTER 1: INSTITUTIONAL ARRANGEMENTS

1. Which are the institutions responsible for the implementation of the Coastal Regulation Zone (CRZ) Notification?

The three institutions responsible for the implementation of the CRZ Notification are:

- i) **The National Coastal Zone Management Authority (NCZMA)**
- ii) **State/Union Territory Coastal Zone Management Authorities (SCZMAs/UTCZMAs)** in every coastal state and Union Territory (nine SCZMAs in Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Odisha, Tamil Nadu and West Bengal, and four UTCZMAs in Andaman and Nicobar Islands, Daman and Diu, Lakshadweep and Puducherry)
- iii) **District Level Coastal Committees (DLCCs)** in every district that has a coastal stretch and where the CRZ Notification is applicable

2. How were these institutions constituted? Did the CRZ Notification provide for them?

The CRZ Notification, 1991, did not provide for the constitution of these institutions. The Notification, in fact, stated that development activities within the CRZ [barring the ones to be regulated directly by the Ministry of Environment and Forests (MoEF)] are to be regulated by "...the State Government, Union Territory Administration or the local authority as the case may be." The Supreme Court, in April 1996, in an order (see details in the box 'The Supreme Court Directive for Constitution of the NCZMA and SCZMAs'), directed that State Coastal Zone Management Authorities and a National Coastal Zone Management Authority be set up. These were first constituted by the MoEF on November 26, 1998.

The CRZ Notification, 2011 mentions these institutions. In clause 6 (a), power was delegated to the National and State/Union Territory Coastal Zone Management Authorities under the Environment (Protection) Act, 1986, for the implementation of the Notification. Further, clause 6 (c) of the Notification provides for the constitution of District Level Coastal Committees (DLCCs) in all coastal districts. It makes the State/Union Territory CZMA responsible for constituting them.

THE SUPREME COURT DIRECTIVE FOR CONSTITUTION OF THE NCZMA AND SCZMAs

In April 1996, the Supreme Court (SC), in its order in the case of the Indian Council for Environmental Action and the Union of India (WP 664/1993), directed that the Central Government should consider setting up State Coastal Zone Management Authorities in each coastal state and a National Coastal Zone Management Authority.

The above case pertained to the non implementation of the CRZ Notification and the resultant degradation of the coastal ecosystem. While justifying the need for specialised authorities, the Court stated:

"Considering the fact that Pollution Control Boards are not only overworked but simultaneously have a limited role to play in so far as it relates to controlling of pollution for the purpose of ensuring effective implementation of the Notifications of 1991 and 1994, as also of the Management Plans, the Central Government should consider setting up under Section 3 of the Act State Coastal Zone Management Authorities in each State or zone and also a National Coastal Zone Management Authority."

Consequent to the SC's directions, the Ministry of Environment and Forests (MoEF) issued specific appointment orders for the constitution of SCZMAs. While the details about the composition and functions of the Authorities were provided in the appointment orders, the composition was fixed by the MoEF in December 2004 and communicated to the SCZMAs in March 2005 (see details in the answer to question 12). However, it is not known whether the Supreme Court also gave other directions in this regard and on what basis the earlier compositions were decided upon.



Fishing boats at the Tadri port, Uttara Kannada, Karnataka, Kanchi Kohli

CONSTITUTION OF COASTAL MANAGEMENT AUTHORITIES IN TAMIL NADU

The Government of Tamil Nadu, in June 1997, constituted a task force under the Chairmanship of Thiru N. K. K. Periasamy, the then Minister for Handloom at the state level (he was also handling the Environment Pollution Control Portfolio at the time) and respective Collectors of coastal districts at the district level. The task force was to decide the constitution and role/function of the Coastal Zone Management Authority at the state and district level. Further, the task force was to examine the various existing acts and rules and propose amendments to them for effective implementation of CRZ Notification, 1991 and the CZMP of Tamil Nadu (Government Letter No. 27625/EC.III/96-3 dated June 5, 1997). Based on the suggestions of the task force, the Government of Tamil Nadu, in June 1998, constituted Coastal Management Authorities at three levels: state, district and Chennai Metropolitan Development Authority (CMDA) area [GO (MS) No. 163/EC III dated June 9, 1998] under the CRZ Notification, 1991. The state level authority was given an advisory and policy making role and the authorities at the district level and for the CMDA area were responsible for implementation, monitoring and enforcement of the CRZ Notification, 1991 and the approved CZMP. While the SCZMA constituted by the MoEF in November 1998 replaced the State Coastal Management Authority constituted by the State Government, the authorities at the district level and for the CMDA area continued to exist. The composition of the State Coastal Management Authority as constituted by the Government of Tamil Nadu was as follows (source: order dated June 9, 1998, issued by the Government of Tamil Nadu):

- Minister for Handloom, Textiles and Environment Control (Chairman)
- Secretary to Government, Environment and Forest Department (Vice Chairman)
- Secretary to Government, Housing and Urban Development Department
- Secretary to Government, Information and Tourism Department
- Secretary to Government, Public Works Department
- Secretary to Government, Highways Department
- Secretary to Government, Animal Husbandry and Fisheries
- Member Secretary, CMDA
- Director, Department of Town and Country Planning
- Member Secretary, Tamil Nadu Pollution Control Board
- Director of Environment (Convenor)

Compositions of the authorities at the district level and for the CMDA area are given in the subsequent section on DLCCs.

NATIONAL COASTAL ZONE MANAGEMENT AUTHORITY (NCZMA)

3. Is there a desired composition and tenure for the NCZMA?

The CRZ Notification, 2011, states in clause 6 (b) that composition and tenure of the NCZMA has been fixed by the MoEF in terms of orders of the SC. However, these orders could not be located by our research team.

4. What is the current composition of the NCZMA?

The NCZMA is currently a part-time body with mostly ex-officio members. The composition of the current NCZMA (constituted in 2012) is given in Table 1.

TABLE 1: **COMPOSITION OF THE NCZMA**

DEPARTMENT/INSTITUTION/AGENCY	NUMBER
Government Departments	6
Environment (MoEF)	1
Tourism	1
Water Resources (Central Ground Water Board)	1
Urban Development & Town Planning (Town & Country Planning Department, Goa)	1
Agriculture (Director of Fisheries, Ministry of Agriculture)	1
Remote Sensing Agency [Space Application Centre (SAC), Ahmedabad]	1
Bodies specific to Coastal Zone Management	1
Integrated Coastal and Marine Area Management (ICMAM), Chennai (In charge, Coastal Zone Management, MoEF)	1
NGO/Individual (Maharashtra, Kerala and Tamil Nadu)	3
Academic Institutions	2
Oceanography (NIO; IOM, Anna University)	2
Total	12

Source: Constitution order for the NCZMA dated April 16, 2012.

5. What are the responsibilities and powers of the NCZMA?

As per the appointment orders issued by the MoEF in 1998, 2001, 2009, 2011 and 2012, available on the website of the MoEF, the NCZMA has the power to take actions necessary “for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in coastal areas.” It is responsible for the coordination of actions of SCZMAs and for providing technical support and assistance to them when necessary. It has also been authorised by the MoEF to examine proposals received from the SCZMAs and UTCZMAs for:

- Changes and modifications in the classification of Coastal Regulation Zone (CRZ) areas and in the Coastal Zone Management Plans (CZMPs).
- The area specific management plans, Integrated Coastal Zone Management (ICZM) Plans and modifications of the same.

Further, it may advise the Central Government on policy, planning and research and development in relation to the Coastal Regulation Zone management. The NCZMA was also expected to put in place General Planning Guidelines, against which the SCZMAs and UTCZMAs could examine project proposals to be located in the CRZ. This responsibility was added to the Terms of Reference (ToR) of the NCZMA in 2011. However, as of December 2014, the Guidelines were either not prepared or not available in the public domain.

6. How does the NCZMA discharge its responsibilities?

The NCZMA holds periodic meetings with its members and representatives of the SCZMAs. The meetings are called for as and when the need arises. For example, the 22nd and 23rd meetings of the NCZMA were convened because the High Courts of Kerala and Bombay had directed the NCZMA to get involved in cases wherein the decision of the SCZMAs was challenged. The Courts had specified deadlines for the NCZMA to conduct personal hearings in the matters. As per V. Vivekanandan, Ex-Member, NCZMA, there is no fixed frequency for the meetings of the NCZMA. The same inference can also be drawn from Table 2.

TABLE 2: DATES OF THE NCZMA'S MEETINGS*

MEETING NO.	DATE	MEETING NO.	DATE
5	January 6, 2003 and February 26, 2003	17	June 2, 2008
6	June 2, 2003	18	September 15, 2009
7	October 28, 2003	19	January 22, 2010
8	December 5, 2003	20	November 11, 2010
9	May 6, 2004	21	April 19, 2011
10	December 15, 2004	22	May 30, 2011
12	September 8, 2005	23	January 4, 2012
13	February 13–14, 2006	24	January 24, 2012
14	August 8, 2006	25	July 16, 2012
15	March 15–16, 2007	26	November 27, 2012
16	October 30, 2007	27	June 25, 2013

Source: Minutes for meeting numbers one to 17 were received from the MoEF in response to a Right to Information (RTI) application. Minutes for meeting numbers 18 to 27 were obtained from the MoEF's website when accessed between November 2013 and December 2014.

*Minutes for meeting numbers 1 to 4 and 11 were not received.

7. Are the minutes of the meetings of the NCZMA available online?

Since 2009, the constitution orders of the NCZMA stipulate that the agendas and minutes of its meetings and other information be made available on the website of the MoEF. As of December 2014, minutes for meeting numbers 18 to 27, held between September 2009 and June 2013, could be accessed from the website of the MoEF.

8. What kind of support does the NCZMA provide to the SCZMAs?

During its meetings, the NCZMA asks for regular updates from the SCZMAs on important matters such as preparation of CZMPs and identification of violations. While taking note of their progress, the NCZMA also advises the SCZMAs on how to go about these tasks. For instance, in its 22nd meeting in May 2011, the NCZMA advised the Goa CZMA (GCZMA)¹ that the mangroves and sand dunes in the CRZ should be marked on the CRZ maps, which could then be superimposed on the regional plan of Goa for the finalisation of the CZMP. In the same meeting, it advised the GCZMA that the cases of violations may be divided into various categories for uploading on the website.

Largely, the NCZMA plays a coordinating role, overseeing the procedural and technical implementation of the law.

¹ The abbreviation GCZMA or GSCZMA is used officially for both the Goa and Gujarat State CZMAs. Therefore the same convention has been retained in this report.

9. In the NCZMA's meetings, which are the matters concerning coastal regulation that have been discussed the most?

On examination of the minutes of the meetings of the NCZMA, it has been observed that during the NCZMA meetings, the cases referred to it by the SCZMAs have been discussed most frequently. A large number of these are to do with reclassification of sub-zones of the CRZ (I, II, III and IV) (for details see the answer to question 1 in Chapter 2). The Maharashtra SCZMA followed by the Andhra Pradesh SCZMA has referred the maximum number of cases of reclassification to the NCZMA. Procedural matters such as finance and administration are also discussed as and when they are brought up by the SCZMAs (for more details see Table 3 and Annexure 8).

Agenda items discussed over a span of 27 meetings² were grouped under various subheads and counted, to find out which category was discussed the maximum number of times.

TABLE 3: FREQUENCY OF MATTERS DISCUSSED IN THE NCZMA'S MEETINGS

MATTER UNDER DISCUSSION	NUMBER OF TIMES DISCUSSED
Appraisals	6
Reclassification	73
Violations	12
CZMP (includes ICZM/CZM and HTL demarcation)	32
Conservation	6 (matters concerning Andaman & Nicobar Islands were discussed 5 times)
Review of functioning of the SCZMAs	1
Procedural matters (includes administrative and financial matters)	6
Miscellaneous (for details see Annexure 8)	21
Total	157

Source: All minutes of NCZMA's meetings procured through an RTI application (dated November 20, 2013) and the MoEF's website (as of December 2014).

10. Do matters concerning project approvals reach the NCZMA? If yes, how?

As per the CRZ Notification, 2011, matters pertaining to project approvals do not reach the NCZMA. However, in practice, the NCZMA discusses individual project proposals on rare occasions. This information was confirmed by V. Vivekanandan, South Indian Federation of Fishermen Societies (SIFFS), Thiruvananthapuram, who was a member of the NCZMA from February 2011 to December 2011. It has been observed that the High Courts of Kerala and Bombay have been referring certain cases concerning project proposals to the NCZMA. In one such instance, in respect to a case that had challenged the decision of the Kerala CZMA (KCZMA),³ the Court had directed the NCZMA to grant a hearing to the parties.⁴

11. Who is responsible for arranging finances and other resources for the NCZMA?

Neither the CRZ Notification, nor the constitution orders issued by the MoEF say anything about the availability of funds, staff, infrastructure or any other resources for the NCZMA. In an interview response,⁵ V. Vivekanandan, Ex-Member, NCZMA, highlighted that the NCZMA has always faced resource crunch in terms of staff, infrastructure and funds, especially due to its part-time nature. He said, "It (NCZMA) is not really an independent body... It is an authority, but it is functioning like a committee. There is nobody fully responsible for it."

² Minutes for five meetings were missing from the set of minutes received from the MoEF in reply to the RTI application filed.

³ The abbreviation KCZMA or KSCZMA is used officially for both the Kerala and Karnataka State CZMAs. Therefore the same convention has been retained in this report.

⁴ An order was passed by the Kerala SCZMA in September 2010 against a construction in the CRZ. The owner of the construction filed a petition in the High Court of Kerala (WP 31146/2010), which directed the NCZMA to pass an order in the matter after providing a hearing to the persons concerned- the KCZMA and the petitioner in this case. The NCZMA, after hearing and deliberating on the case in its 22nd meeting, stood by the decision of the KCZMA.

⁵ Interview carried out on March 2, 2012.

STATE COASTAL ZONE MANAGEMENT AUTHORITIES (SCZMAs)

12. Is there a desired composition of the SCZMAs? If yes, who sets it?

Yes, there is a desired composition of the SCZMAs. Details procured through a Right to Information (RTI) application, as part of this study, highlight that the composition of the SCZMAs was decided in a meeting of the NCZMA held on December 15, 2004. As per the decision, "The composition of SCZMAs should include 1 NGO (by name), 4 experts (by name) and 5-6 ex-officio members from the various Departments viz Department of Environment, Urban Development, Fisheries, Industry, Pollution Control Board, local bodies." Other than this, it was decided that the Secretary and Director of the Department of Environment of the concerned state will function as the Chairman and Member Secretary of the SCZMA, respectively. The Member Secretary of the Pollution Control Board of a state can also be the Member Secretary (MS) of its SCZMA. It was also decided that expert members should be selected based on the guidelines of the MoEF in this regard and the NGOs involved in protection of coastal environment and socio-economic issues "may" also be included.

13. How are the members of the SCZMAs selected?

The composition, as decided in the NCZMA meeting held on December 15, 2004, was communicated by the MoEF to all the SCZMAs in its correspondence of March 31, 2005. Based on this, the state governments shortlist the members and forward the list to the MoEF. This was corroborated by the SCZMA members who were interviewed in 2012. Members from Kerala said that they were nominated by the Kerala State Council for Science, Technology and Environment (KSCSTE) and then the list was forwarded by the Chief Minister of the state to the MoEF.

The MoEF examines the list against its guidelines on selection of expert members for Expert Appraisal Committees (EACs). After review, the MoEF issues final appointment orders. To ensure transparency in decision making, it was decided by the Ministry, in 2009, that biodatas would be sought from the Chairmen and members of various sector specific EACs so that 'conflict of interest', if any, can be ascertained. The same standard was applied to the SCZMAs as well. A draft letter was sent to the Member Secretaries of all SCZMAs and UTCZMAs on November 25, 2009, asking for the biodatas of the members. Till March 31, 2010, only Puducherry, Goa and Andhra Pradesh had submitted the biodatas. The rest of the states were sent reminders in April 2010. This time the MoEF only asked for a confirmation from the members of SCZMAs regarding 'no conflict of interest'. Till June 2010, Tamil Nadu had provided the confirmation, however the rest of the states and Union Territories had still not responded (source: file notings regarding SCZMA constitution received from the MoEF in response to an RTI application).

SCZMAs REQUESTING SPECIFIC NOMINATIONS TO THE AUTHORITY

Tamil Nadu SCZMA, in its 60th meeting, resolved to request the MoEF to nominate B.R. Subramanian, Project Director and Scientist G, Integrated Coastal and Marine Area Management Project, as a member of the Authority in place of Dr. S. Kathirolu, Former Director of the National Institute of Ocean Technology (NIOT). It was decided on the justification that the presence of expert members is required in the Authority meetings, and since the current expert members were missing the meetings of the Authority quite frequently, they should be replaced. It is not known whether the request was accepted.

14. What is the current composition of the SCZMAs?

The current composition of the SCZMAs is given in Table 4.

TABLE 4: CURRENT COMPOSITION OF THE SCZMAs

REPRESENTATION	SCZMA	ANDHRA PRADESH (2013)	GOA (2013)	GUJARAT (2012)	KARNATAKA (2013)	KERALA (2011)	MAHARASHTRA (2012)	ODISHA (2012)	TAMIL NADU (2012)	WEST BENGAL (2012)	TOTAL FOR SCZMAs
GOVERNMENT DEPARTMENTS		6	9	12	10	8	7	10	9	6	77
ENVIRONMENT		2 (DoEFST)	2	2 (Forests & Emt.)	3 (DoFEE)	2 (Emvt., KSCSTE)	2	2 (Emvt. & Forests)	2 (Emvt. & Forests)	2	19
FOREST			1	2	1			2		1	7
LOCAL SELF GOVERNMENT (LSG)			1			1					2
TOURISM			1		1						2
INDUSTRIES			1	1 (Industry & Mining)	1	1	1				5
WATER RESOURCES			1						1 (GWB)		2
PUBLIC WORKS			1								1
URBAN DEVELOPMENT & TOWN PLANNING				2	1		1	1	1	1	7
FISHERIES				1	1	1	1	1	1	1	7
REVENUE		1				1	1				3
AGRICULTURE											
SCIENCE & TECHNOLOGY						1					1
MARITIME BOARD				1							1
POLLUTION CONTROL BOARD		1		1	1	1		1	1		6
REMOTE SENSING AGENCY		1		2	1			1			5
STATE BIODIVERSITY BOARD			1								1
MUNICIPAL CORPORATION							1		1		2
SUNDARBAN AFFAIRS										1	1
CHILIKA DEVELOPMENT AUTHORITY								1			1
ICMAM, CHENNAI		1						1	1		3
NATIONAL INSTITUTE FOR SUSTAINABLE COASTAL MANAGEMENT									1		1
NGO/INDIVIDUALS		1	1	1	1	1		1	1	1	8
ACADEMIC INSTITUTIONS		3	2	2	2	3	5	2	2	1	22
OCEANOGRAPHY		2	1				1				4
MARINE BIOLOGY		1	1			1		1			4
FISHERIES					1	1	1				3
BOTANY					1						1
MARINE CHEMICALS				1							1
GEOLOGY				1		1 (CESS)	1 (CESS)	1		1	5
TECHNOLOGY							1				1
APPLIED SCIENCE							1				1
REMOTE SENSING									1		1
ENVIRONMENT									1		1
Total		10	12	15	13	12	12	13	12	8	107

Source: The latest appointment orders issued by the MoEF post the CRZ Notification, 2011.

DoEFST - Department of Environment, Forests, Science and Technology
DoFEE - Department of Forests, Ecology and Environment

KSCSTE - Kerala State Council for Science, Technology and Environment
GWB - Ground Water Board

CESS - Centre for Earth Science Studies

The comparison highlights that the membership of the Department of Environment is the one common factor between all the SCZMAs. In most instances, the representatives of the Department of Environment act as the Chairmen and Member Secretaries of the State Authorities. This holds true for all SCZMAs, except for Kerala where the Principal Secretary, Department of Science and Technology and Member Secretary, KSCSTE are the Chairman and Member Secretary, respectively. The data also reveals that since the maximum number of members are holding full time positions in other government departments, institutes or universities, the SCZMAs largely function as part-time bodies.

15. Which states have complied with the composition requirements for the SCZMA as decided in the NCZMA's meeting in 2004?

None of the states have complied with the composition requirements in full.

- Maharashtra does not have an NGO representative.
- All remaining states have less than four expert members.

16. What do the members feel about the composition of the SCZMAs?

In response to the interview questions, almost all the interviewed members felt that the composition of the SCZMA is balanced, and they expressed their satisfaction regarding the quality of discussions. Only one member (from Andhra Pradesh) noted that more representation of scientists is needed in the Authority.

17. Where are the current SCZMAs housed?

The SCZMAs have mostly been housed in the offices of the Department of Environment, possibly because representatives of the Department of Environment of the states have almost always been Chairmen of the respective SCZMAs. Details are given as follows:

Andhra Pradesh: The Department of Environment, Forest, Science and Technology, Hyderabad

Goa: The Department of Science, Technology and Environment, Bardez

Gujarat: The Department of Forests and Environment, Gandhinagar

Karnataka: The Department of Forests, Ecology and Environment, Bengaluru

Kerala: The Kerala State Council for Science, Technology and Environment, Thiruvananthapuram

Maharashtra: The Department of Environment and Energy, Mumbai

Odisha: The Department of Forest and Environment, Bhubaneswar

Tamil Nadu: The Department of Environment and Forests, Chennai

West Bengal: The Department of Environment, Kolkata

18. How has the composition of SCZMAs varied over the years since inception?

A comparison of the composition of the SCZMAs across time (see Annexure 6) highlights that the number of members has increased with each reconstitution. The increase has largely been related to bringing on board more government departments. However, no change has been observed in the total number of members after the CRZ Notification of 2011, except in the case of West Bengal. Having stated this, it should be noted that several government departments became part of the SCZMAs only after the CRZ Notification, 2011. Some observations from the tables in Annexure 6 on constitution of SCZMAs across time are as follows:

PRESENCE OF SPCBs

Departments such as the State Pollution Control Board (SPCB) and the Department of Forests and Environment have always been part of the SCZMAs as their representatives are usually the Member Secretary and Chairman of the Authority. However, the West Bengal Pollution Control Board (WBPCB) was dropped during the latest (2012) constitution of the WBSCZMA. Similarly, in the case of the Goa SCZMA, the PCB has never been a member any time since its inception.

PRESENCE OF INSTITUTIONS

Post the Notification of 2011, the Odisha Space Application Centre has been included for the first time in the Odisha SCZMA, and the National Institute of Oceanography (NIO) has been included for the first time in the Maharashtra SCZMA. Perhaps this was done keeping in mind the requirement of preparation of the new CZMPs. Interestingly, the Shore Area Development Authority has been removed from the Andhra Pradesh SCZMA after the CRZ Notification, 2011 came into existence. It is important to note that the Shore Area Development Authority was involved in the preparation of the CZMP for the state in 1996.

PRESENCE OF THE SBBs

The Goa State Biodiversity Board (SBB), which was constituted in August 2012, was introduced into the Goa SCZMA after the CRZ Notification of 2011. This was done when the Authority was reconstituted in July 2013 (the constitution prior to this was in April 2010, when the SBB was not in existence).

REPRESENTATION OF THE FISHERIES SECTOR

Fisheries is the prime occupation of the people living on the coast. However, the Department of Fisheries has not been represented in the SCZMAs of Goa and Andhra Pradesh any time in the past or now. While the Andhra Pradesh SCZMA has representation from the College of Fisheries, the Goa SCZMA has not even had any academic institution representing the sector.

NGO REPRESENTATION

The representatives from NGOs came on board in most of the SCZMAs when they were constituted after the order of the MoEF (regarding the composition of SCZMAs), in 2005. However, the West Bengal SCZMA got an NGO representative only in 2012, after the CRZ Notification of 2011. The NGO Goa Foundation was dropped from the Goa SCZMA during its reconstitution in 2013. This is a significant development as Goa Foundation was instrumental in pushing the State Government to prepare and submit its CZMP well before the other states in 1992. It has also been involved in a number of cases challenging illegal development activities on the Goa coast.

MISCELLANEOUS

The West Bengal Forest Department was found in the composition orders of the Karnataka and Odisha SCZMAs in 2002. As it was neither repeated in the subsequent SCZMAs of either state nor seen in the previous compositions, perhaps it is a typing error.

19. What are the functions of the SCZMAs?

As per clause 6 (b) of the CRZ Notification, 2011, SCZMAs are to ensure the implementation of the provisions of the CRZ Notification. While this is the broad mandate of the SCZMAs, the appointment order issued by the MoEF is the official document that functions as the Terms of Reference for the appointees. Table 5 lists the functions of the SCZMAs and administrative details as stated in the appointment orders issued by the MoEF post the CRZ Notification, 2011 coming into effect.

TABLE 5: FUNCTIONS OF THE SCZMA_s AND ADMINISTRATIVE DETAILS, AS FIXED BY THE MoEF

STATE	ANDHRA PRADESH (JULY 2013)	GOA (JULY 2013)	GUJARAT (OCTOBER 2012)	KARNATAKA (JULY 2013)	KERALA (DECEMBER 2011)	MAHARASHTRA (MARCH 2012)	ODISHA (MARCH 2012)	TAMIL NADU (JANUARY 2012)	WEST BENGAL (JUNE 2012)
DETAILS									
FUNCTION									
Examination of proposals for change in CRZ areas & making recommendations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Inquiry into cases of alleged violations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Review of cases involving violations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Filing complaints in cases of non-compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Taking action to verify violations & request for change in CRZ areas	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dealing with environmental issues related to CRZ	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Identification of Ecologically Sensitive Areas (ESAs) & preparation of area-specific management plans	Yes	Yes	Yes	Yes		Yes	Yes		Yes
Implementation of projects related to conservation and betterment of coastal communities		Yes	Yes			Yes	Yes		Yes
Identification of areas vulnerable to erosion & degradation & preparation of area-specific management plans	Yes	Yes	Yes	Yes		Yes	Yes		Yes
Identification of economically important stretches & preparation of Integrated Management Plans	Yes	Yes	Yes	Yes		Yes	Yes		Yes
Ensuring compliance with all conditions of the approved CZMP	Yes	Yes	Yes	Yes		Yes	Yes		
Reporting to the MoEF every six months	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maintaining its bank account	Yes	Yes	Yes	Yes		Yes	Yes		Yes
Taking necessary measures such as training, awareness creation, raising funds, etc.		Yes	Yes			Yes	Yes		Yes
Preparation of CRZ maps		Yes	Yes			Yes	Yes		Yes
Reviewing the functioning of DCZMC (District Coastal Zone Management Committee)		Yes	Yes			Yes	Yes		Yes
Directing all concerned authorities, bodies, etc. to ensure compliance with the CRZ Notification		Yes	Yes			Yes	Yes		Yes
Inviting experts for the meetings		Yes	Yes			Yes	Yes		Yes
Levying of scrutiny fee as per the 'polluter pays' principle		Yes	Yes			Yes	Yes		Yes
Processing the matters and proposals referred to it		Yes	Yes			Yes	Yes		Yes
Powers of issuing directions are delegated to the Authority/Chairman		Yes	Yes			Yes	Yes		Yes
Maintaining transparency & creating a dedicated website		Yes	Yes		Yes	Yes	Yes	Yes	Yes
Examination of project proposals against CZMP & CRZ					Yes			Yes	
Regulation of all developmental activities					Yes			Yes	
ADMINISTRATIVE DETAILS									
State Government to constitute District Level Committees to assist the SCZMA in enforcing & monitoring implementation of the Notification					Yes			Yes	
State Government to ensure manpower, resources & funds to the SCZMA		Yes	Yes			Yes	Yes		Yes
Pay & allowances such as sitting fee, TA, DA, etc. as per the norms decided by the Central Government		Yes	Yes			Yes	Yes		Yes
Matters not falling within the scope of the Authority to be dealt with by a statutory authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Change in powers & functions of the Authority is subject to the supervision and control of the Central Government	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Quorum	2/3 rd	2/3 rd	1/3 rd	2/3 rd		1/3 rd	1/3 rd		1/3 rd
Authority's headquarters	Hyderabad	Bardez	Gandhinagar	Bengaluru	Thiruvananthapuram	Mumbai	Bhubaneswar	Chennai	Kolkata

Source: The latest appointment orders issued by the MoEF post the CRZ Notification, 2011.

Table 5 shows that the activities that are common across all states are the examination of proposals for change in CRZ areas, inquiry into, review of and taking action on cases of violations and filing complaints in cases of non-compliance. The functions such as identification of ESAs, areas prone to erosion and economically important stretches are common to most of them, with the exception of Tamil Nadu and Kerala. These are also the two states wherein, ensuring compliance with all conditions of the CZMPs does not feature as a function of the SCZMA.

The appointment orders for Tamil Nadu and Kerala are particularly different as they get their clauses directly from the CRZ Notification and therefore the functions are generic in nature such as regulation of all development activities, examination of project proposals and constitution of District Level Committees (DLCs). Tasks such as preparing CRZ maps and reviewing the functioning of DCZMC appear in the order for Goa but are missing from the orders for Karnataka and Andhra Pradesh. These tasks are listed in the orders for the other states such as Gujarat, West Bengal, Odisha and Maharashtra. The information in Table 5 also reveals that the implementation of conservation projects and projects related to the improvement of livelihoods of coastal communities do not feature in the appointment orders of Karnataka, Kerala, Tamil Nadu and Andhra Pradesh, which make up the southern coast of India.

It would be critical to understand the processes that have led to these differences in detailing the functions and priorities of the various SCZMAs.

20. What do the CRZ Notification and/or the appointment orders for the SCZMAs ask from the SCZMAs to ensure transparency? What is the status of compliance across states?

Clause 4.2 (vi) of the CRZ Notification, 2011 requires each SCZMA to create a dedicated website to maintain transparency in their working. It mandates that the agenda for upcoming meetings, minutes of the meetings held, decisions taken, clearance letters, record of ongoing violations, action taken on violations, action taken on court matters, relevant court directions and orders, and the CZMPs are to be uploaded and made available to the public. The status of compliance is as follows:

Of the nine states that were studied, three states (Andhra Pradesh, Goa and Tamil Nadu) did not have independent websites till December 2014.

Andhra Pradesh SCZMA has not made the minutes of its meetings available online, except for one meeting.

Andhra Pradesh and Gujarat have not provided the approved CZMPs on their websites or associated web pages.

Odisha is the only SCZMA that has made space available on its website for information on clearances granted by it. However, nothing was uploaded till December 2014.

Information regarding violations has not been provided by Kerala, Tamil Nadu, Goa and Andhra Pradesh SCZMAs.

Only Maharashtra has provided information on court matters. Gujarat and Odisha have provided space on their websites for it but the information is yet to be uploaded.

Further details are given in Table 6.



Gujarat Coastal Zone Management Authority

GCZMA

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To promote development in a sustainable manner

based on scientific principles, taking into account the dangers of natural hazards in the coastal areas and sea level rise due to global warming...



[Post Agenda](#)



[Minutes of Meeting](#)



[Decisions Taken](#)



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[Violations & Action](#)



[Court Matters](#)

Welcome to Gujarat Coastal Zone Management Authority

With a view to ensure livelihood security

The Central Government, with a view to ensure livelihood security to the fisher communities and other local



Register your Grievances

Home page of the Gujarat SCZMA's website

Karnataka State Coastal Zone Management Authority

KSCZMA (Constituted by MOEF India)

- [Notifications](#)
- [The Authority](#)
- [CZMP](#)
Karnataka Coastal Zone Management Plan
- [Meetings](#)
- [Application Forms](#)
- [Right to Information](#)
- [Related Web Sites](#)
- [Contacts](#)
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Karnataka State Coastal Zone Management Authority

Karnataka State Coastal Zone Management Authority has been constituted by the Ministry of Environment and Forests, Government of India in exercise of the power conferred by sub-section (1) and (3) of section (3) of the Environment (protection) Act, 1986. The Authority has the mandate to take measures for protective and improving the quality of the coastal environment.

Home page of the Karnataka SCZMA's website

TABLE 6: STATUS OF THE SCZMAS' WEBSITES

STATES	AVAILABLE INFORMATION	MEETINGS' MINUTES	MEETING AGENDA	CZMP		PROJECT CLEARANCES	DLC	VIOLATIONS		DECISIONS TAKEN	COURT MATTERS	ACCESS TO PUBLIC/GRIEVANCE REDRESSAL	OTHER
				APPROVED	DRAFT			LIST	ACTION TAKEN REPORT				
ANDHRA PRADESH (a link to the APCZMA meetings' minutes & agendas on the website of APPCB)	No	Agenda of the last meeting available on the website of APPCB (http://www.appcb.ap.nic.in)	No	No	No	No	No	No	No	No	No	No	No
GOA (A webpage linked with the ENVIS website of Goa)	Yes (all provided at http://www.dste.gov.in)	No	Yes (http://goaenvis.nic.in/GSCZMP.pdf)	No	No	No	No	No	No	No	No	No	Composition; constitution orders
GUJARAT (http://www.gczma.org/)	Meeting numbers 20 to 23	Meeting numbers 20 to 23	No	No	No	Yes (constitution order for DLC)	Space provided, but no violations have been listed	Space provided, but no action taken reports have been uploaded	Yes	Space provided, but no information uploaded	Form provided for registering complaints; office address, email address & phone number are provided	Composition; Notification; agencies for demarcation of HTL & LTL (www.dste.gov.in)	
KARNATAKA (http://www.ksczma.kar.nic.in/)	Yes (January 2009 to March 2014)	No	Yes (maps & a write-up are provided)	CRZ maps available	No	No	Link available, but no information uploaded	No	Yes (compliance status of the latest meeting's proceedings is available)	No	Seeks feedback on CRZ maps & comprehensive plan for Udupi & provides correspondence address for it; office address, phone number & email address of Principal Secretary to Government & Special Director, Department of Forest, Ecology & Environment are given	Composition and latest constitution order; application forms; notifications; reports on compliance with the decisions taken in the previous meetings	
KERALA (http://www.kerenvis.nic.in/Database/Coastal_and_Environment_1204.aspx)	Meeting numbers 28 to 38 (links can be accessed only on signing up with the website)	Meeting numbers 28-45 (links can be accessed only on signing up with the website)	CZMP maps are available (http://www.kerenvis.nic.in/Database/Coastal_and_Environment_1204.aspx)	CZMP for Kochi, Kollam and Thiruvananthapuram (available on the Government of Kerala's website)	No	No	No	No	Yes (office memorandum-links can be accessed only on signing up with the website)	No	Phone & fax numbers & office address of MS are given	Composition of the Authority; CRZ Notification, 2011; application forms; FAQ; clearance procedure	
MAHARASHTRA (https://mczma.maharashtra.gov.in/index.html)	Meeting numbers one to 93	Meeting numbers 48 to 94	Link available, but no information uploaded	No	No	Yes (constitution order for DCZMC & TLCMC; links to the minutes of DCZMCs' meetings)	Yes	Yes	Yes (circulars, letters, orders & notifications)	Yes (list & status update)	Correspondence address provided for complaints & suggestions; email address provided for contacting the SCZMA	Application forms seeking clearance; list of RTI applications filed; CRZ related reports; central notifications; news & articles related to MCZMA	
ODISHA (http://sczmaorissa.org/index.html)	Meeting numbers one to 23	No	Yes	No	Link available, but no information uploaded	No	Link available, but no information uploaded	No	No	Link available, but no information uploaded	Provision for creating an email account with the webpage; general office address, phone & fax numbers are given	Application procedure; constitution order	
TAMIL NADU (A webpage linked with the website of Department of Environment, Tamil Nadu)	Yes	No	Available on the Government of Tamil Nadu's website	CRZ maps available (http://www.environment.tn.nic.in/iczmp-maps1.html)	No	No	No	No	No	No	No	Information on the CRZ Notification, 2011	
WEST BENGAL (http://www.wbsczma.gov.in/main/)	Yes	No	Yes	No	No	Yes (constitution order for DLC)	Available for Mandormani & Sundarbans areas	No	No	No	Email address with a form is provided for complaints & suggestions; phone numbers of Additional Chief Secretary & MS & fax number & email address of MS are provided	Information on CRZ sub-zone (I, II, III or IV); Notification; coast of West Bengal; clearances granted; composition (past & current); functions of the Authority	

Source: Websites/webpages of the SCZMAS (links provided in the table). This status is as of December 2014.

21. How do the SCZMAs perform their functions?

SCZMAs hold meetings periodically to discuss the various aspects of implementation of the CRZ Notification. In these meetings, the SCZMAs discuss proposals for projects seeking to set up in the CRZ, cases of violations, reports of any site visits and field inspections, revisions to and preparation of CZMP, demarcation of conservation areas and procedural and administrative matters.

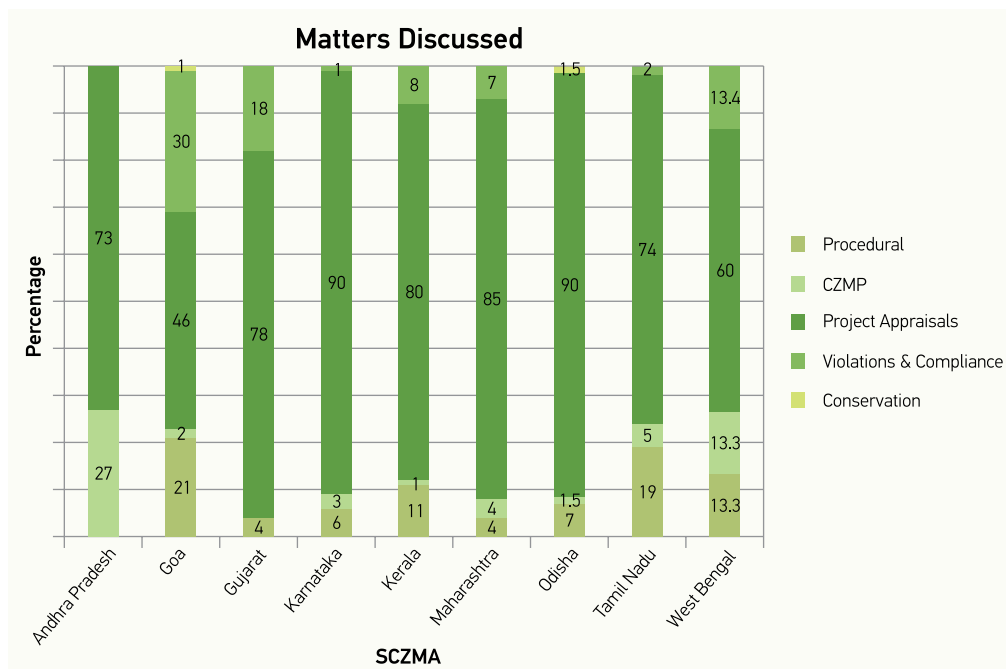
22. In SCZMA meetings, which are the matters that have been discussed the most?

To arrive at a frequency distribution of various matters, minutes of the SCZMA meetings from 2010 and 2013 were analysed. Matters were clubbed under five categories (see further details in Annexure 9):

- i) Procedural: procedures, guidelines and administrative issues
- ii) CZMP: CZMP, zonation and reclassification
- iii) Project appraisals
- iv) Violations
- v) Conservation: conservation, Ecologically Sensitive Areas (ESAs), Critically Vulnerable Coastal Areas (CVCAs), mangrove plantation, forestry, awareness building, education and training

Graph 1 depicts the frequency (in percentage) of matters discussed in the SCZMAs' meetings.

GRAPH 1: FREQUENCY OF MATTERS DISCUSSED IN THE SCZMAs' MEETINGS (IN PERCENTAGE)



The frequency is calculated in percentage in relation to the total number of agenda items in SCZMAs' meetings.
 Source: All available minutes of SCZMAs' meetings from 2010 and 2013.

23. Do the CRZ Notification or the appointment orders for the SCZMAs mandate a quorum for meetings? Do the SCZMAs comply with it?

Most of the appointment orders (except for Tamil Nadu and Kerala) for the establishment of the State Coastal Zone Management Authorities mandate that a certain number of members from the total (quorum) be present for the meetings held by the Authority. The quorum required for a meeting is two thirds (of the total members) for Goa, Karnataka and Andhra Pradesh and one third for Gujarat, West Bengal, Odisha and Maharashtra. As per the minutes, all the SCZMA meetings have recorded the required quorum in all the meetings held to date. However, in SCZMAs such as Tamil Nadu where the desired quorum is not

stipulated in the appointment order of the Authority, absence of certain members has created difficulty in the conduct of meetings. The matter was discussed in the 58th meeting of the TNSCZMA and the members were requested to make it convenient to attend the meetings without fail.

24. Are the ex-officio members able to attend the Authority meetings? How does it affect the functioning of the Authority?

The interviews carried out as part of this study with members of various SCZMAs revealed that ex-officio members rarely attend the meetings; instead their representatives are present. Mostly, these representatives do not remain constant across meetings and this affects the decision-making process. To resolve this issue, in the 56th meeting on May 20, 2013, the Kerala SCZMA decided that all ex-officio members would be requested to nominate the same officers, as far as possible, from the same department (as appointed the first time), in case the member is unable to attend the meeting. The interviews also revealed that administrative hierarchies come in the way of formal SCZMA functioning and perhaps is one of the reasons for the ex-officio members not attending the meetings. In one state, the official sources (who requested anonymity) revealed that the Chairman of the State PCB never attended the SCZMA meetings, as the meetings were convened by the Member Secretary who was a lower ranking official.

25. Do the CRZ Notification or the appointment orders fix a minimum frequency for the SCZMAs' meetings?

Neither the Notification, nor the appointment orders specify anything on the frequency of the SCZMA meetings. It has been left to the discretion of the SCZMAs. The analysis based on the available minutes of the meetings (through RTI applications and SCZMA websites) reveals that the frequency of meetings varies across SCZMAs.

The **Tamil Nadu** SCZMA has had 76 meetings till March 2014 since its first meeting in February 1999. In 1999 it had eight meetings and in 2000 it had seven meetings. These numbers came down to three in 2001 and continued at three till 2003. From 2004 till 2013, the number of meetings in a year has varied between one to seven.

The **Gujarat** SCZMA has had one meeting a year starting from 1999 to 2010 (except in 2001, 2006 and 2009). After the CRZ Notification, 2011, the number of meetings has increased and has been two, three and four in 2011, 2012 and 2013 respectively. In total 21 meetings have taken place till March 2014.

The number of meetings the **Goa** SCZMA has had in a year has varied from one in 2001 to 20 in 2013. The number of meetings held in 2007, 2008 and 2011 was also quite high. It should be pointed out here that in May 2008, the Goa SCZMA constituted a four-member subcommittee, which has been meeting in the period between two meetings of the Authority. These subcommittee meetings have also been counted as Authority meetings since May 2008. Several times in the past the Goa SCZMA conducted personal hearings on violations and examined project proposals for approvals through its subcommittees⁶ instead of having full meetings. It has been corroborated by the Goa Authority members as well (in their interview responses in 2012) that during the past few years SCZMA meetings with full attendance have not been held. Between April 1999 and March 2014, the Goa SCZMA and its subcommittee had together met 100 times.

The **Kerala** SCZMA has had two to eight meetings in a year between January 2000 and March 2014.

⁶ The National Green Tribunal (NGT) had objected to this delegation of powers by the Goa SCZMA in its appeal No. 62 of 2012. While responding to another appeal (No. 63 of 2012) the NGT recommended the formation of smaller committees that could aid with enquiring into matters to alleviate the burden of numerous cases to deal with (more details in Annexure 10).

The **Maharashtra** SCZMA has met 89 times till March 2014.

The **Karnataka** SCZMA has met 13 times since 2009. The KSCZMA has on an average met twice a year between January 2009 and September 2013. However, in 2014, till March, it had already met thrice.

The **Odisha** SCZMA has met at least once a year since 1999, except in 2001 and 2002 when no SCZMA was constituted. Since its reconstitution in 2003, the OSCZMA has had at least one meeting a year.

The **Andhra Pradesh** SCZMA has been meeting on an average twice a year since 2002. However, it is not known if the Authority met in 2000, 2001 and 2009. Perhaps there was no APSCZMA in these years due to delay on the part of the MoEF in reconstituting the body.

The **West Bengal** SCZMA has met 24 times between April 1999 and March 2014 and has met at least once a year except in 2000, 2001 and 2008 when it is not known if met or not. It may be a mere coincidence that the three states for which meetings did not take place in two consecutive years are from the east coast.

The frequency of meetings held by the SCZMAs, from when they were first constituted in 1999 till March 2014, is represented in Table 7.



Salt production, Kanchi Kohli

TABLE 7: NUMBER OF MEETINGS HELD BY THE SCZMAs TILL MARCH 2014

SCZMA \ YEAR	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	MARCH 2014	TOTAL								
ANDHRA PRADESH	1			2	2	3	2	1	2	1		3	2	3	1	1	24								
GOA	3	4	1	2	3	8	3	2	1	11	9	5	5	9	10	20	4	100							
GUJARAT	1	1	0	1	1	1	1	2			1	0	1	2	3	4	1	21*							
KARNATAKA																		13							
KERALA		1	2	1	2	1	2	2	1	2	1	4	1	3	1	3	6	8	8	8	8	1	62		
MAHARASHTRA																						2	8	3	89
ODISHA	1	1	0	0	1	1	2	2	1	1	1	2	4	1	3	1	1	23							
TAMIL NADU	7	1	7	3	3	5	6	5	4	4	7	7	2	6	5	1	76								
WEST BENGAL	2			1	1	5	1	1	2		3	1	1	1	3	2	24								

Meeting held, minutes not available
 It is not known if any meeting was held in this year

* Total includes one additional meeting for which the date is not known.

26. How are the minutes of the SCZMAs' meetings recorded? Are they as per the specifications (if any) provided in the CRZ Notification and appointment orders?

The Notification and the appointment orders for the SCZMAs do not mandate any specific procedure to record the minutes of the meetings. The general practice across SCZMAs has been to produce written minutes to record the proceedings of the meetings.

27. Who is responsible for providing funds to the SCZMAs?

Funding has been a critical factor that has influenced the work of the SCZMAs at various points. The CRZ Notification (1991 and 2011) does not say anything on fund allocations to the SCZMAs. However, following the directions of the 1996 order of the Supreme Court, the MoEF, in March 2002, had granted ₹ 5 lakhs to each State Authority and ₹ 3 lakhs to the Union Territory CZMAs of Puducherry and Daman and Diu, to identify violations. This is the only funding that the SCZMAs have received from the Central Government. Apart from this initial allotment by the MoEF, the source and quantum of funding has differed for different SCZMAs. The same has been presented in Table 8. The Table also provides information (for cases in which it could be procured) on how this money has been spent.

TABLE 8: SOURCES OF FUNDING FOR THE SCZMA_s AND DETAILS OF EXPENDITURE

STATE	INTERNATIONAL FUNDING RECEIVED (IN MILLION USD)	SCRUTINY FEE EARNED (DETAILS IN TABLE 9)	FUNDS RECEIVED FROM MoEF (INFORMATION FROM MEETINGS' MINUTES)	FUNDS RECEIVED FROM STATE GOVERNMENT	BUDGET AND EXPENDITURE DETAILS
ANDHRA PRADESH	NA	No ^a	₹ 5,00,000	Not Available	₹ 4.99 lakhs spent on payment of sitting fee cum honorarium & travel expenditure of the members for attending the Authority meetings ^a
GOA	NA	Yes	1. ₹ 5,00,000 2. 2006-07: ₹ 8,56,00,000 ^b	1. 2003-04: ₹ 3,10,57,000 2. 2004-05: ₹ 2,70,00,000 3. 2006-07: ₹ 7,00,000 ^b	1. 'Environment Upgradation of Panaji City-Phase I' 2. 'Environment Upgradation of Panaji City-Phase I' 3. CRZ Panaji City Upgradation ^b
GUJARAT	74.1 (WB-ICZMP*)	Yes	₹ 5,00,000	Not Available	Not Available
KARNATAKA	NA	No ^c	₹ 5,00,000	Not Available	Distributed the amount to the Deputy Conservator of Forests, Dakshin Kannada, Uttara Kannada & Udupi districts for identification of CRZ violations ^d
KERALA	NA	Yes	₹ 5,00,000	Grant-in-aid being provided (in 2014) ^e	₹ 3.44 lakhs spent on the KSCZMA activities such as site visits for inspection, Authority meetings, honorarium to members, etc. Balance ₹ 1.56 lakhs is available as currently the expenditure is met with the grant-in-aid from the State Government. ^e
MAHARASHTRA	NA	Yes	₹ 5,00,000	Grant in Aid 1. 2009-10: ₹ 3.6 crores 2. 2012-13: ₹ 1 crore (₹ 80 lakhs released) 3. 2013-14: ₹ 80 lakhs (yet to be released) ^f	1. ₹ 3.59 crores released to IRS Chennai & CESS, Kerala for CZMP preparation 'and other work' 2. Released ₹ 40 lakhs each to IRS Chennai & CESS Kerala ^f
ODISHA	49.3 (WB-ICZMP*)	Yes	₹ 5,00,000	Budget provision was made by the grant-in-aid from the State Government as follows: 1. 1998-99: ₹ 1,00,000 2. 1999-00: ₹ 1,00,000 3. 2000-01: ₹ 2,00,000 4. 2001-02: ₹ 1,00,000 ^g	The mentioned budget is utilised for remuneration to staff, services of experts, expenses for meetings, visits to the locations of study tours & preparation of CZMP ^g
TAMIL NADU	NA	Yes	₹ 5,00,000	NA ^h	No budget allocation was received for the SCZMA initially or subsequently from the Government of TN or from the GoI ^h
WEST BENGAL	75 (WB-ICZMP*)	Yes	₹ 5,00,000	Not Available	Not Available

*WB-ICZMP: World Bank-Integrated Coastal Zone Management Project

NA: Not Applicable

Source:

a: RTI reply dated January 22, 2014

b: RTI reply dated February 7, 2014

c: RTI Reply dated May 15, 2014

d: RTI Reply dated May 28, 2014

e: RTI reply dated January 22, 2014

f: RTI reply dated February 10, 2014

g: RTI reply dated December 22, 2013

h: RTI reply dated December 17, 2013

It is evident from the table that different states have devised different mechanisms to arrange for funds for the functioning of their SCZMAs. In the pre-2011 period there was confusion as to who was responsible for arranging funds for the SCZMAs. However, despite this ambiguity, the Government of Odisha has sanctioned funds to the OSCZMA as early as 1998-99 (as mentioned in Table 8).

Since 2002, the SCZMAs have been arranging for funds through levying scrutiny fee on project applications (see details in the answer to question 28). Since that practice began the Government of Odisha has also not provided any funds to the OSCZMA. Recent appointment orders for most of the SCZMAs, issued by the MoEF, have made the respective state governments responsible for arranging funds and resources for the State CZMAs (details given in Table 5).

As mentioned in Table 8, Gujarat, Odisha and West Bengal SCZMAs have been receiving funds under the Integrated Coastal Zone Management Project (ICZMP)⁷ of the World Bank. The CZMP

⁷ Integrated Coastal Zone Management Project (ICZMP) was implemented as a process for the management of the coast using an integrated method taking into account all aspects of the coastal zone, including geographical and political boundaries in an attempt to achieve sustainability. The main purpose of the implementation of the ICZMP in India was to assist the GoI to build national capacity for implementing a comprehensive coastal management approach in the country.

for the Gulf of Kutch in Gujarat, the Puri-Konark coastal stretch in Odisha, and Haldia and Digha in West Bengal are being developed as part of this project. The funds allotted by the World Bank for the projects (in million USD) are as follows:

Gujarat- 74.1

Odisha- 49.3

West Bengal- 75

This amount, besides being utilised for development of specific management plans, is also being partly utilised for capacity building of the SCZMAs, the concerned DLCCs and for the development of the website, etc [source: World Bank (2013). ICZMP report of the mid-term review mission.].

28. How much do SCZMAs charge from the project proponents as processing fee or scrutiny fee?

The MoEF vide its letter, dated April 13, 2000, indicated to the SCZMAs that, "...the processing fee also be charged, if necessary." Most of the SCZMAs are levying a fee on project proponents for processing or scrutinising their applications. The Goa SCZMA discussed the matter in its meeting in September 2001 and decided not to levy processing fees. It felt that levying fees was "unethical" since the project proponents were already paying fees to process their applications with other departments such as the Public Works Department (PWD). However, the GSCZMA hinted at the possibility of fixing a fee for application forms. It could not be tracked from the meetings' minutes whether this fees was finally levied. But in its 96th meeting in December 2013, the Goa SCZMA decided to levy scrutiny fee on projects.

Project application processing/scrutiny fees/Coastal Conservation Fund⁸ as charged by the various SCZMAs is given in Table 9.

⁸ The SCZMAs use one of the names. For instance, the Maharashtra SCZMA uses the terms 'processing fee' and 'Coastal Conservation Fund' interchangeably.

TABLE 9: PROJECT APPLICATION PROCESSING/SCRUTINY FEES/COASTAL CONSERVATION FUND CHARGED

SCZMA PROJECT COST	ANDHRA PRADESH	GOA ^a	GUJARAT ^b	KARNATAKA ^c	KERALA ^d	MAHARASHTRA ^e	ODISHA ^f	TAMIL NADU ^g	WEST BENGAL ^h					
₹10 to 25 lakhs	Not Available	Repair & renovation of houses: ₹ 500;	₹ 25,000	NA	₹ 5,000		₹ 25,000	₹ 50,000						
₹ 25 lakhs to ₹ 1 crore					₹ 50,000									
₹ 1 to 2.5 crores		shops & establishments: ₹ 1,000;	₹ 1 lakh		₹ 1 lakh					₹ 1 lakh*	₹ 2 lakhs	₹ 1 lakh	₹ 2 lakhs	₹ 10,000
₹ 2.5 to 5 crores					₹ 2 lakhs									
₹ 5 to 50 crores		non-commercial institution: ₹ 5,000;	₹ 1 lakh		₹ 5 lakhs					₹ 5 lakhs	₹ 2 lakhs	₹ 1 lakh	₹ 2 lakhs	₹ 20,000
₹ 50 to 100 crores										₹ 5 lakhs			₹ 5 lakhs	₹ 25,000
₹ 100 to 500 crores	₹ 10 lakhs			₹ 5 lakhs		₹ 10 lakhs	₹ 25,000							
		commercial institution: ₹ 10,000												

*This slab was revised from ₹ 2 crores to ₹ 5 crores in the 69th meeting of the MCZMA on April 29, 2011.

NA: Not Applicable

Source:

a: Resolution or Order date: July 22, 2014

b: Resolution or Order date: October 13, 1997

c: RTI reply dated May 15, 2014

d: Resolution or Order date: July 18, 2001

e: Resolution or Order date: April 19, 2010

f: Resolution or Order date: November 29, 2004

g: Resolution or Order date: October 15, 1999

h: RTI reply dated December 6, 2013

29. Are there any guidelines for spending and monitoring the funds lying with the SCZMAs?

No, there are no guidelines for expenditure of funds and no monitoring has taken place.

30. How have the SCZMAs spent their funds?

Even though the MoEF allocated ₹ 5 lakhs to all coastal states, to identify CRZ violations and take action, in practice the SCZMAs have used it differently.

In the case of **Gujarat**, even after many reminders, the MoEF did not respond to the GCZMA's query on how to spend this amount. The Authority then spent the amount on awareness creation for government officers and the public. In addition, the GCZMA decided to use the fund for the services of experts, expenses of meetings, site visits, setting up its office in Gujarat Maritime Board (GMB)'s premises and study tours. The GMB was appointed to manage the funds for the GCZMA in its second meeting in September 2000. It decided to spend ₹ 1 lakh on public awareness programmes, ₹ 1 lakh on workshops and seminars, ₹ 2 lakhs on media publicity and ₹ 2 lakhs for the development of the GCZMA's website.

How the one time grant of ₹ 5 lakhs was spent by the other SCZMAs could not be tracked from the minutes of their meetings. However, it is evident that all SCZMAs spent money for paying sitting fees to non-official members. Details of the same are given in Table 10.

The SCZMAs of **Goa** and **Kerala** have also had to pay the standing legal counsels, to represent them in the High Court/Supreme Court/National Green Tribunal (NGT).

TABLE 10: SITTING FEE/HONORARIUM TO NON-OFFICIAL MEMBERS OF THE SCZMAs

SCZMA	SITTING FEE/HONORARIUM FOR NON-OFFICIAL MEMBERS
Andhra Pradesh	Not Available
Goa	₹ 1,000 ^a
Gujarat	Not Available
Karnataka	₹ 1,500 ^b
Kerala	₹ 1,000 ^c
Maharashtra	₹ 2,000 + reimbursement for food & taxi expenses on presentation of actuals ^d
Odisha	₹ 1,000 ^e
Tamil Nadu	₹ 2,000 ^f
West Bengal	NA ^g

NA: Not Applicable

Source:

a: RTI reply dated September 30, 2014 (over email)

b: Order dated May 5, 2014

c: RTI reply dated December 7, 2013

d: Minutes of the 84th MCZMA meeting, August 2013

e: As decided in the meeting held on September 17, 2009- RTI reply dated December 4, 2013

f: RTI reply dated December 17, 2013

g: RTI reply dated December 6, 2013

However, most of the states, facing a financial crunch, are hopeful that they would also come under the purview of the World Bank project like Gujarat, Odisha and West Bengal, and that the costs of the preparation of CZMP will be met from there (source: responses to the interviews conducted as part of this research in 2012).

ICZMP AND STRENGTHENING OF THE SCZMAs

The Integrated Coastal Zone Management Project (ICZMP) has been designed and implemented in three states (Gujarat, Odisha and West Bengal) as a pilot by the MoEF in collaboration with and financial support from the World Bank. The ICZMP has been proposed as an integrated approach to coordinate the activities of various government agencies and departments for the sustainable management and use of coastal resources while conserving the natural environment. One of the goals of the project has been to strengthen the state level institutions i.e., to ensure functional and effective SCZMAs in the three states. As described in the 2010 project appraisal document of the World Bank, the project benchmark for functioning SCZMAs will be satisfied only if these three states are able to routinely provide input to and interact with the NCZMA through any of the following means:

- Examining proposals in CRZ areas and making recommendations to the NCZMA
- Reviewing and taking action on alleged violations of the CRZ Notification
- Identifying ecologically sensitive and economically important areas in the CRZ
- Providing annual reports to the NCZMA⁹

⁹ As reported in one of the NCZMA's meeting's minutes, SCZMAs and UTCZMAs were asked by the MoEF on April 6, 2010 to submit annual reports, but only Odisha and Lakshadweep had submitted their report till June 15, 2010.

31. How does resource availability and a part-time nature affect the functioning of the SCZMAs?

Though the CRZ Notification, 2011, mandates the preparation of the State CZMPs, no funds have been allocated for this process. Same is the case with mapping of CRZ areas, which was to be completed within 18 months of the issuance of the Notification. This process was delayed due to lack of funds in all states. The Andhra Pradesh SCZMA members responded during the interviews, conducted in 2012, that they do not plan to prepare CZMPs or undertake mapping of the regions due to lack of funds. Although all the SCZMA members interviewed were convinced that they are part of a powerful Authority in terms of its functions, power, validity and acceptance of the decisions made by it, they opined that the SCZMAs did not have enough resources at their disposal. Dr. N. P. Kurian from the Kerala SCZMA said in response to an interview question: "In Kovalam, the Authority is not able to do what is needed... (the) main drawback is the lack of capacity." Many members felt that being a part-time Authority comes in the way of its regular functioning, and an independent and full-time status is required for effective functioning of the Authority.



Randh Bander looming under the threat of a thermal power plant expansion, Kutch, Gujarat, Kanchi Kohli

DISTRICT LEVEL COASTAL COMMITTEES (DLCCs)

32. What does the CRZ Notification say on the constitution of DLCCs?

Clause 6 (c) of the CRZ Notification, 2011, states that the State and Union Territory CZMAs can constitute DLCCs, to 'assist' them in the task of 'enforcing and monitoring' the Notification. The clause also states that the DLCCs should be chaired by the concerned District Magistrate, and have at least three representatives from the local traditional coastal communities. The CRZ Notification, 1991, did not have the provision for the constitution of such committees.

33. Did the CRZ Notification or appointment orders for the SCZMAs set any time limit for setting up DLCCs? What is the status of the constitution of DLCCs?

The Notification or the SCZMA appointment orders do not suggest any time period within which these committees need to be set-up. As a result, different SCZMAs have established DLCCs at different points in time. Tamil Nadu and Karnataka had district level committees/ authorities even prior to the CRZ Notification of 2011. As of December 2014, seven states had issued orders or resolutions for the constitution of DLCCs. The status of the DLCC constitution in various states, compiled on the basis of responses received to RTI applications is given in Table 11.

TABLE 11: STATUS OF CONSTITUTION OF DLCCs

STATE	DETAILS
ANDHRA PRADESH	Issued letters to all District Collectors in April 2011, Collector of West Godavari submitted a proposal to the State Government in May 2011 (RTI reply dated October 20, 2012). Not constituted (RTI reply dated May 30, 2014).
GOA	Not constituted (reply from Goa CZMA over email on November 17, 2014).
GUJARAT	Resolution issued on October 14, 2011. As per physical verification in August 2014, eight districts had not constituted DLCCs.*
KARNATAKA	Constitution order issued on October 19, 2011. As per minutes of KCZMA's meetings DCZMCs have been constituted.*
KERALA	Constitution order issued on December 12, 2013.
MAHARASHTRA	Resolution issued on March 23, 2011. As per minutes of MCZMA's meetings DCZMCs have been constituted.*
ODISHA	Constitution orders issued for 6 districts: Balasore- October 9, 2013 Bhadrak-August 8, 2013 Ganjam- March 4, 2014 Jagatsinghpur- February 1, 2013 Kendrapara- January 3, 2013 Puri- April 22, 2013
TAMIL NADU	Constitution order issued on June 9, 1998. As per minutes of TNCZMA's meetings DCZMAs have been constituted.*
WEST BENGAL	Resolution issued on January 2, 2012.

*See further details in the answer to question 37.

DISTRICT LEVEL BODIES PRIOR TO THE CRZ NOTIFICATION, 2011

Karnataka and Tamil Nadu are two states which have had District Level Committees before the CRZ Notification of 2011.

Using Section 4 of the CRZ Notification, 1991, the Environment and Forest Department of Tamil Nadu, in June 1998, constituted Coastal Management Authorities at the state and district level. While in November 1998 the MoEF constituted State Coastal Zone Management Authorities (SCZMAs) for all the coastal states which replaced the state level authority of Tamil Nadu, the district level authorities continued. In its 1st meeting, the members of the TNSCZMA opined that the district level bodies should continue to function. They were envisaged to be serving as 'suitable committees' to scrutinise the project proposals and give their recommendations, which subsequently the TNSCZMA would examine. In its 5th meeting in June 1999, the TNSCZMA delegated the task of verification of complaints of CRZ violations and reasons for recategorisation proposals to these district level bodies. In the initial meetings itself, the TNSCZMA acknowledged its lack of human resources in effectively implementing the provisions of the CRZ Notification and dealing with the instances of violations. Therefore, it relied on the Chennai Metropolitan Development Authority (CMDA), the DCZMA for Chennai, and district offices of PCBs which are also represented in the DCZMAs, for dealing with violations. The TNSCZMA has also formalised the feedback from DCZMAs as a first level screening of project proposals. While taking a decision on a project proposal, this feedback is relied upon. In its 22nd meeting in February 2003, it set a time frame of one month for the DCZMAs to send their remarks on project proposals.

Similarly, Karnataka constituted District Level Committees in 2001 following a High Court order [WP No. 4522/2000 (LB)] which directed the State Government to designate an officer to examine the request for the issue of licences for buildings in reference to the CRZ regulations. The Court directed the State to do so pending the demarcation of HTL and other CRZ lines. The State Government in its order dated June 14, 2001 constituted committees in each of the coastal districts under the Chairmanship of the Deputy Commissioner, to verify whether the proposed building is likely to violate the CRZ regulations. After examining such requests they were forwarded to the KCZMA with feedback for them to be decided upon. While Karnataka reconstituted DLCCs after the CRZ Notification, 2011, as per its mandate, Tamil Nadu has continued with the DCZMAs. However, the Tamil Nadu, while continuing with the earlier DCZMAs post 2011, has ignored the mandate of the Notification that the DLCCs should have at least three community representatives on them (source: the meetings' minutes of the TNSCZMA and constitution orders, received in response to an RTI application).

34. As per the Notification, is there a desired composition for the DLCCs? If yes, what is it? How are the SCZMAs complying with it?

As mentioned above, the Notification mandates that at least three representatives from the traditional coastal communities be present on the DLCC and that they be chaired by the concerned District Magistrate. However, the Notification has not elaborated about the composition of these committees. Even the SCZMA appointment orders do not have any more detail. Given in Table 12 is the composition of DLCCs in the states where they have been constituted (for DLCC status in all states refer to Table 11). This is as per the orders issued by the respective state governments.

TABLE 12: COMPOSITION OF DLCCs

STATE REPRESENTATION	GUJARAT (2013)	KARNATAKA (2001)	KARNATAKA (2011)	KERALA (2013)	MAHARASHTRA (2011)	TAMIL NADU (1998)	WEST BENGAL (2012)
DISTRICT COLLECTOR/ MAGISTRATE/RESIDENT DEPUTY COLLECTOR	1			1	2	1	1
DEPUTY/DIVISIONAL COMMISSIONER		1	1		1		
SUB-DIVISIONAL OFFICER					1		1
SUPERINTENDENT/ DEPUTY COMMISSIONER OF POLICE					1		1
EXPERTS ON COASTAL ISSUES					2		2
NGO		1					
FISHERFOLK	3		3 to 5	3	3		3
MUNICIPALITY/ CORPORATION			1		1	1	
CMDA (CHENNAI)						1	
TOWN/ZILLA/TALUK PANCHAYAT	1	1	1	1		1	
TOWN & COUNTRY PLANNING DEPARTMENT	1			1	1	1	
FISHERIES DEPARTMENT	1	1	1		1	1	1
INDUSTRIES DEPARTMENT		1				1	
REVENUE DEPARTMENT		1					
ENVIRONMENT DEPARTMENT		1	1				
FOREST DEPARTMENT	1	1		1	1		1
MINES & GEOLOGY DEPARTMENT	1		1				
LAND & LAND REFORMS DEPARTMENT					1		1
PORT DEPARTMENT	1						
TOURISM DEPARTMENT							
IRRIGATION DEPARTMENT							
POLLUTION CONTROL BOARD	1		1		1	1	1
Total	11	8	10 to 12	7	16	8	12

Source: Orders issued by the respective state governments.

TABLE 13: COMPOSITION OF DLCCs IN THE COASTAL DISTRICTS OF ODISHA

DLCC REPRESENTATION	BALASORE (OCT 2013)	BHADRAK (AUG 2013)	GANJAM (MAR 2014)	KENDRAPARA (JAN 2013)	PURI (APR 2013)	JAGATSinghpur (FEB 2013)
COLLECTOR/TAHSILDAR/ SUB-COLLECTOR	3	2	4	1	1	1
ADDITIONAL DISTRICT MAGISTRATE/SUB DIVISIONAL OFFICER	1	1	2			1
MUNICIPALITY	1	1	3	1	1	1
PANCHAYAT/BLOCK DEVELOPMENT OFFICER			3			1
FISHERFOLK	3	3	3	3	3	5
FISHERIES DEPARTMENT	1	1	1	1	1	1
TOURISM/ECOTOURISM DEPARTMENT	2	1	1	1	1	1
IRRIGATION/CANAL/ SALINE EMBANKMENT DEPARTMENT	1	1	1	1		1
TOWN PLANNING DEPARTMENT	1	1				
RURAL DEVELOPMENT DEPARTMENT			1	1	1	
PUBLIC HEALTH DEPARTMENT					1	
FOREST/ENVIRONMENT DEPARTMENT	1	1	1	1	1	1
POLLUTION CONTROL BOARD	1	1				
Total	15	12	20	10	10	13

Source: Orders issued by the Government of Odisha.

As seen in Tables 12 and 13, the District Collector/District Magistrate/Deputy Commissioner of the respective districts are on the district level committees in all the states. The Karnataka DLCCs did not have representatives from the fishing communities when it was constituted in 2001, they were included during the reconstitution in 2011. The NGO representation in the constitution of 2001 was also dropped in 2011. The Department of Fisheries has been represented in all the DLCCs whether constituted before or after 2011. The Pollution Control Board is present in all the currently constituted DLCCs. The Department of Ports is present only in the DLCCs in Gujarat. The Superintendent of Police and experts on coastal issues are present only in the DLCCs from Maharashtra and West Bengal. The constitution of DLCCs of Maharashtra and West Bengal are the same except that the Municipality and Department of Town and Country Planning are represented only in the former. Maharashtra has even constituted a taluka level coastal committee. It seems in Odisha, the state did not decide on a common composition of DLCCs across all coastal districts. Representatives from the irrigation or canal division have been put on the DLCC only in the districts of Odisha. Tamil Nadu is the only state that does not have representatives from fishing communities on its DLCC.

Status of compliance with the CRZ Notification, 2011 is as follows:

- Two states, Goa (as of November 2014) and Andhra Pradesh (as of May 2014), had not issued orders for the constitution of DLCCs.
- Tamil Nadu has had district level bodies since the year 1998 and post 2011 it has continued with the same bodies. Therefore, the representation of fisherfolk is missing despite the CRZ Notification, 2011 mandating it.

- Karnataka is the only state which has provided for three to five representatives from the communities (as against three, which was fixed by the CRZ Notification, 2011 as the minimum requirement).
- Jagatsinghpur district in Odisha has five representatives from the fisher community.

TALUKA LEVEL COASTAL MONITORING COMMITTEE (TLCMC)

A Taluka Level Coastal Monitoring Committee (TLCMC) has been constituted for Raigad district in response to a Public Interest Litigation (PIL) (No. 87 of 2006) filed by the Bombay Environment Action Group in the High Court of Bombay. It has appealed that the mangroves in the coast of Maharashtra should be declared as a protected forest. The TLCMC was created in November 2010 particularly for the protection of mangroves in the region. The Deputy Conservator of Forests is the Chairman of the committee and it has representation from the Maharashtra Pollution Control Board, a local NGO, revenue office, etc. These committees have been constituted in Pen, Panvel, Roha, Uran and Alibag talukas of Raigad district in Maharashtra.

35. What do the SCZMA appointment orders say with respect to functions of the DLCCs?

The MoEF has reproduced verbatim the clause of the CRZ Notification, 2011 in the latest appointment orders of the Tamil Nadu and Kerala SCZMAs, for the constitution of the DLCCs. In the appointment orders of the other State CZMAs, the district level committee has been mentioned as the 'District Coastal Zone Management Committee' (DCZMC) and the State CZMAs have been assigned the task of reviewing the functioning of the DCZMCs. But the appointment orders of Karnataka and Andhra Pradesh SCZMAs, which happen to be quite recent, do not have any mention of a district level body.



Fish drying in Haripur, Bardhaman, West Bengal, Kanchi Kohli

36. What are the functions of the DLCC as per the DLCC constitution orders issued by the respective state governments?

Based on the constitution orders issued by the different state governments for DLCCs, a comparative table has been prepared on the functions of the DLCCs as designated by the different state governments.

TABLE 14: FUNCTIONS OF DLCCs¹⁰

STATE DETAILS	GUJARAT (2013)	KARNATAKA (2001)	KARNATAKA (2011)	MAHARASHTRA (2011)	TAMIL NADU (1998)	WEST BENGAL (2012)
NAME OF THE COMMITTEE/AUTHORITY	District Level Committee	District Level Committee	District Coastal Zone Management Committee	District Coastal Zone Management Committee	District Coastal Zone Management Authority	District Level Committee
ROLE IN CZMP PREPARATION, ZONING & CLASSIFICATION	1. To provide assistance to the SCZMA 2. To coordinate preparation of the CZMP		To coordinate preparation of the CZMP	1. To provide assistance to the SCZMA 2. To coordinate preparation of the CZMP		1. To provide assistance to the SCZMA 2. To coordinate preparation of the CZMP
ROLE IN GRANT OF APPROVALS	<i>No mention*</i>	Examination of requests for building licenses as received from the designated officers & refer cases to the SCZMA	The SCZMA asks for the DLCC's recommendations*	<i>No mention*</i>	Gives recommendations on project proposals*	<i>No mention*</i>
BROAD ROLE IN ENFORCEMENT & COMPLIANCE	To assist the SCZMA for enforcing & monitoring of the CRZ Notification, 2011		Is primarily responsible for enforcement of CRZ provisions		1. Is responsible for monitoring & enforcing the CRZ provisions 2. To ensure that activities within the CRZ are as per the CZMP	
COGNIZANCE OF VIOLATIONS	1. <i>Suo moto</i> 2. On complaint/reference		1. <i>Suo moto</i> 2. On complaint/reference	1. <i>Suo moto</i> 2. On complaint/reference		1. <i>Suo moto</i> 2. On complaint/reference
IDENTIFICATION/ VERIFICATION OF VIOLATIONS	1. To take time bound steps to identify violations 2. To undertake review of cases of violations		To enquire into cases of violations	To take time-bound steps to identify violations		To take time-bound steps to identify violations
TAKING ACTION ON VIOLATIONS	To initiate steps to counter-act the violations		To take necessary action as per the directions of the SCZMA	To initiate action under the powers delegated to District Collector		To initiate action under the powers delegated to District Collector
POWERS TO ACT ON VIOLATIONS	1. Authority to remove illegal & unauthorised structures & encroachments 2. District Collector (Chairman) may levy penalty or recover costs 2. May enlist the help of the district police authorities			1. Authority to remove illegal & unauthorised structures 2. District Collector (Chairman) may levy a penalty or recover costs 3. District police authorities to assist the Committee	To act as an authority under Section 4 of the CRZ Notification, 1991 for taking action on violations	1. Authority to remove encroachments, & illegal & unauthorised structures 2. District police authorities to assist the committee
POST-CLEARANCE MONITORING				To monitor compliance of the conditions stipulated in the CRZ Notification, 2011 & EC accorded to projects		To monitor compliance of the conditions stipulated in the CRZ Notification, 2011 & EC accorded to projects
ROLE IN CONSERVATION & PROTECTION OF ENVIRONMENT	Is authorised to take measures to protect & improve the coastal environment		To undertake training & awareness programmes to preserve & improve the coastal environment	Is authorised to take measures to protect & improve the coastal environment	1. To assist the SCZMA in carrying out research & studies for protection & conservation of environment 2. To advise the State Government on any matter relating to protection of coastal areas	Is authorised to take measures to protect & improve the coastal environment
ECOLOGICALLY SENSITIVE AREAS (ESAs)/CRITICALLY VULNERABLE COASTAL AREAS (CVCA_s)	1. To identify ESAs 2. To assist the SCZMA in preparation of area specific plans			1. To identify ESAs 2. To formulate area specific management plans & recommend it to the SCZMA		1. To identify ESAs 2. To formulate area specific management plans & recommend it to the SCZMA
AREAS REQUIRING SPECIAL CONSERVATION	To identify areas that require special conservation & protection measures			To identify areas that require special conservation & protection measures		To identify areas that require special conservation & protection measures

*The information is based on the minutes of meetings of the SCZMAs.

¹⁰ Orders issued for the constitution of DLCCs in Kerala and Odisha do not list their functions.

STATE	GUJARAT (2013)	KARNATAKA (2001)	KARNATAKA (2011)	MAHARASHTRA (2011)	TAMIL NADU (1998)	WEST BENGAL (2012)
DETAILS						
POWER TO ADDRESS CONCERNS OF COASTAL COMMUNITIES	To take on priority issues/complaints of coastal communities (including fishermen) & recommend to the appropriate department of the State Government for further action			To take on priority issues/complaints of coastal communities (including fishermen) & recommend to the appropriate department of the State Government for further action		To take on priority issues/complaints of coastal communities (including fishermen) & recommend to the appropriate department of the State Government for further action
APPEAL AGAINST A DECISION MADE BY THE DISTRICT COMMITTEE/ AUTHORITY	Appeal to be reviewed by Additional Chief Secretary, Forests & Environment Department & Chairman of the SCZMA			Appeal to be reviewed by Secretary, Environment Department & Chairman of the SCZMA		Appeal to be reviewed by Secretary, Environment Department & Chairman of the SCZMA
FREQUENCY OF REPORTING	Monthly (to Additional Chief Secretary, Forest & Environment Department & Chief Secretary, Government of Gujarat)		Monthly (to the SCZMA)	Monthly (to Divisional Commissioner; Secretary, Environment Department & Chief Secretary, Government of Maharashtra)	Once in three months (to Director of Environment)	Quarterly (to the SCZMA)
FREQUENCY OF MEETINGS	Regularly		Once in three months	Once a month		Once in two months
RELATIONSHIP OF THE DISTRICT COMMITTEE/ AUTHORITY & SCZMA	1. Committee to assist the SCZMA 2. The SCZMA to give directions 3. Report to the SCZMA on violations & action taken		1. To assist the SCZMA in discharging its duties 2. Report to the SCZMA on violations & action taken	1. Powers of the Committee are to be supervised by the State Government 2. Report to the SCZMA on violations & action taken	The SCZMA is an advisory body	1. Powers of the Committee are to be supervised by the State Government 2. Report to the SCZMA on violations & action taken

Source: Orders issued by the respective state governments.

37. What is status of constitution of DLCCs on the ground?

The minutes of meetings of the **Karnataka, Maharashtra** and **Tamil Nadu** SCZMAs indicate that the DLCCs exist and are functional in the three states. Matters are referred to them and their opinions are sought.

COMMUNITY REPRESENTATION IN THE DLCCs- CASE OF THE UTTARA KANNADA DISTRICT COASTAL ZONE MANAGEMENT COMMITTEE (DCZMC)

In April 2014, interviews were conducted with the three community representatives from Uttara Kannada (in Karnataka state) who have been appointed as members of the Uttara Kannada DCZMC. These members were either nominated by the fishermen themselves or they have been working in the fishermen cooperative union and were put on the Committee as they have been more visible to the government officers and politicians. In response to a question on their responsibilities in the Committee as community representatives, the interviewees listed the following- implementation of the CRZ law, monitoring violations and ensuring that local people benefit from the law. They mentioned that to achieve these goals, at times, they have to do advocacy with the CRZ officials to get concerns of the local communities addressed. The DCZMC has been meeting once in two months and minutes have been shared with all the members after the meetings. Permissions for house construction and repairs have been discussed in the Committee meetings. However, the preparation of the CZMP and community meetings for the same, have not been discussed in the Committee meetings. It should be noted here that as per the minutes of the KSCZMA's meetings and discussions with the Regional Director, Uttara Kannada, the village level meetings for finalising the CRZ maps, the CZMP and comprehensive plans for Uttara Kannada were being discussed and planned. As per the three interviewed members, the DCZMC is being asked for its suggestions on project proposals, however they do not take part in site inspections of the projects and are not intimated of the decision taken by the SCZMA on the projects. The general view expressed by the three members interviewed was that while they can mediate between the CRZ law and the local people to ensure that local communities' rights are protected, they are not really part of the larger decision making process including the CZMP preparation and project approvals.

Although in **Gujarat**, the order to constitute DLCCs was issued by the State Government in October 2013, most of them have not been constituted. On physical verification in 10 coastal districts of Gujarat, it was found out that eight had not constituted DLCCs till August 2014. While four of them had initiated the process of constitution in July 2014, the other four had not even started. This is largely because of the confusion regarding which agency at the district level has to constitute them. Although the GCZMA has been corresponding with the respective District Collectors in this regard, they have passed on the responsibility to the regional officers of the PCBs. The PCB officers have found it difficult to act in the absence of any official instructions in the matter. The Gujarat SCZMA has to issue clear directions to ensure better coordination between the District Collectors and regional PCBs.

In **West Bengal, Kerala** and **Odisha**, the minutes of the meetings that were accessed did not mention the DLCCs.

ICZMP PILOT STATES

38. How well are the states that are part of the World Bank pilot ICZMP complying with the CRZ Notification and appointment orders?

Odisha, West Bengal and Gujarat are the pilot states under the World Bank's Integrated Coastal Zone Management Project (ICZMP). The performance of these SCZMAs is being assessed here against the stipulations of the Notification and their respective appointment orders.

- All three SCZMAs have independent websites in place.
- All three SCZMAs make the minutes of their meetings available on the website.
- Of the three, only Odisha has provided space on its website for the information on project approvals granted by the SCZMA. However, the information was not uploaded as of December 2014.
- The approved CZMP is not provided by the Gujarat SCZMA on its website.
- All three states maintain the desired quorum in their meetings.

INSTITUTIONAL INTERACTIONS

39. How is the interaction between the MoEF, the NCZMA and the SCZMAs?

The MoEF is the approving body for matters concerning project clearances [for projects listed under Schedule A of the Environment Impact Assessment (EIA) Notification, 2006, projects not listed in the EIA notification 2006 and certain other projects (see details in the answer to question 2 in Chapter 3)] and CZMP preparation. It issues instructions/guidelines/orders for the functioning of the SCZMAs and NCZMA (for details, see Annexure 11: Guidelines/Directions Issued by the MoEF to the SCZMAs). The NCZMA performs the general tasks of coordinating activities of the SCZMAs, following up on orders issued by the MoEF, and passing on requests related to resources to the MoEF. However, this coordination function does not end with ensuring timely delivery of tasks by the SCZMAs, but extends to checking the quality of their work as well. This function has been particularly significant for complex and fundamental tasks such as the demarcation of the High Tide Line (HTL) and the Low Tide Line (LTL) and preparation of the CZMPs. Besides these administrative and coordinating functions, the NCZMA also examines the requests for reclassification, change in zonation and revisions to the CZMP submitted by the SCZMAs. It provides technical support and advice in matters concerning cases of violations and approvals referred by the SCZMAs or the High Courts¹¹ (see the answer to question 10). It also clarifies the doubts raised by the SCZMAs concerning specific clauses of the CRZ Notification. For example, the Andhra Pradesh SCZMA asked, in the 19th meeting of the NCZMA, if it can adopt slab system for granting approvals around the Buckingham canal. The NCZMA advised it to go with the stipulations of the CRZ Notification, 2011.

While coordinating the functions of the SCZMAs, the NCZMA also tries to draw the attention of the SCZMAs to matters that are put on the back burner by the latter due to various reasons. For instance, in December 2011, the intervention of the MoEF and the NCZMA compelled the SCZMAs to take action to identify violations in their respective CRZ areas (details in Chapter 4: Enforcement and Compliance).

The NCZMA meetings also provide a platform to the SCZMAs to voice their difficulties or challenges and to seek the support they require to carry out their duties in an efficient and effective manner. For instance, time and again, the SCZMAs have expressed the need for assistance in zonation of the CRZ or additional staff or financial resources. The requests, thus, reach the MoEF for decision and/or taking action. However, besides allocating ₹ 5 lakhs to each SCZMA in 2002, the MoEF has not provided any other financial support to the SCZMAs.

40. How is the interaction between the DLCCs and the SCZMAs?

Information about the interaction between the DLCCs and the respective SCZMA has been gathered from the minutes of the meetings from the states that have already constituted the DLCCs or have discussed the matter in their meetings.

The **Maharashtra** SCZMA has been reviewing the functioning of the DCZMCs from time to time. As per the minutes of the meetings available on its website, the Authority has been having one agenda item in every other meeting for the DCZMC where the respective District Collectors (Chairmen of the DCZMCs) update the SCZMA on the number of meetings they have held and cases of violations there are looking at.

In **Tamil Nadu** wherein the district level coastal bodies have been in existence since the pre-CRZ Notification, 2011 days, the difference in the perception of the role of DLCC in coastal management is evident even from its nomenclature. The TNSCZMA has named them District Coastal Zone Management Authorities (DCZMAs). The TNSCZMA has sought help from the DCZMAs to prepare the CZMP, identify violations and has also included the latter in the decision making process for projects proposed in the CRZ. Each and every project proposal that the TNSCZMA receives goes to the concerned DCZMA for its recommendations and the SCZMA reviews the proposal in the light of these recommendations. However, it should also

¹¹ It should be noted here that the function of approving the State CZMPs was carried out by the MoEF in 1996 when the CZMP was prepared for the first time. At that point the CZMAs (NCZMA and SCZMAs alike) were nonexistent.

be highlighted that the TNSCZMA has not added community representatives to the DCZMAs despite the stipulation in the CRZ Notification of 2011. The closest it has got to having local people's representation on board is by including one representative of the panchayat in the DCZMAs. But it still does not address the need to involve communities while making decisions for the coast.

The **Karnataka** SCZMA has also started sending project proposals to the concerned DCZMCs for their recommendations. In fact, it has even returned proposals to the Regional Directors directing them to get the comments of the concerned DCZMC on them. These proposals relate to housing, small repair and reconstruction projects.

Although the **Gujarat** SCZMA has issued orders for constitution of DLCCs, most of them are yet to be constituted by the respective District Collectors and the Regional Officer at the State Pollution Control Board Office.

Minutes of the meetings of the **West Bengal, Kerala** and **Odisha** SCZMAs do not discuss DLCCs.

The above examples also reveal that the potential and possibilities of involvement of district level bodies in the functioning of the SCZMAs are viewed differently by different SCZMAs, even when they are bound by the same legislation.

41. Is there a platform for interaction/conflict resolution between two SCZMAs?

The situation of interaction between two SCZMAs does not appear in the minutes of the meetings of the SCZMAs or the NCZMA. While there have been instances where the project authorities informed the SCZMAs of decisions taken by the other SCZMAs (see examples in the answer to question 13 in Chapter 3), cross learning amongst SCZMAs seems to be lacking. This is critical for projects that transcend state/UT boundaries. For instance, when a sea wall was being constructed by the Government of Puducherry, it was only through an appeal filed by the Coastal Action Group, in 2013, in the National Green Tribunal (NGT), that the Tamil Nadu SCZMA was brought on board. The Government of Tamil Nadu was also constructing the wall in the area under its jurisdiction. The NGT asked the SCZMAs not to construct the sea wall along the coast and stopped them from carrying out the construction. However, it is not evident from the minutes of the meetings of the TNSCZMA whether there was any interaction between the two on this matter.

The MoEF had initiated a training programme for SCZMAs between 1998 and 2000, with assistance from the Department for International Development (DFID). After completion of that programme, no other trainings have taken place. However, the SCZMAs suggested to the NCZMA (in 2003) that training programmes on CRZ should be held and it was decided that a workshop would take place in June 2004. Since there was no mention of the workshop in the minutes of the subsequent meetings of the NCZMA, as of December 2014 it is not clear whether or not it took place.

Irrespective of whether the workshop took place or not, there is a need for meetings with participation from all SCZMAs for experience sharing and learning. For instance, the NCZMA has invited updates and held sessions on violations, in the presence of Chairmen of all SCZMAs in its regular meetings. But it has not called for exclusive meetings for SCZMAs to exchange ideas. Such platforms are important not just for cross learning but also to maintain a contiguous coastline.

DISCUSSION POINTS

Role of DLCCs- to assist or to take decisions?

The role of the DLCCs in the CRZ implementation is not completely defined under the CRZ Notification, 2011. This lends opportunity for the SCZMAs to utilise the space and to expand their role in decision-making. This can help remove numerous tasks off the SCZMAs' plate as well as help them take better informed decisions. As stated by Baby John, Member, Kerala SCZMA, in the interview conducted in 2012, "The only way (to ensure enforcement) is to have district level committees, including fishermen; and it should have the power to monitor things in that district." However, as per the constitution orders issued by the state governments, the DLCCs are considered merely as information gatherers. As noted above, they do not have any role in project approvals in Gujarat, West Bengal and Maharashtra. The Karnataka CZMA has only recently started seeking their opinion on project approvals. Tamil Nadu has been seeking feedback from the DLCCs, but the DLCCs in TN do not have any community representation. Cases for reclassification of CRZ sub-zones are usually not referred to the DLCCs.

There are minor exceptions as well. An important feature of the West Bengal and Gujarat DLCCs (as per their constitution orders- WB Government Resolution, No. EN/10/T-II-4/001-ii/2003, dated January 2, 2012 and Gujarat Government Resolution, No. ENV-10-2011-8-E, dated October 14, 2013) is that they are expected to prioritise cases involving coastal communities such as the local fishing community. In West Bengal and Maharashtra, they have even been provided support from the police department for demolition, in case of CRZ violations. Perhaps this is why the Superintendent of Police is also part of the committees.

It is up to the State Government and the SCZMAs to extend this clause in such a way that the DLCCs are empowered and become critical allies in enforcing the CRZ Notification. Involving DLCCs in decision-making would also ensure that the decisions are taken in a better informed manner, as it may be difficult for the SCZMA to collect facts and perspectives from the ground for every project without additional help from the district level.

Processing Fee- Coastal Conservation Fund or miscellaneous corpus?

In the absence of any guidelines on how to use the money collected as processing fee from project proponents, different SCZMAs are using it differently. This money is being used to pay honorarium to non-members in Odisha. In Kerala it is being used to retain a legal counsel, among other things. Maharashtra refers to it as the Coastal Conservation Fund. This implies that conservation can take place only with the money collected through processing project proposals and therefore development projects are needed for conservation. However, whether this money is actually being utilised for conservation activities is not known.

Websites- informative or interactive?

Websites are being put in place in a perfunctory manner. Ideally, they can achieve much more than what has been stipulated in the CRZ Notification. Finding the SCZMA sites online is the first difficulty that one faces. It would have been better if along with the constitution orders on its website, the MoEF provided links to the websites to the respective SCZMAs. Further, given the inconsistent internet availability across the country, making easily downloadable versions of important documents, such as meetings' minutes, available on the website can itself ensure greater transparency.

The function of websites can go beyond sharing information. Today websites can be turned into interactive platforms where people and communities can give their feedback, register their complaints, be notified of approvals, etc. It is necessary to alter the workings of the website in such a way that it acts as a method of communication between the local communities and the Authority. As most of the SCZMAs' websites are still in the process of being set-up and the ones that have been set up are yet to upload the required information, there is the opportunity to make these more user-friendly.

The Maharashtra SCZMA is setting up its website and seems to be providing relevant information. While there is room for further improvement in terms of tracking the progress of complaints, the website does provide a case for others to follow. Even the NCZMA, in its 21st meeting, suggested that the model adopted by the MCZMA could be followed by the other SCZMAs. The following are some examples of additional information being provided by the SCZMAs on the website:

Gujarat, Maharashtra and West Bengal SCZMAs have provided information on DLCCs on their websites.

Maharashtra has made the minutes of its DCZMCs' meetings available on its website (however, links were broken during the research period). It has also provided information on the Taluka Level Coastal Monitoring Committee (TLCMC)¹² constituted in one of its coastal districts.

Similarly, the status of action taken on reported violations has been provided only by the Maharashtra SCZMA. The Gujarat SCZMA has (till December 2014) only provided space for it. The Karnataka SCZMA provides reports on compliance with the decisions taken in the previous meetings, which is a progressive step towards maintaining accountability.

The Gujarat, Maharashtra and West Bengal SCZMAs allow the public to register their complaints, suggestions and grievances through a form available on the website. But, this form is only for the purpose of obtaining information from the public and the website itself does not have the facility for the complainant to track the progress on the grievance.

Website- the only way for access and to redress grievance?

Apart from the information provided through the website, the accessibility of the members of the SCZMAs to the public is an important parameter for assessing the efficacy of the SCZMA. For example, the Gujarat SCZMA observes weekly 'open days' for the general public to place their grievances before the Authority. The DLCCs of Gujarat and West Bengal have been assigned the task of taking note of complaints from the local communities and taking action on them.

It should also be highlighted here that the various SCZMAs are affiliated to the Environment Department of the concerned state. Hence the offices of the State CZMAs are mostly housed in the capital cities of the respective states. This means that four states have their CZMAs in non-coastal cities: Andhra Pradesh (Hyderabad), Karnataka (Bengaluru), Gujarat (Gandhinagar) and Odisha (Bhubaneswar). None of these SCZMAs hold special meetings in the coastal cities to ensure that the coastal people have an easy in-person access to the Authority. While the public interface for the SCZMAs, as specified in their appointment orders, is both desirable for good governance and essential for transparency, it has been mostly absent. Wherever it is present, it has largely been through an online interface, except for a few exceptions. Even there accessibility has remained limited, as explained above.

CZMA composition- should it have a better representation of coastal and subject experts?

The CZMAs are conceived by law to function as bodies responsible to implement the CRZ Notification, 2011. Currently, most of the members on the SCZMAs are from the capital cities. In such a scenario, states like Andhra Pradesh and Gujarat miss out on coastal representation because their capital cities are not located along the coast. In both the cases, very little representation is seen from the coastal areas- two members in the Andhra Pradesh SCZMA (out of a total 10) and one in the Gujarat SCZMA (out of a total 15). Representation from fishermen's groups and communities who interact with the coast the most is also not seen in any of the SCZMAs. Although, as per the decision taken in a meeting of NCZMA in December 2004, there should be 5-6 ex-officio members on the SCZMAs, currently the number of ex-officio members is much higher. For instance Gujarat has 12 ex-officio members,

¹²The Taluka Level Coastal Monitoring Committee has been created in Raigad district of Maharashtra as per an affidavit filed by the Maharashtra government in response to a PIL filed by the Bombay Environment Action Group in the High Court of Bombay regarding the declaration of mangrove area of Maharashtra as protected forest (PIL 87 of 2006). The TLCMC has been created particularly for the protection of mangroves in the region.

Karnataka and Odisha have 10 and and Goa and Tamil Nadu have nine ex-officio members. This leaves little space for subject experts. For example, representation from the field of social sciences is missing in the current composition of SCZMAs. All this becomes pertinent if the SCZMAs are viewed as working towards achieving certain outcomes, which are holistic and include contextual peculiarities.

Similarly, in the NCZMA, there is very little representation of communities residing in the coastal areas or organisations working on conservation, livelihoods or rights based issues across the coast. The 2011 composition of the NZCMA had a representative of the South Indian Federation of Fishermen Societies, an NGO, working as an apex body of organisations of small scale artisanal workers. This was not carried forward to the composition of 2012. Although the Director of Fisheries is a member of the NCZMA, the composition presents a glaring gap when it comes to representation from fishing communities, which is one of the predominant occupations along the coast. Further, the NCZMA is not a true representation of all the coastal states- Kerala, Tamil Nadu and Maharashtra are the only states which have a representation in it.

Can recording of the meetings' agenda and minutes lead to better transparency?

For the purpose of this study, RTI applications were filed to access the minutes of the meetings of all the SCZMAs [for details of RTI applications filed, see Annexure 2: Right to Information (RTI) Chronology]. Once received, they were analysed. This revealed some critical points. For instance, in the minutes of most of the SCZMAs' meetings, the name of the project, basic information, decisions taken, etc., were available. However, project details, maps, site visit details and presentations were not always provided. While most states provide basic information on agenda items, some cases that stand out are as follows:

The **West Bengal** SCZMA minutes do not provide basic information and chronology of project(s).

The minutes of the **Maharashtra** SCZMA meetings are organised in an easily comprehensible manner – the agenda items are arranged under various headers such as policy decisions/discussion items, court matters/complaints, proposals, etc. For items connected with project approvals information regarding location, proposed details, CRZ category, area and FSI details, etc. are provided.

In the case of **Tamil Nadu**, project related information such as location, project proponent, CRZ sub-zone, etc. are available in a tabular format. It also includes the recommendation of the concerned DCZMA and information on who has the power to decide on the proposal.

Very few SCZMAs (e.g. **Goa** and **Karnataka**) provide case reference numbers in the minutes of the meetings that would make it easier for somebody going through the minutes to track the progress of a particular case. However, many times, these reference numbers are incomplete and hence do not prove to be useful.

In **Gujarat**, it was observed that at times even the title of one project was stated differently in two agendas. This adds to the difficulty of tracking progress of a particular project proposal.

Another interesting observation is that agendas for the meetings of **Tamil Nadu**, **Maharashtra** and **Kerala** (and of late **Goa**) are quite detailed. Apart from providing the case related information, these also suggest what the Authority could do in the matter. It was observed that most of the times the final decision of the Authority has been in line with what was suggested in the agenda.

Uploading the minutes on the website or making them available in response to RTI applications is to serve the purpose of transparency. If the agenda or the minutes of the meetings are difficult to comprehend or inaccurate, the purpose of maintaining them is defeated.

CHAPTER 2: ZONING AND CLASSIFICATION OF COASTAL AREAS

1. How does the CRZ Notification define the Coastal Regulation Zone (CRZ) and various sub-zones under it?

The Central Government, in its Notification in 1991, defined the Coastal Regulation Zone (CRZ) as the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (on the landward side) up to 500 m from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL. The definition was changed in 2011 with the new CRZ Notification to the land from the HTL to 500 m on the landward side along the sea front, the land between the HTL and 100 m or width of the creek (whichever is less) on the landward side along tidal influenced water bodies, the land between the hazard line and 500 m from the HTL, the land between the HTL and the LTL, water area of the tidal influenced water body and the water and the bed area between the LTL and the territorial water limit.

Based on the above, the CRZ has been classified into the following sub-zones:

CRZ I	CRZ Notification, 1991 & 2011- Areas that are ecologically sensitive or important, with rich genetic diversity, at risk of inundation on rise of sea level and between the HTL and LTL.
CRZ II	CRZ Notification, 1991 & 2011- Areas that have already been developed upto or close to the shoreline; areas that fall under the municipal limits or any other legally designated urban areas that is already substantially built-up and has been provided with approach roads, sewerage and drainage systems.
CRZ III	CRZ Notification, 1991 & 2011- Areas which were originally undisturbed, coastal zones in rural areas and those areas falling within the municipal limits or designated urban areas but are not substantially built-up. The CRZ Notification 1991 & 2011 categorised the first 200 m of the CRZ III as the No Development Zone (NDZ).
CRZ IV	CRZ Notification, 1991- Coastal stretches of Andaman and Nicobar Islands, Lakshadweep and small islands that are not categorised as CRZ I, II or III. CRZ Notification, 2011- Water area from the LTL to 12 nautical miles on the seaward side; water area of the tidal influenced water body from its mouth to the sea upto the influence of tide.

STATES SEEK CHANGE IN CRZ REGULATIONS

There are newspaper reports stating that because of difficulties faced by people living on the coast including fishermen, Kerala wants to reclassify CRZ III areas in the state. As per a news report in *The Hindu*, on April 5, 2014, the Tourism Department of the state of Kerala has submitted a proposal to the KCZMA for some changes in the CRZ. This is to facilitate fast development of beach tourism in the state. The Department has argued that majority of the tourist destinations fall in the CRZ III areas and no construction is possible in the 0-200 m NDZ. According to the Department, this has made the destinations unattractive to tourists and investors. It has also opposed the 100 m NDZ for backwaters, stating the provision to be restrictive. It has proposed development of 13 beaches from Poovar to Bekal falling under CRZ III category. In urban areas, it has proposed amendments in the CRZ II norms for seven beaches and extending the applicability of Annexure III¹ of the CRZ Notification. The KCZMA has forwarded the proposal to the MoEF [source: Staff Reporter (2014, April 5). Kerala wants CRZ norms eased. *The Hindu*. Kozhikode].

Maharashtra has prepared a draft for a special regulatory regime for Mumbai. The Maharashtra SCZMA decided, in its 88th meeting in January 2014, to circulate the draft to obtain suggestions from concerned departments.

There have also been newspaper reports of Gujarat and Karnataka seeking relaxations in CRZ zoning and regulations. Responding to these requests, MoEF constituted a High Level Committee on CRZ under the chairmanship of Shailesh Nayak, Secretary, Ministry of Earth Sciences in August 2014.

¹ Annexure III of the CRZ Notification, 2011 provides guidelines for development of beach resorts and hotels.

2. What are Coastal Zone Management Plans (CZMPs)?

As per the Coastal Regulation Zone (CRZ) Notification, 1991, all the coastal states and Union Territories (UTs) were required to prepare Coastal Zone Management Plans (CZMPs) within one year from the date of the main Notification. The CZMPs, based on the guidelines provided in the Notification, were expected to have different regulation zones identified, classified and demarcated. The CZMPs were then to be approved by the Ministry of Environment and Forests (MoEF). All developments and activities permissible under the CRZ Notification, 1991, were to be regulated by the State Government/Union Territory administration/local authority, within the framework of the duly approved CZMP. The CRZ Notification, 2011 [clause 5 (vi)] required the coastal states UTs to prepare the CZMPs within two years from the date of the Notification. Clauses 5 (vii) and 5 (viii) of the Notification further stipulate that the draft CZMPs be submitted by the state/UT governments to the concerned CZMA for appraisal, within a period of two years from the date of issue of the Notification. Within six months from receipt, the CZMA was mandated to submit the Plan to the MoEF with its recommendations.

3. Did the states comply with the CRZ Notification, 1991 and submit their CZMPs within a year?

Within the period of a year since the CRZ Notification, 1991, no state submitted their CZMP. Till 1994, Kerala, Karnataka, Odisha, Tamil Nadu, Andhra Pradesh and Goa had not submitted their final CZMPs to the MoEF. In a case filed by the Indian Council for Enviro-Legal Action (WP 664/1993), the issue was brought before the Supreme Court (SC) and at the behest of the Court all the coastal states submitted their Plans in 1996. The MoEF approved these Plans in September 1996, subject to certain conditions (see details in the box 'CZMP Submissions in Pursuance to the CRZ Notification, 1991').

CZMP SUBMISSIONS IN PURSUANCE TO THE CRZ NOTIFICATION, 1991

India's erstwhile Prime Minister, Indira Gandhi in a letter to all Chief Ministers, on November 27, 1981, decreed that no construction was to occur within 500 m of the HTL. Following this, in 1983, the Department of Environment set up guidelines for the development of beaches and coastal areas. These guidelines stated that the adverse effect of developmental activities on the coast should not be felt within 500 m from the high water mark. These environmental guidelines required the state governments to prepare a status report on the then situation of the coastal areas as a part of environmental management of the area. This report was to be followed by a master plan identifying the areas for conservation, preservation and other activities.

Further to these guidelines, in 1988, when the MoEF was still in the process of drafting legislation for the coasts, a committee under the chairmanship of the then Chief Secretary was constituted in the state of Goa to prepare a status report on the environment management plan for its coastal areas. One of the mandates of the committee was to map the land use within 500 m of the HTL and demarcate the areas for conservation, preservation and development. This committee, using the land use information collected, prepared the CZMP for Goa in 1992. It was then examined by the task forces of 1993 and 1995, constituted by the MoEF, and revised [source: Nandakumar, D., & Muralikrishna, M. (1998). Mapping the extent of Coastal Regulation Zone violations of the Indian coast. Report for National Fishworkers' Forum.]. The final plan was submitted to the MoEF in 1996.

Till 1994, many states had not submitted their final Management Plans to the MoEF. As mentioned earlier, this was brought out through a case filed in the SC highlighting the non-compliance with the CRZ Notification, 1991. On April 3, 1995, the SC directed the states and UTs to prepare their Plans within a period of six months. Some of the states submitted their Plans to the MoEF but only after the deadline of six months was long gone. Except in the case of Puducherry, these Plans were not approved by the Central Government. The Central Government suggested some changes and asked the states and UTs to resubmit their Plans. The state of Odisha complied with the court order partially by submitting the Plan for a portion of its coastal stretch while the states of Andhra Pradesh, Gujarat, Karnataka and Kerala did not submit any Plans at all. The SC directed the states that had not submitted their CZMPs to do so by June 30, 1996 (source: case proceedings of WP 664/1993).

4. What were the conditions mandated by the MoEF while approving the CZMPs? Did the SCZMAs meet those?

Following the SC's order, the MoEF approved the CZMPs submitted by the coastal states. These CZMPs were approved subject to certain conditions, which were critical for the completion and implementation of the approved CZMPs. It has been mentioned on the website of the MoEF² that the Plans submitted by the states of Maharashtra and Gujarat have been discussed in the meetings of the task force constituted for the examination of CZMPs and that these need to be further modified by the respective state governments.

While approving the CZMP for **Odisha**, the MoEF put forth the condition that the CRZ II areas of the state need to be notified. Consequently, in 2003, the state finalised a proposal to be submitted to the NCZMA.

Similarly, as stated in the meeting's minutes of the APSCZMA in January 1999, the MoEF suggested that all the mud/tidal flats in **Andhra Pradesh** be recategorised as CRZ I areas.³ However, the State CZMA did not agree with this and reckoned that the areas fall under CRZ III category. This was questioned by the MoEF. The APSCZMA responded to the MoEF and stood by its decision to keep the mud and tidal flats as CRZ III areas.

While the CZMP for **Tamil Nadu** was approved by the MoEF in September 1996, the conditions imposed by the MoEF were met by the TNSCZMA in June 2000.

To put the CZMP of **Gujarat** into action, the Gujarat SCZMA decided, in May 1999, that a Coastal Zone Information System (CZIS) will be put in place. This was to provide maximum information to the authorities responsible for making the CZMP as well as the public. The Space Application Centre (SAC), Ahmedabad, and the Remote Sensing and Communication Centre (RESECO), Gandhinagar, were assigned to carry out the task. In the second meeting of the Authority, held on September 28, 2000, the Principal Chief Conservator of Forests (PCCF) agreed to provide the requisite information for mapping the forests in the coastal areas. However, whatever limited information was provided by the Forest Department did not match with the mapping done by the SAC. Hence, it was decided that the information regarding the forest boundary submitted by local forest officers would be considered on a case-to-case basis for deciding the CRZ categorisation. Other than this the CZIS was completed by August 2004, which was reported to the MoEF. Until November 2005, the approval of the conditions for the CZMP was still pending with the MoEF.

The **Goa** CZMP was prepared with the involvement of the Chief Secretary and the MoEF task forces. It was approved by the MoEF in 1996 with certain conditions. The GCZMA was required to re-work the CZMP and dispatch it to the MoEF along with the corresponding maps by December 1996. However, the State Government requested for more time for completion of the CZMP. The State Government also requested the MoEF to relax certain classifications from CRZ III to CRZ II and from CRZ I to CRZ III in identified pockets.

Since the MoEF did not respond to the requests by the State Government, the CZMP was not finalised till the first meeting of the Goa SCZMA that took place in April 1999.

The GCZMA examined the draft CZMP and decided that the Plan was fit for finalisation except with regard to two areas- Tiracol and the Zuari river- where mangroves exist. Hence, it was decided that the Conservator of Forests, Dr. Arvind Untawale [National Institute of Oceanography (NIO)] and Claude Alvares (Goa Foundation, an NGO), would visit the office of the GCZMA and finalise the maps in consultation with the Member Secretary. These finalised maps would then be approved by the Authority and sent to the MoEF for its approval. However, the status after that is not clear from the minutes of the meeting of the GCZMA.

For **West Bengal** and **Kerala**, the meetings' minutes do not reveal any information about conditions regarding the CZMPs. For **Maharashtra** and **Karnataka** too, the status is not known, as the minutes of the earliest meetings could not be obtained.

² <http://envfor.nic.in/division/introduction-8> (accessed on December 17, 2013)

³ In CRZ I, no new construction is permitted except for those required to meet the basic needs of the traditional communities. CRZ II, being an already developed area, allows for construction of buildings. In CRZ III areas, between 0-200 m from HTL (NDZ), no construction is allowed, but beyond 200 m construction of tourist resorts and houses for local communities is permitted.

Table 15 shows the status of the CZMPs for the nine states.

TABLE 15: STATUS OF CZMPs

DETAILS STATE	CZMP APPROVED BY MoEF (WITH CONDITIONS)	CHANGES MADE TO CZMPs (AS PER MoEF'S CONDITIONS)	APPROVAL OF CHANGES BY THE MoEF
ANDHRA PRADESH	1996	April 2000	Not known
GOA	1996	April 1999	Not known
GUJARAT	1996	May 2003	No reply (till 2005)
KARNATAKA	1996	Not known	Not known
KERALA	1996	Not known	Not known
MAHARASHTRA	1996	Not known	Not known
ODISHA	1996	2003	Not known
TAMIL NADU	1996	2000	Not known
WEST BENGAL	1996	Not known	Not known

Source: Minutes of the meetings of the CZMAs.

5. Were the approved CZMPs revised between 1996 and 2011?

Yes, after the MoEF approved the CZMPs in 1996, these have been revised by the various SCZMAs from time to time. As mentioned previously, many CZMPs were hurriedly prepared and conditionally approved, soon after the orders of the Supreme Court in 1996. Therefore, one common reason cited in the meetings of the various State CZMAs, for the subsequent revisions and/or amendments, was that the classification done at the time of the CZMP preparation was incorrect. For instance, in the case of **Tamil Nadu**, revised maps were prepared and presented in the 18th meeting of the Authority, in September 2001, for salt pans beyond 500 m in Kanyakumari, where pumped ground water was used for salt production. These areas were wrongly classified as CRZ; only salt pans falling under direct tidal influence of the sea need to be classified as CRZ I.⁴ This was confirmed by the MoEF officials during a visit in April 2001, subsequent to which the maps were revised by the DCZMA (refer to section 'DLCCs' in Chapter 1).

Another often cited reason for revision of the CZMPs has been rapid urbanisation in the coastal areas over a period of time, impacting the zoning of an area. The **Kerala** CZMA, in its 12th meeting in March 2004, decided to amend the CZMP based on an updated list of areas that come under municipality/corporation/urban areas/urban outgrowth/development areas/metropolitan council/census town, etc. These were then demarcated as CRZ II. Islands were also identified and categorised as CRZ IV.

Similarly, in October 1999, in **West Bengal**, the Digha Development Authority⁵ submitted a proposal for changing the CRZ category for certain areas from CRZ III to II due to the development that had already taken place. The areas included public amenities such as a bus stand and the Digha Railway Station.

Certain revisions were incorporated in the CZMPs while fulfilling the conditions put forth by the MoEF subject to which the CZMPs were approved. A state-wise account of the same is as follows:

In the case of **Tamil Nadu**, along with the revisions to the draft Plan (as suggested by the MoEF at the time of CZMP approval), certain other changes were also incorporated. For instance, the District Collectors were directed by the Authority to obtain the list of proposed power

⁴ As per the CRZ Notification, 1991, coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (on the landward side) up to 500 m from the HTL are to be considered as CRZ areas.

⁵ The Digha Development Authority was initially called the Digha Planning Authority when it was constituted in 1990 for 16 *mouzas*, the administrative unit of West Bengal. It was renamed as the Digha Development Authority in 1993. The nomenclature was changed again in 2004 to Digha Sankarpur Development Authority. It is the planning authority constituted under the Town and Country Planning Act for 42 *mouzas*, including Digha and Sankarpur under the Urban Development Department of West Bengal.

projects from the TN Electricity Board and incorporate them in the plans. The DCZMAs were also made a part of the process. In the 6th meeting of the TNSCZMA in August 1999, the CZMP for 12 districts was finalised and the decision was taken to forward the same to the NCZMA.

In **Kerala**, the Centre for Earth Science Studies (CESS) was assigned the task of carrying out the CZMP revision. A committee was constituted in March 2004 for modifying the CZMP. Chaired by Dr. M. S. Swaminathan, the committee had representatives from government departments such as the Local Self Government (LSG) Department, the Fisheries Department, the Environment Department, the CESS and two local NGOs. However, as major changes were envisaged, there was some debate about the constitution of the committee. In the 15th meeting of the KSCZMA, it was decided that the newly constituted committee would meet shortly, but the issue was not discussed in the subsequent meetings.

The **West Bengal** SCZMA sought the help of various departments and local bodies in the CRZ areas of the State. In its very first meeting in April 1999, it decided to identify such departments and bodies. However, it was subsequently decided that the Integrated Coastal Zone Management (ICZM) Plan, to be implemented in the state with the support of the World Bank, would be made a part of the CZMP process. Therefore, modifications to the CZMP would be made only after the ICZM Plan was approved.

There have also been instances where project proponents have requested for the re-categorisation of CRZ areas, which in turn meant revisions in the CZMPs. In its meeting in September 2000, the **Gujarat** SCZMA, at the behest of the Gujarat Tourism Corporation Limited, decided to convene a meeting to demarcate areas for tourism and also conduct a meeting with investors to promote tourism. In May 2003, the Gujarat Tourism Corporation Limited identified 13 areas for development of beaches and hotels and requested the GCZMA for the categorisation of these areas under CRZ III. The GCZMA forwarded the proposal to the MoEF. Subsequently, during a visit to Gujarat, on October 9, 2003, the MoEF officials informed the GCZMA that no such approval was necessary. Hence the Authority decided to categorise the areas as CRZ III. It was decided that in future it would, as per the CRZ mandate, forward individual tourism project proposals to be located in this area, with recommendations, to the MoEF for approval.

6. Are there any guidelines for the preparation of the CZMPs?

The CRZ Notification, 1991, provided a classification of sub-zones and a list of activities that are permitted, regulated or restricted in these zones. It also provided guidelines for setting up tourism related structures in CRZ III areas. As per clause 3 (3) (i) of the Notification, the CZMPs were to be prepared on the basis of these guidelines.

The CRZ Notification, 2011, in Annexure I, provides specific guidelines for preparation of CZMPs. These guidelines provide directions on aspects such as demarcating High Tide Line (HTL) and Low Tide Line (LTL), preparation of Coastal Zone Management (CZM) maps, local level maps and hazard mapping.

7. Do these guidelines specify the scale in which the HTL maps, CZM maps and local level maps are to be prepared?

The Notification of 1991 did not provide any specifications of this kind. The CRZ Notification, 2011, has specified the following regarding preparation of maps:

- HTL maps- They are to be prepared on the scale of 1:25,000.
- CZM maps- Base maps should be to the scale of 1:25,000. If maps of 1:25,000 scale are not available, then maps on the scale of 1:50,000 are to be enlarged to the scale of 1:25,000.
- Local level CZM maps- Cadastral (village) maps that are to be used as base maps should be prepared on the scale of 1:3,960 or the nearest scale to it.

INTEGRATED COASTAL ZONE MANAGEMENT PROJECT (ICZMP)

The ICZMP, as mentioned in Chapter 1, has been an important funding source for three SCZMAs- Gujarat, Odisha and West Bengal. The duration of the project is for a period of five years starting from September 2010. There are four components of the project which are relevant to the discussion on CZMPs:

- National ICZM capacity building- It includes mapping, delineation and demarcation of the hazard lines, and delineation of coastal sediment cells all along the coastline of India.
- ICZM pilot in Gujarat- This component is to support capacity building of the state level agencies and institutions, including preparation of an ICZM Plan for the Gulf of Kutch, and pilot investments.
- ICZM pilot in Odisha- It includes common activities such as capacity building of the state level agencies and institutions, including preparation of an ICZM Plan for the coastal stretches of Paradip-Dhamra and Gopalpur-Chilika, a regional coastal process study and pilot investments.
- ICZM pilot in West Bengal- The ICZM approaches will be piloted in the state. However, details of this pilot have not been chalked out as yet.

Financial assistance of 221.96 million USD has been granted as a loan by the World Bank to the Gol for this project. However, the total project cost is 285.67 million USD with a contribution of 63.76 million USD from the Indian side. The breakup of the project cost (in million USD) is given as follows:

National ICZM capacity building- 87.3

Gujarat ICZM- 74.1

Odisha ICZM- 49.3

West Bengal ICZM- 75

The ICZM Plan was discussed in the meetings of the **Odisha** SCZMA. Initially, a proposal for the preparation of the ICZM Plan for the entire coastline of Odisha was submitted (first phase in Puri-Konark and Devi river mouth) to the Central Government. Subsequently, on the recommendation of the NCZMA, disaster mitigation, climate change and drinking water scarcity in the coastal areas was added to the ICZM Plan. Also, two more stretches- Chilika-Gopalpur stretch and Paradip-Dhamra stretch- were added to the ICZM Plan being prepared by the Institute for Ocean Management (IOM), Anna University. In the later meetings of the Authority, it was decided that the State Project Management Unit (SPMU) of the ICZMP would formulate the Management Plans for the coastal Ecologically Sensitive Areas (ESAs). It was highlighted that the ICZMP would include a study on erosion at Puri. The Integrated Coastal and Marine Area Management Project Directorate (ICMAM PD)⁶ took up a project on shoreline management for the Odisha component of the ICZMP.

Initially, the SPMU for ICZMP of Odisha was viewed as a planning body that would handle the task of preparation of management plans for the ESAs and critically vulnerable areas. Efforts were also made to bring the preparation of CZMP and ICZM Plan together, however, in the later meetings the OSCZMA started considering it as an enforcing entity and decided that the alleged CRZ violations will be examined by the SPMU.

The **West Bengal** SCZMA had taken a position from the very beginning that the ICZM pilot, which was for select coastal areas, will be part of the CZMP of the state. Its preparation was assigned to the School of Oceanographic Studies, Jadavpur University, to be carried out in collaboration with the Digha Sankarpur Development Authority (DSDA). The WBSCZMA in its meeting in July 2005, decided that the proposals concerning the recategorisation of land use pattern of Digha will be added to the ICZM Plan. A committee was formed in the same meeting in July 2005 to decide the modalities of the work on the ICZM Plan and to review the recategorisation proposal with respect to the ICZM Plan. Later on, the SCZMA recommended that the requisite reclassification of CRZ areas be made a part of the ICZM Plan. While discussing the draft ICZM Plan in its meeting on October 26, 2006, the Authority suggested, "...more area should be allotted for development of hotels if we were to promote tourism in the area."

In **Gujarat**, the ICZM Plan is being prepared for the Gulf of Kutch. However, it has not been discussed in the meetings of the GCZMA.

⁶ ICMAM is attached to the office of Ministry of Earth Sciences and is involved in the environment management capacity building projects of the International Development Association (IDA). It is carrying out research in the field of coastal environment management (<http://www.icmam.gov.in/>). The IDA is a part of the World Bank that provides loans and grants for economic growth, reduction of inequalities and improvement of living conditions of the people in poor countries (<http://www.worldbank.org/ida/what-is-ida.html>).

8. What do the MoEF appointment orders for SCZMAs say about CZMP preparation?

Since the SCZMAs were constituted in 1998 and the CZMPs were approved by the MoEF prior to that in 1996, the CZMP preparation was not mentioned in the pre-2011 SCZMA appointment orders. The CZMP preparation is not one of the tasks to be carried out by the SCZMAs even as per the post 2011 appointment orders. However, the SCZMAs of Goa, Gujarat, West Bengal, Odisha and Maharashtra have been assigned the task of preparation of CRZ maps.

9. Is the NCZMA involved in the preparation of new CZMPs and revision of the approved CZMPs?

As per the constitution order issued by the MoEF, the NCZMA has not been given any mandate for preparation of CZMPs. But it is the coordinating and supervisory body for all SCZMAs. Hence, the SCZMAs have been reporting to it from time to time on their progress regarding the preparation of the CZMPs. The constitution order of the NCZMA lists approval of revisions/modifications to the CZMPs as one of its functions. Therefore, the SCZMAs bring such cases to the NCZMA. In fact, the NCZMA has spent most of the time in its meetings discussing reclassifications in the approved CZMPs, followed by getting updates on the CZMP preparation under the CRZ Notification, 2011.

10. Did the states prepare their CZMPs in the stipulated time frame of two years?

No, the governments of the states and UTs could not prepare their draft CZMPs by January 2013. Minutes of the meetings of the NCZMA indicate that during the two years, the SCZMAs were updating the NCZMA on the preparation of the CZMPs. To the NCZMA, they acknowledged that the preparation of the Plans is still ongoing and yet to be completed due to a range of difficulties. Based on this feedback, the MoEF extended the deadline for the SCZMAs to submit the draft CZMPs with their recommendations to it to September 30, 2013 (MoEF amendment on August 22, 2013). Accepting the request of Puducherry and Maharashtra CZMAs, the MoEF stated in the same amendment that the CZMPs that have already been approved (prior to the CRZ Notification, 2011) would be used till January 31, 2014. On May 7, 2014, the MoEF issued another amendment to the CRZ Notification, 2011, extending the deadline for submission of draft CZMPs to September 30, 2014. It further stated, "The Coastal Zone Management Plans which are already approved by the Ministry of Environment & Forests shall be used till 31st January 2015." (source: amendment to the CRZ Notification, 2011 regarding the utilisation of CZMPs, August 22, 2013, and amendment to the CRZ Notification 2011, May 7, 2014).

11. How did the SCZMAs carry out the task of preparation of CZMPs? What is the current status of preparation of CZMPs under the CRZ Notification, 2011?

Interestingly, the CRZ Notification, 2011 does not mention that the task of preparation of CZMPs vests with the SCZMAs. As per the Notification, they are only to appraise the CZMPs (once the respective state governments have forwarded the draft Plans to them). Even the appointment orders of the SCZMAs do not list it as one of their functions. However, the SCZMAs of Goa, Gujarat, West Bengal, Odisha and Maharashtra have been assigned the task of preparation of CRZ maps (as per the latest appointment orders for SCZMAs by the MoEF). In practice, the SCZMAs have been coordinating the preparation of CZMPs along with reputed scientific institutions or agencies, including the National Centre for Sustainable Coastal Management (NCSCM) that functions under the aegis of the MoEF. As of December 2014, most of the states were still in the process of finalising their respective CZMPs. An account of how the preparation of CZMPs appears in the minutes of the meetings of the various SCZMAs is given as follows:

As per the minutes of the meeting of May 2012, the **Odisha** CZMA took a decision to invite Expression of Interest (EoI) from authorised agencies for the preparation of CRZ maps for the Odisha CZMP.

The **Andhra Pradesh** SCZMA decided during its meeting in January 2012, that the local revenue authorities would prepare district wise plans, by transferring digital data on zonation on local cadastral scale, to submit to the MoEF for getting approval by the stipulated time (i.e. by January 2013).

The draft CZMP for **Kerala**, prepared by the National Hydrographic Office (NHO), Dehradun, along with maps, was presented in the meeting of the KSCZMA, in September 2013. While certain corrections were yet to be made, it was decided that the maps would be put up on the Authority website to elicit comments from the public. As of September 3, 2014, the maps were available online.

The Chairman of the **Tamil Nadu** SCZMA, in the 65th meeting in February 2012, suggested that the ICZM Plan [see box 'ICZM Plan under Emergency Tsunami Reconstruction Project (ETRP)'] can be prepared by engaging an authorised agency like the Institute of Remote Sensing, Anna University, Chennai. However, for the purpose, maps of the 13 coastal districts of the state were prepared by the Geographic Information System (GIS) Cell of the Department of Environment. The Authority decided in its 73rd meeting to forward the maps to the Chennai Metropolitan Development Authority (CMDA), the Corporation of Chennai and the Department of Town and Country Planning for their remarks. They also sent it to the DCZMAs for their remarks and to conduct public hearings. It was decided that comments thus received would be incorporated, the maps would be finalised, checked by an external agency for quality and then be forwarded to the MoEF for approval. The maps were also uploaded on the website of the Department of Environment.

The Authority also resolved in its 73rd meeting in August 2013, to release a sum of ₹ 70,000 to each DCZMA for conducting public hearings. By the end of 2013, public hearings had taken place in seven districts of Tamil Nadu (as reported in the agenda of the 75th meeting). It was also decided in the meeting on December 18, 2013 that cadastral maps would be made at the earliest. However, they were to be made available only once the CZMP maps at 1:25,000 scale were approved by the MoEF. The SCZMA conveyed this in response to a demand made by the Fishermen Associations of Chennai that cadastral level maps be shared with them before the public consultations.

ICZM PLAN UNDER EMERGENCY TSUNAMI RECONSTRUCTION PROJECT (ETRP)

The ETRP- Vulnerability Reduction of Coastal Communities is being carried out in 11 districts of Tamil Nadu with financial assistance of ₹ 669.28 crores from the World Bank. The project was started in 2005 with an objective to expedite recovery in the tsunami affected areas and to reduce vulnerability of coastal communities to natural hazards such as storms, floods, tsunamis, etc. Although the project mainly includes reconstruction of houses and restoration of livelihoods in the tsunami affected areas, the preparation of an ICZM Plan including coastal vulnerability mapping, resource assessments and ocean bathymetry has also been included as part of the project [source: <http://www.tnrd.gov.in/> (Website of Rural Development and Panchayati Raj Department, Government of Tamil Nadu)].

The **Gujarat** CZMA, in its meeting in April 2011, brought in the Bhaskaracharya Institute for Space Applications and Geo-Informatics (BISAG) to prepare the CZMP as per the CRZ Notification, 2011. For a month later, the Maharaja Sayajirao University of Baroda and BISAG were asked to study the already existing HTL maps (see the next section 'Demarcation of HTL & LTL') and give their suggestions. In its meeting in March 2012, the Authority shared with the members that no proposal was received from the agencies authorised by the MoEF to prepare CRZ maps, in response its first call for proposals. Hence, it had decided to again contact the seven agencies authorised to demarcate HTL and LTL. After receiving proposals from all of them, the final decision would be taken. However, in the NCZMA meeting in January 2012, the Authority had informed the NCZMA that the work on the CZMP was in progress. It had decided to adopt a cluster approach for CZMP preparation and public hearings were being organised in each district to identify the clusters for preparation of the CZMP. In the same meeting, it suggested to the NCZMA that maps on the scale of 1:4,000 should be insisted upon only for the developed areas. It stated that otherwise CZMP preparation will become quite a "laborious" exercise.

As per the minutes of the 27th meeting of the NCZMA in June 2013, the **Goa** SCZMA was yet to start the preparation of its new CZMP as per the CRZ Notification, 2011. The interview responses of the Goa SCZMA members corroborate this point. At the time of the interviews in 2012, the Goa SCZMA had not discussed the preparation of CZMP under the CRZ Notification, 2011. However, the Goa SCZMA discussed an ICZM Plan concept note in its 85th meeting and finalised it in the 87th meeting held in June 2013.

The Government of **Odisha** had submitted a partial plan covering only a part of its coastal area (as of June 2013).

In the case of **West Bengal**, a preliminary concept document about the CZMP had been submitted (as of March 2014).

The **Karnataka** SCZMA has completed preparation of the CZMP and has made the CRZ maps available online. It has invited suggestions and objections (as of June 2014).

The **Maharashtra** SCZMA is preparing district wise CZMP maps. According to the minutes of the 89th meeting of the MCZMA, on March 14, 2014, the CZMP for the Jawaharlal Nehru Port Trust (JNPT), Raigad and Ratnagiri districts in 1:4,000 scale was completed by IRS. The CESS had also submitted the draft CZMP in 1:4,000 scale for Thane and Sindhudurg to MCZMA. Work of transferring the CZMP maps from 1:4,000 scale to 1:25,000 scale was being done and the maps would be submitted for public consultations as per the CRZ Notification, 2011. The MCZMA had asked both the agencies to start submitting the maps in 1:25,000 scale by April 15, 2014. It also decided to consider all proposals for reclassification during the public consultations on the draft CZMPs.

The latest information available on the CZMP preparation is provided in Table 16.

TABLE 16: STATUS OF PREPARATION OF NEW CZMPs

STATE	DETAILS	AGENCY	PLANNING PROCESS	STATUS	DATE
ANDHRA PRADESH		SAC, Ahmedabad & NIO, Goa are being considered	District wise	In progress	June 25, 2013
GOA		NIO	With planning for ESAs, CVCAs, etc.*	In progress	June 26, 2014 ^a
GUJARAT		BISAG & SAC declined. NCSCM has been contacted.	Cluster approach	In progress	June 25, 2014 ^b
KARNATAKA		NHO, Dehradun	District wise	Draft prepared. Public hearings are going on.	March 27, 2014 ^c
KERALA		CESS	With planning for ESAs, CVCAs, etc.*	Draft CZMP for Kochi, Thiruvananthapuram & Kollam districts prepared. Public hearings to start.	July 1, 2014 ^d
MAHARASHTRA		CESS (for Thane and Sindhudurg) and IRS (for Mumbai, Raigad and Ratnagiri)	District wise	In progress	June 25, 2013
ODISHA		Odisha Space Application Centre	With ICZM Plan and planning for ESAs, CVCAs, etc.*	In progress	June 25, 2013
TAMIL NADU		IRS, Anna University	District wise	Draft prepared. Public hearings are going on.	March 21, 2014 ^e
WEST BENGAL		IESWM	With ICZM Plan	In progress	June 25, 2013

This status, unless indicated otherwise, is as of June 25, 2013 and is based on what was reported to the NCZMA.

*As per the interview responses of the members of the respective SCZMAs.

Source:

a. Phone call with Candido Correa, Accounts Clerk, Goa SCZMA

b. Phone call with Ashok Chauhan, Environment Engineer, Gujarat SCZMA

c. Minutes of the meeting held on March 27, 2014, Karnataka SCZMA

d. Phone call with Member Secretary, Kerala SCZMA

e. Minutes of the meeting held on March 21, 2014, Tamil Nadu SCZMA



Draft CZMP map of Kancheepuram district, Tamil Nadu [source: <http://www.environment.tn.nic.in/> (Department of Environment, Government of Tamil Nadu)]



Approved CZMP map of Kancheepuram district, Tamil Nadu [source: <http://www.environment.tn.nic.in/> (Department of Environment, Government of Tamil Nadu)]

12. What do the SCZMA members say about CZMP preparation?

Members of the various state authorities who were interviewed as part of this study stated that the process of CZMP preparation is “laborious” (Kerala) and “very extensive” (Tamil Nadu). Members from Kerala and Goa also said that they are planning for specialised areas such as ESAs and CVCAs while preparing the CZMP. Members of the Odisha SCZMA said that the state is preparing the CZMP for parts of its coastal stretch under the ICZM Plan, which also includes planning for identified ESAs. This has been recorded in the minutes of the meetings as well.

13. Is there any role for DLCCs in CZMP preparation?

Except Tamil Nadu, of the SCZMAs, which have constituted DLCCs, Gujarat, Maharashtra, Karnataka and West Bengal have kept the task of coordinating the preparation of CZMP as a function of the DLCCs. Andhra Pradesh and Goa are yet to constitute their DLCCs and Kerala and Odisha have not shared the ToR of their DLCCs to find out if this is part of the mandate. However, from the minutes of the meetings of the SCZMAs it seems that Karnataka and Tamil Nadu SCZMAs have involved concerned DLCCs in the process of conducting public hearings. Karnataka has also involved concerned Regional Directors (Environment) in the task.

14. How are local communities being involved in the CZMP preparation?

According to the latest appointment orders from the MoEF, the SCZMAs have been assigned the task of preparing CRZ maps as per the procedure laid out in the Notification. This asks for informing people about the mapping process, mapping agency, etc. The CRZ Notification, 2011 (clause D II 7 of Annexure I) states that common property of fishermen

communities, fish drying platforms and other infrastructure facilities for fishing and local communities should be indicated on the cadastral maps. V. Vivekanandan, Ex-member, NCZMA also stated that marking common use spaces on CRZ maps is crucial.

While all states have been asked to conduct public hearings on the draft CZMP, only the process being followed by Karnataka and Tamil Nadu could be tracked through minutes of their meetings. Efficacy of the process depends heavily on the scale of maps which are being made available for public hearings. For local communities, maps close to the cadastral scale (1:3,960) are more comprehensible as they can easily locate and mark structures on them. The minutes reveal that the Karnataka SCZMA is making CRZ maps on the scale of 1:4,000 available for public hearings. Tamil Nadu is providing maps prepared on 1:25,000 scale.

DEMARCATION OF HTL & LTL

15. How does the CRZ Notification define HTL? How is it to be demarcated?

As per the CRZ Notification (1991 and 2011), the line on the land upto which the highest water line reaches during spring is the HTL. The CRZ Notification, 2011, states that the HTL will be demarcated uniformly across the country by the demarcating agencies authorised by the Central Government. It further states that the demarcation of the HTL will be done within a period of one year from the issuance of the Notification. Under Section 1 A of Annexure I, the CRZ Notification, 2011 provides a set of guidelines for demarcation of the HTL.

16. Which agencies have been authorised by the Central Government for the demarcation of HTL and LTL?

Before 1999, only the Chief Hydrographer, NHO, Dehradun, was authorised to demarcate the HTL and LTL for coastal areas. Between 1999 and 2011, the MoEF selected five organisations for demarcating the HTL and LTL:

1. Space Application Centre (SAC), Ahmedabad
2. Centre for Earth Science Studies (CESS), Thiruvananthapuram
3. Institute of Remote Sensing (IRS), Anna University, Chennai
4. Institute of Wetland Management and Ecological Design (IWMED), Kolkata
5. National Hydrographic Office (NHO), Dehradun.

After the 2011 Notification, two more were agencies were added:

1. National Institute of Oceanography (NIO), Goa
2. National Institute of Ocean Technology (NIOT), Chennai

17. Are there some funds allocated for CZMP preparation? Who pays the agencies hired to demarcate HTL and LTL?

No, the CRZ Notification has not allocated any funds for CZMP preparation. The constitution orders for SCZMAs prior to 2011 do not mention anything about it. However, the constitution orders post 2011 have made the respective state governments responsible for making funds and resources available to the SCZMAs.

For HTL and LTL demarcation, different states have tried different ways to meet the costs. The **Odisha** and **Tamil Nadu** CZMAs mandated that the project proponents get the HTL demarcated by the authorised agencies at their own expense. **Andhra Pradesh** decided to request the Central Government to get it done. The **Karnataka** CZMA also identified the need to transpose the marking of HTL, LTL and other regulatory lines onto the local level maps. It generated funds for the process from the Karnataka Urban Infrastructure Development and Finance Corporation (KUIDFC). The **Goa** CZMA asked both the State and the Central Government for their assistance to carry out the demarcation.

18. Are the SCZMAs facing any difficulties to get HTL and LTL demarcated in their respective states?

Most of the Authorities acknowledged the urgency of demarcating the HTL and LTL. They also admitted that the task was time and cost intensive. An account on how different SCZMAs dealt with the issue is given as follows:

The **Tamil Nadu** CZMA, while acknowledging the necessity of delineating these lines, stated in its very first meeting in February 1999, that the process demands a high cost and a long time frame. Therefore, despite having appointed the Chief Hydrographer, NHO, Dehradun, to carry out the task in 1998 (for the 110 km between Pulicat lake of Tiruvallur district and Palar river mouth of Kancheepuram district, which fall on the northern end of Tamil Nadu, as phase I, at a cost of ₹ 42.50 lakhs), the Authority decided that till the HTL and LTL are delineated for the entire coastline of Tamil Nadu, the project proponents may get it done at their cost, by the agencies that are authorised by the MoEF. The Chief Hydrographer issued the maps for the first phase in February 2001. But these maps could not be used directly as they had to be superimposed on the village cadastral maps for use by the panchayats.

The TNSCZMA decided in its 27th meeting in October 2004, that HTL will be marked on a priority basis for selected coastal cities. In the 59th meeting of the Authority, in May 2010, the Institute of Remote Sensing (IRS), Anna University, was assigned the task of updating the demarcation of the HTL for the stretch demarcated in the first phase (110 km between Pulicat lake of Tiruvallur district and Palar river mouth of Kancheepuram district). The IRS was also authorised to carry out a fresh HTL demarcation for the coastal area between the Pulicat lake (in TN) and Andhra Pradesh border, along with tidal influenced water bodies for about 150 km (at a cost of ₹ 35 lakhs). The work of demarcation of the HTL for coastal and tidal influenced water bodies had already been completed from the Palar river mouth, Kancheepuram, up to the Kerala border in Kanyakumari district (950 km) under the World Bank aided ETRP scheme. The expenditure for this was incurred from the Tamil Nadu Coastal Zone Management Fund.

Odisha proposed to appoint the Odisha Space Application Centre to demarcate the HTL and LTL. For the same, it proposed to the MoEF that it be authorised to carry out the task.

Post 2011, the **Andhra Pradesh** SCZMA decided to request the GoI to help demarcate the LTL, HTL and CRZ uniformly at 1:25,000 scale.

The Kerala CZMA appointed the CESS, authorised by the MoEF, to do the demarcation. In August 2008, the **Kerala** Authority decided that the local bodies⁷ will prepare the cadastral scale/local level coastal zone maps and will demarcate the HTL and LTL in consultation with CESS.

With respect to a proposed change in the HTL of Mandarmoni area in **West Bengal**, the West Bengal Authority, in its meeting on June 19, 2007, opined that a uniform policy should be adopted for all the areas of the state.

In 2002, vide an order of the Authority, the task of HTL and LTL demarcation for the coast of **Karnataka** was entrusted to the NHO, Dehradun. Training and awareness programmes and construction of pillars were also a part of it.

The **Goa** CZMA in its first meeting in November 1998, considered the Naval Hydrographer's Office (NHO), one of the agencies shortlisted by the MoEF, to demarcate the HTL. However, finding its offer expensive and time consuming, the GCZMA appointed the National Institute of Oceanography (NIO) for the task. Although, the NIO was asked to do the demarcation on the scale of 1:25,000 and 1:4,000, it did the demarcation only on the scale of 1:4,000. It was also established that the NIO had undertaken plot-wise demarcation of HTL and LTL for one or two individual projects at the insistence of project proponents. During the 4th meeting of the Authority in March 2000, the members raised objections to the plot wise demarcation.

⁷ Local bodies are institutions of local self governance that are in charge of the administration of an area such as a village, town or city. In India, they are referred to as Rural Local Bodies (Panchayats) for rural areas and are called Urban Local Bodies (Municipalities) for urban areas (source: Ministry of Statistics and Programme Implementation, GoI, 2014).

One of the main contentions against it was that the SCZMA had already entrusted the task of demarcating the HTL and LTL for the whole CRZ of Goa to the NIO at the cost quoted by them. "Hence it would be unethical to further charge the project proponent for doing the job plot-wise. It may also lead to errors if not done in a holistic and uniform manner for the entire coast line." (source: minutes of the 4th meeting of the Goa CZMA).

The Authority had decided in one of its initial meetings that till the time HTL and LTL demarcation was completed by the NIO, the project proponents would be advised to ensure that all constructions were located beyond the 200 m mark from either the Pioneer Sand Dune Vegetation Line (PSVL) or the Survey Boundary Abutting the Waterfront (SBAW). Both these lines are usually on the landward side of the HTL. The piece-meal demarcation of HTL done by the NIO for projects overlooked this decision of the Authority.

The maps with HTL and LTL demarcations incorporating the inputs from the Directorate of Settlement and Land Records (DSLRL) were worked upon by the NIO in 2003. In the 21st meeting of the GCZMA in November 2004, it became apparent that HTL demarcation maps were not compatible with land use and therefore could not be transferred on to the local village cadastral maps, thereby, making it difficult to scrutinise violations and project proposals. The maps, therefore, were transferred on the village cadastral maps by physical ground survey by the NIO. It was suggested in the Authority meeting in September 2005, that the HTL should be demarcated by indicator poles on the ground. The secretaries of the village panchayats were made responsible for the maintenance of the HTL demarcation poles. The panchayats were directed to use the PSVL as an indicator of the HTL.

The agencies hired by the different states for the demarcation of HTL and LTL have been finding it difficult to carry out the demarcation. Hence, they have been taking much longer than initially envisaged. As shared by Hardik Shah, Member Secretary, Gujarat SCZMA, in August 2013, "Gujarat SCZMA has not been able to hire any agency to carry out HTL and LTL demarcation as none of the agencies are willing to take it up."

19. What is the role of the NCZMA in the preparation of CZMPs? How well is it performing?

As per the constitution order issued by the MoEF, the NCZMA is mandated to examine any modifications made by the SCZMAs to the CZMP. However, the order is silent on the demarcation of HTL and LTL. Therefore, the SCZMAs have been referring cases of HTL demarcation to the NCZMA only when they are coupled with requests for reclassification or on the basis of possible factual errors in the approved CZMP. They usually try to reason that the HTL is not demarcated properly and therefore a specific area should be moved out of a particular CRZ category. Demarcation of HTL and LTL, as proposed by the State CZMAs, is forwarded to the NCZMA for the final decision. The NCZMA checks whether the demarcation has been done by an agency authorised to do so, examines the grounds on which the demarcation was proposed and takes a final decision. This is particularly important in the case of water bodies, where ambiguity arises from the fact that tidal influence needs to be assessed to demarcate HTL and LTL. Given as follows are two examples of how the NCZMA has dealt with the issue of HTL and LTL demarcation.

- In the 19th meeting of the NCZMA in January 2010, the Tamil Nadu CZMA submitted a proposal for demarcation of the HTL along the Buckingham Canal falling under the Chennai Metropolitan Development Authority (CMDA). It argued that the area had no tidal influence and as the salinity of the canal in the mentioned stretch was below 5 ppt (parts per trillion), it should not come under the purview of the CRZ. This stretch is a real estate hotspot and several Information Technology (IT) companies are coming up in the area. However, the NCZMA declined the proposal as members opined that the low salinity of the canal could be because the flow of sea water to the canal was obstructed. The NCZMA, hinting that the canal cannot be denotified and built upon, also mentioned the proposal pending with the Ministry of Surface Transport to turn it into a navigation canal from Andhra Pradesh to Tamil Nadu. The scheme to restore it to a navigable canal, as it was in the 1960s, was announced in 2008 by a Central Minister from Tamil Nadu [source: minutes of the 19th meeting of the NCZMA; Karthikeyan, A. (2008, December 10). Buckingham Canal to

be made navigable again. *The Times of India*. and Special Correspondent (2010, March 16-31). What are we planning for the Buckingham Canal? *Madras Musings XIX(23)*].

- In response to the proposals to add institutes such as the Odisha Space Application Centre and the Science and Technology Park, Pune, as agencies authorised to demarcate HTL and LTL, the NCZMA in its 26th meeting in November 2012, constituted a committee to formulate a set of guidelines to identify the institutes. These institutes were to be added to the list of seven institutes initially identified to carry out the task (see the answer to question 16). To do away with any discrepancy in demarcation and findings by the different agencies, the Authority directed the authorised agencies to constitute a committee involving NCSCM under the chairmanship of Dr. Shailesh Nayak, Director, Ministry of Earth Sciences, and evolve a common methodology for the demarcation of HTL and LTL. It also instructed the agencies to bring in clarity in terms of time and costs involved. The importance of having a standard methodology for preparing the maps on the scale of 1:4,000 and carrying out field surveys to enable this was also acknowledged by the NCZMA in the same meeting.

“COASTAL ZONES STUDIES” PROJECT OF THE MOEF

The MoEF initiated a project titled “Coastal Zones Studies” wherein the SAC, Ahmedabad, in collaboration with a large number of scientific organisations and universities of the country, was entrusted with the task of preparing a detailed inventory of the coastal zones of India. The inventory of coastal zones was to include land use along with demarcation of HTL, LTL and ESAs, mapping and monitoring of coral reefs and mangroves, impact of sea level rise on the coastal environment and development of Coastal Zone Information System (CZIS). As an outcome of the project the MoEF released a publication titled ‘Coastal Zones of India’ in June 2013. The land use mapping for the entire Indian coast has been done on 1:25,000 scale. This report is expected to come in handy for the SCZMAs for the implementation of the CRZ Notification, as it demarcates the HTL and LTL, and maps the land use and ESAs for the entire coastline of India. The SCZMAs can use it to decide on project proposals and to identify violations.

ZONING AND CLASSIFICATION

20. What does the CRZ Notification say about zoning and classification?

Besides defining the CRZ and various sub-zones under it (see the answer to question 1), the CRZ Notification, 2011, in Annexure I, provides guidelines for Coastal Area Classification and Development Regulation.

21. What do the MoEF orders for constitution of SCZMAs state about zoning and classification?

The MoEF, in its orders constituting the State CZMAs (dated November 26, 1998), describes the function of zoning and classification as “...examination of proposals for changes and modifications in classification of Coastal Regulation Zone areas and in the Coastal Zone Management Plan received from the state government and making specific recommendations to the National Coastal Zone Management Authority therefore.”

22. How were the SCZMAs involved in zoning and classification prior to CRZ Notification, 2011, given that the CZMPs were approved before they were constituted?

The CZMPs of the coastal states (as approved by the MoEF in 1996) have classified the CRZ in their respective coastal districts into four sub-zones as per the CRZ Notification, 1991. However, the SCZMAs have been proposing reclassifications from time to time, which are then examined by the NCZMA. These reclassifications have been proposed, in most cases, to grant clearances to certain developmental projects and to permit house constructions/reconstructions. But, there have been instances where reclassification has been suggested at the behest of the local bodies such as the gram panchayat. In the case of Kerala, there was also a case of reclassification (requested by a particular individual) where the High Court had

intervened, directing the KSCZMA to conduct hearings for the concerned parties to decide on the matter.⁸ Most of the times the reclassifications are proposed to bring CRZ III areas under the more liberal CRZ II. However, there have also been instances wherein a particular group has demanded that an area be upgraded to a higher status with stricter regulations. A few examples of the cases brought to the NCZMA for reclassification are given as follows:

- In a meeting of the **Andhra Pradesh** SCZMA in May 2007, the District Collector of Greater Visakhapatnam Municipal Corporation (GVMC) proposed the re-classification of an area in the Chinawaltair locality. It was proposed on the grounds that the area was categorised as CRZ II at the time of preparation of the CZMP but the GoI changed it to CRZ III and approved it. As the area was located in the midst of the city with necessary infrastructure, the Authority decided to recommend the reclassification (to CRZ II) to the NCZMA. It decided to recommend all such areas for reclassification on receipt of proposals from the concerned District Collectors on a case-to-case basis. Similar proposals for the Chinawaltair area were received by the Authority in May 2010 as well, which it recommended to the NCZMA on the same grounds. In the same meeting in May 2010, the Authority decided that the areas within GVMC where the number of built-up plots was more than half of its total plots would be recommended to the NCZMA for reclassification into CRZ II.
- In another instance, the **Tamil Nadu** SCZMA received a request from the Tuticorin Port Trust for reclassification of the Tuticorin area. The DCZMA had also recommended the change. The SCZMA in its 17th meeting agreed to reclassify 75% of the Tuticorin area from CRZ I to CRZ II. But, the MoEF suggested that the area be reclassified as CRZ III as per the proposed land use.
- In the case of **Goa**, the State Government recommended the change of status from CRZ III to II for the area from Carbo Raj Niwas to Dona Paula Cove/Bay, from Dona Paula Cove/Bay to Panaji municipal boundary towards Siridao and the area of Ribandar along the river Mandovi. All these areas are located on the banks of rivers Mandovi and Zuari. One of the members of the Goa SCZMA, Claude Alvares from Goa Foundation (an NGO), raised objections to the reclassification of the area of Ribandar. Objections could not be analysed as the annexures to all the minutes were not provided. However, the case was reviewed by a subcommittee with Manohar Parrikar, Dr. Arvind Untawale and Dr. N. P. S. Varde on it. The subcommittee recommended reclassification and the Authority in its 6th meeting in October 2000, forwarded it to the NCZMA. As reported in the minutes of the 9th meeting of the GCZMA in May 2002, the recommendation was approved by the MoEF.
- A request from an NGO was received by the MoEF for the Marina area of Chennai to be classified as CRZ I. The Ministry sought the views of the **Tamil Nadu** SCZMA, which said that as per the CRZ Notification, 1991, the area qualifies as CRZ II and is not ecologically sensitive. Similarly, the Rushikulya sea turtle nesting site was reclassified as CRZ I from CRZ III in the first meeting of the **Odisha** SCZMA on the request of a local NGO in May 2003.

Details on reclassification related to project approvals have been provided in Chapter 4.

23. How does the NCZMA handle proposals for reclassification?

The NCZMA observed that it was receiving many proposals from the SCZMAs requesting reclassification. In its 18th meeting in September 2009, it decided that it will only examine those proposals that seek reclassification for entire areas and not for individual plots. Hence, the proposals concerning individual plots were sent back to the respective SCZMAs and were not entertained till a proposal was submitted for an entire area. The NCZMA also directed the

⁸ CRZ clearance for a 60 HP motor for an ice plant in Anchuthengu gram panchayat was not given as setting up of ice plant is not permitted in the NDZ. The matter was brought to the Court (WP 9052/2006) and as per the court order a hearing was conducted in the 19th meeting of the KCZMA in August, 2006. It was observed that the panchayat had allotted building numbers in violation of the CRZ Notification. But it had not requested the Authority for recategorisation of the area considering the specific development requirements of the area. Although the need for recategorisation was acknowledged by the Authority as the area was substantially built-up, the ice plant was not given CRZ clearance.

SCZMAs to provide details of relevant court cases and violations related to the areas proposed for reclassification. It seems from the minutes of the meetings that the NCZMA decides on the proposals, after going through the ground verification reports. Some examples are given as follows:

In the 18th meeting of the NCZMA in September 2009, in response to the reclassification proposals submitted by the Maharashtra SCZMA, the then Chairperson of the NCZMA, Vijai Sharma, informed the Chairperson of the MCZMA, Valsa Nair, that the reclassification proposals should be accompanied with a site visit/physical verification report.

In the case of the reclassification proposals from Andhra Pradesh, the NCZMA, in its 19th meeting in January 2010, asked the state to constitute a committee under the chairmanship of the Chief Secretary to examine the proposals and submit its report. This direction was given by the GoI earlier as well, in September 1996. The Andhra Pradesh SCZMA constituted the committee and sent the proposal for reclassification of the Chinawaltair area from CRZ III to CRZ II. The decision on this proposal was pending till June 2013.

24. Has the preparation of new CZMPs under the CRZ Notification, 2011 affected recent proposals for reclassification?

From September 2009 onwards, the NCZMA stopped entertaining any individual reclassification proposals. It sent them back to the states and asked them to resubmit them on “area” basis (source: minutes of the 18th, 19th and 20th meetings of the NCZMA). Later, in the 21st meeting of the NCZMA in April 2011, the then Chairman of the NCZMA, T. Chatterjee (also the then Secretary, Environment and Forests), shared his apprehension that many reclassifications may lead to regularisation of violations of the CRZ Notification. He further suggested that the CZMPs should be frozen as approved in 1996 and reclassification should be considered only for areas where the error is apparent. Alongside, the process of preparation of new CZMPs as per the CRZ Notification, 2011, should be initiated. The MoEF, in concurrence with the proposal of the NCZMA Chairman, issued an order on July 1, 2011 freezing the CZMPs of 1996. It directed that pending reclassifications should be addressed while preparing CZMPs under the CRZ Notification, 2011. All the pending proposals for reclassification were returned to the respective SCZMAs to decide on the reclassification on the grounds of “error apparent on the face of record.” An office order was issued, in August 2011, on the procedure to be followed.



Net repair, Kanchi Kohli

RECLASSIFICATION IN KERALA

Kerala is one of the states which has received a large number of requests for reclassification from various stakeholders and players, seen intervention of the Court and also attracted the involvement of the MoEF in certain instances. High population density in the coastal areas of Kerala, 2,362 persons/sq km (source: Ministry of Environment and Forests (2012). Coastal zones of India.), which is a distinguishing feature of the state, could be a factor contributing to the trend. Also, the coasts of Kerala are characterised by scenic beaches, backwaters and estuaries and attract tourists from India and abroad, which adds to the pressure on the coast. The current status of the coastline of Kerala is that it is largely urbanised and the areas that were initially CRZ I or III, in the original CZMP, are now seeking reclassification.

Also, like the other states, there are areas that were marked incorrectly in the original CZMP and need to be corrected. Majority of the requests for reclassification have come from local bodies such as gram panchayats for construction of residential buildings. The matter of conversion came up in the 20th meeting of the Authority in December 2006, in context of granting ice plant permission in Achuthengu. Conversion from CRZ III to CRZ II in the state got a push from the then Chief Minister of the state as well. The Authority decided to consider the matter on the grounds that there are many panchayats in the State that are densely populated, but have 90 to 100% of the area classified under CRZ and a major portion of that under NDZ. The needs of this population cannot be met if the CRZ areas are considered as NDZ or CRZ III.

Among other cases from Kerala that reached the High Court, a good number pertained to reclassification of Panchayats (WP 2607/07, 15012/08, 17303/08 and 17304/08; OP 34231/2002). This meant such a significant amount of work for the Authority that it decided to appoint a standing counsel on a monthly retainership, to represent itself in the Court. After the order of the then Chief Minister, in its 20th meeting, the Authority also decided to constitute a subcommittee to examine the CRZ status and to report on the justification and strategy for reclassification, and to respond to the enquiries of the High Court in this matter. The subcommittee pointed out that Thiruvallam, Kadakampally, Attipra and Ulloor panchayats had become part of the Thiruvananthapuram Corporation, in 1999, and had developed considerably. Therefore, it recommended that areas under CRZ III in these panchayats should be reclassified as CRZ II.

The subcommittee prepared a common format for collecting details from the Local Self Government (LSG) Department on the CRZ status of different areas. The Authority approved this and decided that the 1991 status and present status on all items will be collected in this format.

In its 33rd meeting in December 2009, the Authority issued a press release stating that the CRZ III areas that have been added to the municipality/corporation have not automatically come under CRZ II. This was done to avoid automatic clearances being granted by panchayats to projects in these areas. It was also decided that the reclassification would begin with Ernakulum district and LSGs will provide the necessary proposals and supporting data.

Proposals for reclassification have also reached the KCZMA on the basis of special relaxations that are provided to fishermen for constructing their houses.

Reclassification requests from project developers have been in plenty and have been discussed in Chapter 3, which deals with approvals. However, two cases are presented here to demonstrate some intricacies.

At the time when the Kerala CZMA was considering the revision of the CZMP, the Cochin Port Trust, in a letter dated June 12, 2006, requested that the 50 m belt around the filtration ponds of Alappuzha, Ernakulam and Kannur coast that the Authority considers as CRZ I be denotified. The argument put forth by the Port Trust was that these ponds were not natural spawning and feeding grounds of fish and were artificially developed by making bunds in the backwater system. However, the Authority's decision on this is not known.

Another case pertains to a large tourism and infrastructure project of the State Government at Theerapadam. This was discussed in the 13th KCZMA meeting held on January 11, 2005. Reclassification was advised by the Tourism Department as the areas were initially under CRZ I, NDZ and CRZ III. The areas were later made a part of the Thiruvananthapuram Corporation (and therefore should be CRZ II). The Authority recommended the change in zonation to CRZ II, while prohibiting any construction between HTL and LTL (which is also prohibited by the CRZ Notification). But it allowed dredging of lakes (which, as per the CRZ Notification, 2011, is not permitted in the CRZ) with proper environment safety measures.

25. Given that the power to approve CZMPs and changes to them rests with the MoEF and the NCZMA respectively, do the SCZMAs have a say in the final decisions?

The constitution orders for the SCZMAs list sending the recommendations for revisions to the CZMP and the classification of CRZ areas to the NCZMA as one of its functions. The CRZ Notification, 2011, has in addition allocated, to the SCZMAs, the task of appraising the CZMPs prepared by the state governments and submitting those to the MoEF. While the MoEF and the NCZMA hold the ultimate authority to approve the CZMP and changes respectively, the various State Authorities have also been exercising their powers as and when possible. Few such instances are elaborated as follows:

- The Government of **Andhra Pradesh** prepared the CZMP for the entire coast of the state which was approved by the MoEF in September 1996. It was approved with the condition that all the mud/tidal flats will be recategorised as CRZ I areas. The State Government did not agree to the condition and stated in a letter, in January 1997, that the areas were best suited under the CRZ III category. Agreeing with the State Government, the MoEF replied, in September 1997, that if the areas in question were outside the intertidal zone and were not rich in biological productivity, they could be categorised as CRZ III. So, a committee (consisting of Dr. A. V. Raman, Professor, Marine Biology, Andhra University; Dr. K. Lakshminarayana, Reader, Department of Botany, Andhra University and Dr. T. Ravishankar and Dr. R. Ramasubramaniam, M. S. Swaminathan Research Foundation) was constituted by the Authority to study the biological productivity of the mudflats of the Machilipatnam mandal of Krishna district.

The committee found that the mudflats were located outside the intertidal zone, thereby meeting the first condition. Further, the committee stated in its report that the area does not support any rich faunal or floral diversity, except a patch of mangroves (of 200 acres), which should be conserved. In response to the report, the MoEF enquired about the legal status of the land, part of which was a reserve forest that was de-reserved in 1990. The Authority finally decided to keep it under CRZ III as the committee had also recommended the same. The Authority further opined that as CRZ III, the mudflats could be utilised by the nearby fishing villages and the local population. However, if they were classified as CRZ I, local communities would not be able to use them.

- The **Odisha** CZMA, in its very first meeting after reconstitution, in May 2003, discussed the dangers of and difficulties associated with putting the CZMP and maps on the website. The Chairman opined that as some coastal stretches are restricted, putting the information on the website would provide information to project proponents, leading to project proposals for the restricted areas. Hence, it decided to examine the matter further in consultation with the Joint Secretary, MoEF.
- Another interesting example is from **Kerala**. In 2010, the MoEF directed the KCZMA's attention to a proposal for the reclassification of an area in Silver Sand Island where a four star hotel was constructed by Back Water Hotels and Resorts Private Limited. The MoEF pointed out that the area had to be included under the CRZ as it displayed features such as salinity, tidal action and mangroves. The KCZMA had earlier, in 2009, informed the MoEF that this area needs reclassification as a CRZ.

The issue was discussed again and this time the Authority changed its view and decided that the proposal for reclassification need not be sent to the MoEF as "...reopening such cases may lead to complex issues and practical problems." The project proponent submitted a representation before the Authority that the area falls outside the CRZ as per the existing CZMP. In its 35th meeting in May 2010, the KCZMA members pointed out that the presence of mangroves is not a sufficient criterion for classifying an area as a CRZ. A few members stated that the presence of a few *Avicennia* species of mangroves in the proposed site may be attributed to many reasons and need not necessarily be due to high salinity level present in the backwater. They further stated that the CZMP was prepared based on the tidal influence of the sea into the backwaters. Since the salinity in this area was below 5 ppt and the backwaters were not under tidal influence,

according to them, the proposed site at Silver Sand should not come under the CRZ. Hence, the KCZMA stuck to its earlier decision of not reclassifying the proposed site at Silver Sand and informed the same to the MoEF.

- In the case of **Tamil Nadu**, a reclassification in the CZMP was proposed to the Gol in 2005. It was based on the recommendations of the committee constituted in 1997 for studying the reclassification of areas under CRZ III into CRZ II. This had been in legally designated areas such as town panchayats and municipalities in the state, which were not covered under the master plan, but had substantial built-up infrastructure. The MoEF did not approve the revisions proposed in certain maps. The TNCZMA decided in its 34th meeting that since the reasons for refusing approval were not given by the MoEF, the Authority may reiterate its request. It stated, "The Gol will also be requested to invite the chairman to the next meeting of the NCZMA to make a presentation on the revision sought on all pending CRZ maps."

These examples tell us that the Authorities are trying to make their voice heard even with regard to the matters for which the Central Government has the decision-making powers. Sometimes, they have managed to get the MoEF to yield to their requests, made sure that their recommendations are not taken lightly and have declined certain conditions put forth by the MoEF while approving CZMPs. In instances of disagreement, they are willing to engage in a dialogue with the Central Government and ensure that their concerns are taken on board.

26. Have the SCZMAs reported any difficulties while working with the approved CZMPs?

As per the meetings' minutes of the NCZMA and SCZMAs, the SCZMAs have reported the following concerns regarding CZMPs.

Difference of scale between the approved CZMP maps and the revenue maps: Most of the Authorities realised that the CZMP maps are practically difficult to use, especially for the implementation of the Notification, as they are not on the same scale as the revenue maps. As per the minutes of the Odisha CZMA meeting in January 2005, the Member Secretary pointed out that "...CRZ maps have been prepared on a scale of 1:25,000, whereas the Revenue maps are in the scale of 1:2,000 (approximately)." Whenever a project comes up in CRZ, the Plot No., Khata No. of the revenue records have to be indicated which is not possible in the CRZ Maps."

Similarly, in the 18th meeting of the NCZMA in September 2009, the Maharashtra CZMA requested that it be allowed to prepare the CZMP maps on a scale of 1:4,000 so that they are in concordance with the revenue maps. The NCZMA agreed to the proposal and asked the MCZMA to start updating the CZMP.

In Gujarat, it was found that the boundaries of the maps created for the CZIS by SAC did not match with the maps of the Forest Department and/or those in the government revenue records.

The Secretary to the Government, Ecology and Environment Department, Kerala, highlighted in the KCZMA meeting in December 2011, that these maps cannot be used at the ground level for effective enforcement of provisions of the Notification.

Mismatch between the CZMP zoning and conditions on the ground: In the 18th meeting of the NCZMA, the Maharashtra CZMA stated that there were mistakes in the CZMP that was prepared earlier in 1994. Other Authorities also realised that the CZMPs for certain areas had been prepared incorrectly and did not correspond with the actual conditions on the ground. Part of the reason for this can be attributed to the initial laxity on the part of the states in preparing the CZMPs. Later, the matter gained urgency after the intervention of the Supreme Court. Due to the pressure from the Court, the MoEF approved all the CZMPs in September 1996, while most of them were still incomplete or incorrectly prepared. While granting approval, the Central Government set certain conditions to ensure that the Plans were complete, but the information that was wrongly presented in the Plans went largely unnoticed. The Authorities started realising it when they began working with these maps to ascertain violations or to grant clearances to projects.

New Notification but old CZMP: Post 2011, while the Notification was new, the CZMPs (and

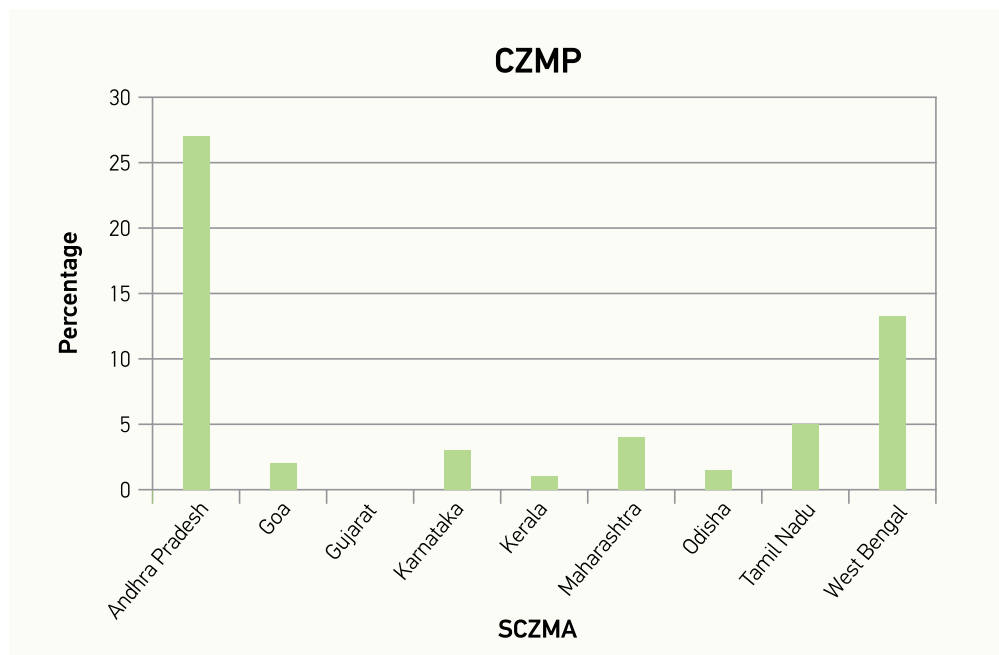
the maps) were still the ones that were approved in 1996 and subsequently revised in later years. The constructions that were approved in the period between 1991-2011 are compared against the 1991 Notification for checking for violations and the ones approved after 2011 are verified against the CRZ Notification, 2011.

One major difference between the two Notifications is on the CRZ area surrounding water bodies. The CRZ Notification, 1991 provided a 500 m CRZ (with a slab system) along tidal influenced water bodies which was marked in the CZMPs. But the 2011 Notification reduced the zone to 100 m. The Andhra Pradesh SCZMA has referred some matters encountering problems with this to the MoEF for clarification. During the meeting of the Karnataka SCZMA held on December 19, 2011, a Regional Director (Environment) reported four cases of reconstruction, where as per the CZMP the site was in CRZ I, but as per the CRZ Notification, 2011, the site was outside the CRZ.

27. What is the frequency of matters concerning the CZMP, zoning and reclassification discussed in the SCZMA meetings?

Graph 2 shows the frequency (in percentage) of matters concerning CZMPs, zoning and reclassification discussed in the meetings of the SCZMAs. The meetings' minutes of 2010 and 2013 were examined for the various SCZMAs.

GRAPH 2: FREQUENCY OF MATTERS CONCERNING CZMP* DISCUSSED IN THE SCZMAs' MEETINGS (IN PERCENTAGE)



*Matters concerning CZMP also include zoning and reclassification

The frequency is calculated in percentage in relation to the total number of agenda items in SCZMAs' meetings.

Source: All available minutes of SCZMAs' meetings from 2010 and 2013.

POINTS FOR DISCUSSION

Can clarifications with regard to the CRZ Notification bring consistency in zoning across states?

Similar kinds of ecosystems have been categorised differently by different State CZMAs. For example, tidal flats have been categorised by the Kerala CZMA as CRZ I, whereas in Andhra Pradesh they have been identified as CRZ III. Also, Kerala has classified filtration ponds as CRZ I. In a case from Andhra Pradesh, the Authority, in the absence of any clear description of the term 'substantially built-up', decided in its meeting in January 2010, that if 50% of the total eligible area of GVMC (Great Visakhapatnam Municipal Corporation) is built-up it can be categorised as CRZ II. Similarly, in the first meeting of the Goa CZMA, there was no consensus on the interpretation of the term 'settlement area' with respect to CRZ I and CRZ III areas. The MCZMA, in its 78th meeting on November 3, 2012, decided to discuss the clause related to 'bays' with the Ministry and the NCZMA for clarification because most of Maharashtra coast, along with Goa and the north Karnataka coast is not open sea and comprises of bays and creeks. The Maharashtra SCZMA decided to clarify with the MoEF whether the CRZ would be limited to just 100 m on the landward side from the HTL for this entire stretch. Till January 2014, no reply was received from the MoEF on the matter.

All these examples demonstrate that there have been ambiguities regarding certain terms and interpretations in the CRZ Notification. While some have been addressed in the new Notification of 2011, others are being interpreted differently by different SCZMAs.

CHAPTER 3: PROJECT APPRAISALS

1. What does the CRZ Notification say on approvals or clearances?

The CRZ Notification, 1991, (in paragraph 6, sub-paragraph 2 of Annexure I) lists out the activities that are prohibited, regulated or permitted in different zones. Clause 3 of the CRZ Notification, 1991, provides the procedure for the clearance of permissible activities. As described in the previous chapters, the CRZ Notification of 1991 did not have the provision for setting up CZMAs. The task of approvals was divided amongst the MoEF and 'the concerned authorities at the State and Union Territory level.' However, the subsequent Notification issued in 2011 lays down the procedure for the project proponents to seek clearance from the concerned State or UT CZMA under Clause 4. It vests with the State CZMAs, the power to examine these proposals against the approved CZMPs and the CRZ Notification, and make their recommendations to the MoEF [or the State Environment Impact Assessment Authority (SEIAA)]. In its Annexures, a format for the application for project clearance and a list of required supporting documents have been provided. The following questions are based on the details of the clauses and practices related to grant of approvals to projects under the CRZ Notification.

2. As per the Notification, who is the decision-maker for projects proposed to be located in the CRZ?

Under the CRZ Notification, 1991, the MoEF had the power to take decisions on projects proposed by the Department of Atomic Energy, operational projects for ports, lighthouses, harbours, laying of pipelines, transmission lines, projects related to the exploration of oil and natural gas, and projects with investments exceeding ₹ 5 crores (except those activities that, as per the Notification, are within the purview of the concerned state authorities; e.g. facilities for water supply, sewerage and other facilities for local communities).

The CRZ Notification, 2011, has categorised projects as 'attracting Environment Impact Assessment (EIA) Notification, 2006' and 'attracting Coastal Regulation Zone (CRZ) Notification, 2011'. The SCZMAs have been assigned the general task of examining all projects proposed in the CRZ and giving recommendations. In the case of projects attracting the EIA Notification, these recommendations are referred either to the State/UT Expert Appraisal Committee (SEAC) or the Expert Appraisal Committee (EAC),¹ as the case may be. Projects attracting the CRZ Notification are sent to the MoEF or the State Government, as prescribed by the CRZ Notification (source: Ministry of Environment and Forests (n.d.). Frequently Asked Questions on the Coastal Regulation Zone Notification, 2011 and Island Protection Zone Notification, 2011. Retrieved from <http://www.moef.nic.in/downloads/public-information/FAQ-CRZ.pdf>). The CRZ Notification, further states that construction projects involving an area of more than 20,000 sq m built-up area in CRZ II are to be treated in accordance with the EIA Notification. Hence, these are to be decided upon by the respective SEACs. Construction projects with a built-up area of less than 20,000 sq m have to be approved by the concerned State or UT Planning Authorities. The CRZ Notification, 2011 [under clause 4 (ii)] also rests the task of deciding on projects concerning Department of Atomic Energy, operational projects for ports, lighthouses, harbours, laying of pipelines, transmission lines, projects related to the exploration of oil and natural gas etc. and projects not listed in the EIA Notification on the MoEF.

3. What do the SCZMA constitution orders say on project approvals?

The appointment orders for the constitution of the State CZMAs, issued after the CRZ Notification, 2011, state that the SCZMAs will examine all projects proposed in the CRZ areas and give their recommendations before the projects reach the Central Government or agencies such as the SEIAA or the State Planning Authority.

4. How do the SCZMAs carry out the responsibility of examining project proposals?

In most SCZMAs, the agenda-note, shared with the members prior to the meeting, includes a list of projects, violations and inspection or field trip reports that are to be discussed during

¹ The EIA Notification, 2006, categorises all projects and activities either as Category A or Category B based on their impact. Category A projects require environment clearance from the MoEF based on the recommendations of the EAC. Category B projects require environment clearance from the State or UT Environment Impact Assessment Authority (SEIAA) based on the recommendations of the State or UT EAC.

the upcoming meeting. To examine project proposals, while adhering to the procedure laid out in the CRZ Notification, different SCZMAs have evolved their own mechanisms.

In the case of **Odisha**, all project proponents are invited to present their proposals before the SCZMA, and the members raise queries and get clarifications. The Authority also levies a scrutiny fee on projects seeking clearance/recommendation (see details in Table 9). Site visits are made in cases where the Authority members find it necessary to do a physical inspection. For example, according to the minutes of the SCZMA meeting in February 2004, in the case of deepening the entrance channel of the Paradip Port, the members went to the project site, accompanied by the proponents, to see the area that would be impacted by dredging (minutes of the 2nd meeting of the OSCZMA, February 2004). In the interviews conducted with the members of the Authority (as part of this study), the members shared that while examining proposals, site visits are not mandatory. In the interview one of the members stated that no site visit was conducted for the project at Paradip Port mentioned above. This is contrary to what was said in the minutes of the meeting.

The **Tamil Nadu** SCZMA has instituted the practice of sharing copies of the project proposals with the members in advance, for them to scrutinise and give comments. By the year 2009, the TNSCZMA decided on a common format for compiling this information and sharing it with the members. It has also set up detailed guidelines for the submission of proposals. The TNSCZMA has set up a slab system, based on the cost outlay of the project, for charging scrutiny fees (see details in Table 9). The Authority involves the concerned District Coastal Zone Management Authority (DCZMA), which is entrusted with the task of scrutinising the project, conducting a site inspection and submitting its remarks within 30 days from receipt of the project proposal. For example, it was decided in the 41st meeting of the Authority, while recommending the strengthening and widening of the existing Ennore Expressway by the National Highway Authority of India (NHAI), that such proposals should necessarily be routed through the concerned DCZMA. The TN Authority also invites the project proponent to present their case. The decision on the proposal is taken after detailed discussions in the meeting and based on the recommendations of the DCZMA. Sometimes opinions and assistance from other departments of the State Government are also sought. For instance, with respect to setting up a ship breaking industry at Valinokkam, it was decided that the TN Pollution Control Board would be requested to conduct a study on the impact caused due to ship breaking activities carried out in the Gulf of Mannar since the past 15 years. In its 19th meeting, the TN Authority resolved not to recommend the proposal due to the deleterious consequences indicated in the report.

In the **Andhra Pradesh** CZMA, it is not mandatory for the proponents to present the project, and this is done only if there is a request from the Authority members. Site inspections are not conducted for all projects. The project proposals are assessed based on the examination of the proposal, CZMP and reports such as the EIA Report and the Disaster and Risk Management Report. In its meeting in September 2002, the Authority issued guidelines for industries on how to conduct Rapid Marine EIA studies.

As per the available minutes of the **Karnataka, Goa, Maharashtra and West Bengal** SCZMAs, presentations by the project proponents and site inspections are not regular features. The WBSCZMA in its meeting in June 2009, set out a procedure for proponents to apply for project clearance. It mandated the submission of an authenticated CRZ map by the proponent followed by an in-house examination of the proposal by the State Environment Department and if required, by the SCZMA. These project briefs are then shared with the Authority members.

The **Kerala** SCZMA has been receiving project applications directly from proponents, but from the minutes of the KSCZMA, it seems that the proposals related to house construction, repair, reconstruction and small scale projects in the CRZ area reach the CZMA via the concerned gram panchayat. The KSCZMA invites the proponents or the gram panchayat to present and discuss the proposed project. Based on the presentation and documents submitted, the project is appraised and the decision is taken. Field visits are undertaken for particular cases, for which technical subcommittees are especially formed. The SCZMA decided, in its 46th meeting, that a

comprehensive format would be prepared for collecting relevant details from the local bodies with respect to each case. Following this, the case would be examined by the relevant expert committee(s), if any, and then a decision would be taken regarding CRZ clearance.

After the CRZ Notification, 2011, the **Gujarat** CZMA decided, in March 2012, that a subcommittee would examine the proposals for CRZ clearance. If found necessary, selected projects would be presented to the Authority. Otherwise, based on the recommendation of the subcommittee, and after getting approval from the State Government, the recommendations would be sent to the concerned authority as prescribed in the CRZ Notification, 2011.

In practice, the SCZMAs grant clearance to small constructions, repairs, reconstructions, projects of the communities, etc. for built-up area of less than 20,000 sq m. However, it is not known (from the minutes of meetings) if these project proposals come to the SCZMAs for approval under the CRZ norms, after the concerned local planning authorities and local bodies have already examined them or the SCZMAs are deciding on behalf of these state level authorities/bodies as well.

5. On an average, how many cases of project appraisals are discussed in an SCZMA meeting?

On an average, 15 projects (in which, at times, hundreds of small repair, reconstruction or individual housing needs or cyclone shelters are clubbed under one project head) are considered in a meeting lasting half a working day. An NGO member of an SCZMA pointed out, in an interview conducted as part of the study, that many project applications are discussed during the meeting (which generally lasts for less than a day), and as decisions are generally taken based only on the submitted materials and proposal presentation, a proper case-wise investigation seldom happens.

6. Who conducts site visits? How do these visits help in decision making?

As and when required and found necessary, the SCZMAs form a subcommittee to visit the project site and the decision is taken based on its report.² The subcommittee may include Authority members and experts appointed/delegated by the Authority or invited technical experts.

In **Kerala**, usually, a technical committee conducts the site visits. Sometimes, Authority members also inspect project sites.

In **Karnataka**, the four Regional Directors (Environment) of the State Government are delegated to carry out site visits, instead of the SCZMA members. These Directors submit their reports at the Authority meetings, where they are invitees.

In **Goa**, a four-member subcommittee of the SCZMA conducts site visits before granting approvals (details on the subcommittee are provided in Chapter 1).

In **Tamil Nadu**, the District Coastal Zone Management Authorities (DCZMAs), constituted in 1998, conduct site visits whenever required.

In **Odisha, Maharashtra, West Bengal, Andhra Pradesh** and **Gujarat**, the Authority members conduct site visits.

As per interview responses, the Authority members from Kerala, Odisha and Goa said that they use the opportunity of site visits to interact with the local communities and try to get their views regarding the project under consideration.

Proposals for house construction in the 0-200 m zone of CRZ III of Tiruvallur district were inspected by a subcommittee which presented its report in the 44th meeting of the TNSCZMA. It laid out certain general conditions for these constructions. Two such conditions were: no construction should be carried out between the HTL and LTL and natural landforms like beaches and dunes falling in the area should not be altered or levelled. However, in similar cases in

² Subcommittees are generally formed for conducting site visits and carrying out studies, not just for granting approvals, but also for verifying violations or identifying areas that require special attention such as ESAs, CVCAs, breeding grounds, etc.

Ramanathapuram and Pudukkottai districts, the SCZMA recommended the proposals for Ramanathapuram in totality and in Pudukkottai the District Collector was told to re-examine the proposal of reconstruction of houses in north and south R. Pudupattinam habitations. He was asked to explore the possibility of relocating the houses beyond 200 m from the HTL, as some of the inhabitants expressed to the subcommittee, their willingness to be shifted beyond the 200 m line considering the vulnerability of the existing location. This is an example of how subcommittees bring communities' views on board.

While most of the time the Authorities go with the recommendations of the subcommittees, there have been instances where SCZMAs have not gone ahead with the recommendations. In the case of the Skycity Flyover above Kochi backwaters, a subcommittee was constituted by the Kerala SCZMA to conduct a site visit and recommend conditions. The subcommittee reported that the project would lead to more such requests for construction over water bodies of the state, and so an appropriate state level policy should be adopted before recommending the project. Initially, the Authority directed the project proponent to obtain a concurrence from the State Government. Later, it decided to recommend the project to the MoEF.

An overall picture of site visits can be provided upon analysis of all available minutes of the SCZMAs' meetings. Out of 4,030 projects for which a decision was taken by the SCZMAs, the total number of projects for which decisions were made based on the report of the site visit is 367. It is interesting to note here that projects for which site visits were conducted make 8% of the total number of projects evaluated by the SCZMAs. Here it is also worth highlighting that the West Bengal SCZMA, as appears from minutes of its meetings, ordered a site visit for just one project for which the decision was deferred. For information on other states, see the table 'Project Appraisals' in Annexure 1.

7. What is the role of DLCCs/DCZMAs in project appraisals?

None of the SCZMAs have listed any function for the DLCCs/DCZMAs with respect to project appraisals. The Tamil Nadu SCZMA seeks recommendations from the concerned DCZMA (equivalent to DLCC) on project proposals. However, it is pertinent to highlight that in May 2013 the DCZMA of Kancheepuram forwarded a proposal of a beach resort by Silver Reeds Hotels



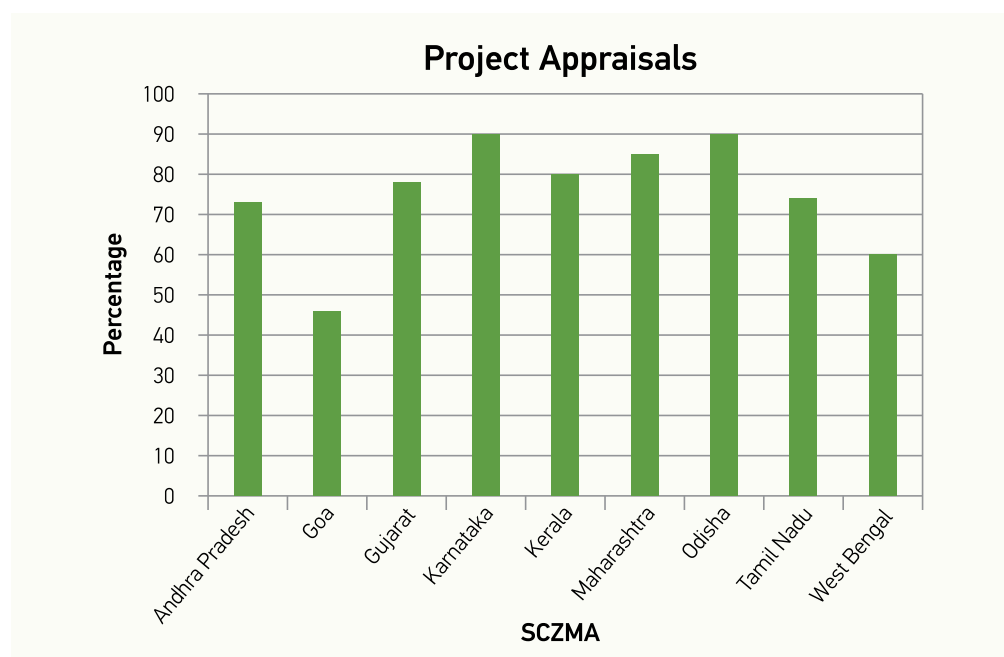
Fish landing at Paradip, Odisha, Manju Menon

and Resorts Private Limited with a recommendation that it be rejected. The recommendation was based on its observations that the construction of a compound wall had already started on the proposed site in the NDZ and that the site had sand dunes. On receiving an undertaking from the proponent that the compound wall will be demolished and a verification from the Institute of Remote Sensing (IRS) that the site does not have sand dunes, the TNSCZMA in its 74th meeting in October 2013, decided to recommend the proposal to the MoEF. The minutes of the meetings of the Karnataka SCZMA in 2014 also say that the KSCZMA is looking for feedback from the concerned DLCC on the proposed projects in their jurisdiction.

8. What is the frequency of matters concerning project appraisals discussed in the CZMA meetings?

Graph 3 shows the frequency (in percentage) of matters concerning project appraisals discussed in the meetings of the SCZMAs. The meetings' minutes of 2010 and 2013 were examined for the various SCZMAs.

GRAPH 3: FREQUENCY OF MATTERS CONCERNING PROJECT APPRAISALS DISCUSSED IN SCZMAS' MEETINGS (IN PERCENTAGE)



The frequency is calculated in percentage in relation to the total number of agenda items in SCZMAs' meetings.

Source: All available minutes of SCZMAs' meetings from 2010 and 2013.

The disproportionate allocation of time to project appraisals (as seen in Graph 3) was also highlighted by the MoEF in its letter to the SCZMAs on November 7, 2008. However, in the same letter it also emphasised on expediting the clearances and linked this allocation of time with the delay in clearances. It said, "...so far, it appears that the CZMAs are giving disproportionate attention for examination of project proposals... Further, there has been considerable delay in recommending the projects from the CZMAs to the MoEF. Some projects including the nationally important projects have taken almost one year before they are recommended to the Ministry."

9. What kinds of trends are seen with respect to project appraisals discussed in the SCZMA meetings?

Numbers: Based on an analysis of the minutes of the meetings of the SCZMAs, the number of projects that are granted approvals or are recommended to the MoEF/NCZMA far exceeds

the number of projects that are rejected (details provided in the table 'Project Appraisals' in Annexure 1). The rate of approval for the projects in the CRZ across the nine states is 80%. However, this does not mean that the remaining 20% are rejected: out of this 20%, a large proportion is of cases that are deferred, dropped, closed or kept pending without a decision. In the 19th meeting of the NCZMA in 2009, according to reports from the SCZMAs, the Tamil Nadu CZMA received 121 proposals for clearance of which it rejected seven, the Maharashtra CZMA received 125 proposals of which it rejected 10 and recommended 115 to the MoEF and the Andhra Pradesh CZMA received eight proposals, and it recommended all of those to the MoEF.

Types: From the minutes of the meetings of the SCZMAs it can be gathered that they grant clearances to projects concerning harbours, jetties, fish landing centres, construction of schools and anganwadis, etc. In Kerala, a large number of projects were to do with reconstruction of houses and construction related to tourism. Clearance of ice plants appeared quite frequently in the minutes of the meetings of the Kerala, Karnataka and Andhra Pradesh Authorities. As per the list of project proposals examined by the SCZMAs (provided in the enclosed CD), a majority of the projects were to do with reconstructions, repairs, renovations and small additions to an existing project. This category includes a large number of traditional dwelling units which were reconstructed after being destroyed by the tsunami in 2004. Proposals for housing projects and projects for setting up jetties, harbours and ports and tourism facilities were the other types received by the SCZMAs (see details in the table 'Project Appraisals' in Annexure 1). It is worth highlighting here that as per Gujarat SCZMA's minutes of meetings, it does not discuss projects concerning the local housing or community needs or for reconstruction/repair of traditional dwelling units. The projects discussed by it fall in the category of jetty/harbour/port, groynes and seawalls, industry, roads/bridges/highways and tourism facilities. Another trend seen was that projects to construct cyclone shelters appear only in the minutes of meetings of the SCZMAs from the east coast i.e. Andhra Pradesh, Odisha and West Bengal.

Conditions: While granting clearance or recommending projects, the State CZMAs usually list the conditions that the proponent is required to comply with. For example, the Kerala CZMA (as recorded in the minutes of its meetings), among other conditions, has stipulated that the proponent should (a) inform the SCZMA about the actual date of the commencement of the project; (b) provide necessary facilities to the Authority for inspection of the project site and its premises at any time; and (c) submit a yearly report of the project. However, such submission of information and annual reporting seldom happens in practice. Though the Kerala CZMA asks the project proponent to provide facilities (transportation and other expenses related to the visit and support for inspection), there is no formal mechanism to ensure this. In addition, conditions such as planting mangroves, no construction in the NDZ,³ obtaining a no objection certificate (NOC) from other departments, etc. are put forth by other SCZMAs. There are also a number of projects cleared/recommended without a set of conditions or only with a general condition that the CRZ provisions need to be adhered to or the payment of scrutiny fee. While in Gujarat 82% of the projects were approved/recommended with conditions, in Karnataka and Odisha 19% of project approvals/recommendations were with conditions. As mentioned previously, Gujarat had mainly reviewed projects related to industries, power plants, jetties and harbours. Of the projects examined by Karnataka, a large number pertains to reconstructions and repairs of individual houses (see the table 'Project Appraisals' in Annexure 1).

Location: Even though CRZ sub-zones (I, II III or IV) were not mentioned against all projects as discussed in the minutes of meetings, a compilation was made with the available information. Detailed lists of project proposals, as discussed in the minutes of the SCZMAs' meetings are provided in the enclosed CD. Of the projects for which CRZ sub-zones were mentioned, the

³ As per the CRZ Notification, 1991, No Development Zone (NDZ) is the area up to 200 m from the HTL in the CRZ III. As per the CRZ Notification, 2011, the NDZ is the area up to 200 m from the HTL on the landward side and 100 m along the tidal influenced water bodies or width of the creek, whichever is less, in CRZ III.

maximum number were for CRZ III (at least 1,250) (which may or may not include NDZ) followed by CRZ II (at least 900) areas. Of more than 4,500 project proposals examined by the SCZMAs, at least 450 were to be located in the NDZ. In the NDZ, approvals have been given based on special considerations such as the needs of the poor in the vicinity. All these numbers could in fact be greater as there were a large number of project proposals for which the zone information was missing in the minutes.

10. Do the SCZMAs delegate powers to other institutions to examine certain types of projects? If yes, who do they give it to, for what reasons and for what kinds of projects?

It has been observed, in all the states, that the Authorities have delegated powers to examine and take decisions on certain types of projects, to district authorities/district level bodies. Reasons for this have varied from state to state. In Tamil Nadu and Karnataka this decision was taken to reduce the hardship faced by the local people to submit their proposals to the Authorities located in the capital cities.

In its meeting in May 2012, the **Karnataka** Authority delegated the power to grant clearance for repairs and reconstructions within 200-500 m of the HTL, for traditional people (including fisher communities), to the Regional Directors (Environment). It decided that all such approvals will be ratified together, once a month, by the SCZMA.

The minutes of meetings of the **Tamil Nadu** CZMA also reveal that the Government of Tamil Nadu, through its order, in November 2005 (Letter No. 29477/EC-3/2005-1), delegated the authority to grant clearance for applications with investment of less than ₹ 5 crores, in the CRZ II, to the Chennai Metropolitan Development Authority (CMDA) (CMDA is both the in charge of the Chennai metropolitan area as well as the DCZMA for the area). Post the CRZ Notification, 2011, however, such projects require the SCZMA's recommendations before being approved by the concerned state planning authorities. So, the above practice was discontinued. However, the CMDA reported in February 2011 that the applicants requesting for construction of small residential buildings are subjected to hardship because of this change in the CRZ Notification. Therefore, the Authority decided that it would get the orders, which allow it to delegate powers to the CMDA, either from the State Government or the MoEF. In the latest appointment order issued by the MoEF, the TNSCZMA has been made responsible for the enforcement of the Notification. It has also been given powers to constitute the DCZMA which can assist it in the task. Since the term 'assist' had not been defined, the TNSCZMA, in its 65th meeting, referring to this appointment order, delegated the powers to the Corporation of Chennai, CMDA and the other DCZMAs, to grant clearance for projects with a built-up area of 20,000 sq m or less, in their jurisdiction.

From the minutes of the meetings of Goa and West Bengal, it appears that the SCZMAs do not examine and decide on each and every matter.

The **Goa** SCZMA delegated powers to the Member Secretary (MS) to decide on matters, which it thought did not require the attention of all the members.⁴ The Authority created a subcommittee, in its 40th meeting in May 2008, to decide on appraisals concerning repairs and reconstructions, minor development matters and violations, as many such cases were being reported.

In the case of **West Bengal**, not many project proposals have been discussed in the SCZMA meetings. It has been observed that the Environment Department, with the involvement of the Chief Environment Officer (who was the MS of the WBSCZMA), has been taking the decisions on proposals. If a proposal was placed before the Authority, the Chief Environment Officer was expected to explain the reason for bringing the proposal to the Authority. This continued till its meeting on July 1, 2005, in which the Authority decided that all projects proposed within the CRZ are to be referred to it for recommendations, before

⁴ Activities such as construction of compound walls, repair of existing authorised structures, construction of small jetties, culverts, small bridges across streams and rivulets, and single family dwelling units thus came under the MS' decision (source: minutes of the 2nd meeting of the GCZMA held on November 12, 1999).

being referred to the Central Government or any other agency. This was done at the behest of the MoEF.

In its seventh meeting in May 2006, the **Gujarat** SCZMA delegated powers to its Chairman, to send recommendations on matters referred by the MoEF to the GCZMA. It was decided that the Chairman would also appraise the Authority in its meetings. This was done to avoid delay in responding to the MoEF, due to the gap between meetings of the GCZMA.

The Goa and Kerala SCZMAs used the mechanism of delegation of powers to lighten their workload to some extent. The **Kerala** Authority, in its 29th meeting in February 2009, authorised its Chairman to take decisions on specific cases. This was done because many matters were brought before the KCZMA from the High Court of Kerala.

While repair projects are being considered for approvals by other SCZMAs, the **Maharashtra** CZMA, after an HC order,⁵ decided in its 77th meeting on October 9, 2012, that the concerned local planning authorities can decide on applications related to minor repairs.

11. Is there a mechanism for post-clearance monitoring? What do the CRZ Notification and the constitution orders for SCZMAs and DLCCs say on it?

The CRZ Notification, 2011, in clause 4.2 (v), stipulates that post-clearance monitoring should be done on the basis of the half-yearly compliance reports filed by the project owners with the SCZMA. The Notification further stipulates that these compliance reports have to be uploaded on the websites of the SCZMAs. Beyond this, the CRZ Notification is silent on the monitoring protocol. The **Maharashtra** and **West Bengal** SCZMAs, in the constitution orders for DLCCs, list monitoring compliance of conditions stipulated in the CRZ Notification, 2011, and environment clearance (EC) accorded to the project, as one of their functions. However, the available minutes of meetings of Maharashtra and West Bengal do not have any discussions on the compliance of EC conditions being brought up by the DLCCs. Maharashtra's DCZMCs, however, are reporting to the MCZMA in its meetings, on the number of CRZ violations registered. For instance, the Raigad DCZMC in the 87th meeting of the MCZMA (held on January 20 and 21, 2014) reported that 47 cases of CRZ violations have been filed with it.

12. How do SCZMAs fare on the subject of post-clearance monitoring? Is the subject discussed in the Authority meetings? If yes, in what context?

Despite the stipulation in the CRZ Notification, 2011, none of the states had uploaded the half-yearly compliance reports received from the project proponents on their respective websites, as of December 2014. It is not known if the project proponents have been submitting these reports as there was no mention of compliance reports in any of the minutes of the Authorities' meetings. Reading of the minutes indicates that most of the Authorities do not monitor the approved projects. Most of them do not ensure whether the projects comply with the conditions under which approval was granted. There are also no regular, occasional or random post-clearance site visits. However, certain instances from the minutes of meetings of a few SCZMAs regarding their attempts at post-clearance monitoring are provided as follows:

The **Tamil Nadu** and **Andhra Pradesh**, Authorities have recorded concerns in relation to compliance. In its very first meeting, the TNCZMA decided to form project monitoring committees for each of the major projects approved in the CRZ area. However, in the 19th meeting of the NCZMA on January 22, 2010, P. Anjaneyalu, Deputy Director, Environment, Forests, Science and Technology and member of APCZMA and Srinivas Murthy, Member Secretary, TNCZMA, stressed that monitoring mechanisms need to be strengthened for regulating the coastal areas.

The **Goa** SCZMA has also taken measures for post-clearance monitoring. It was decided in its meeting in December 2005, that the completed hotel/resort projects, which were approved by the MoEF on the recommendation of the GCZMA, should be monitored with respect to their execution (construction, waste disposal, sewage, temporary shack erection, etc.) on the ground.

⁵ HC order of July 11, 2011 said that the Brihanmumbai Municipal Corporation (BMC) can decide on projects concerning repair/alteration/installation of elevators as per rules and regulations pertaining to CRZ areas.

The southern regional office of the MoEF located in Bengaluru was engaged, by the GCZMA, to carry out a periodic monitoring of all the projects (including hotels/resorts).

In its meeting on January 8, 2014, the **Karnataka** SCZMA asked all the Regional Directors (Environment) to inspect 25% of all the proposals for which an NOC was granted by the KSCZMA and verify the conditions imposed. The Secretaries/Regional Directors were asked to place compliance and inspection reports in the KSCZMA's meetings, with comments. However, till December 2014 there were no updates regarding this on the KSCZMA's website.

POST-CLEARANCE MONITORING MECHANISM OF THE TNSCZMA

Tamil Nadu, as per the meetings' minutes, is one of the states that has spent considerable amount of time and resources for setting up monitoring mechanisms for approved projects. After raising the issue in its initial meetings, by its 25th meeting, it started putting in clauses in the clearance letters and taking decisions to monitor certain approved projects. For instance, in its 29th meeting the Authority decided to take up inspection of some of the project sites for which ECs were granted, under the CRZ Notification by the NCZMA, for mining rare minerals. This was to check whether the conditions stipulated were being adhered to. It involved district level bodies in the process. In its 30th meeting, while clearing a project for mining of rare minerals, the Authority stipulated that compliance reports must be submitted to the SCZMA through the DCZMC every six months. The DCZMC was asked to monitor this. The Authority also constituted a standing subcommittee to monitor the mining of rare minerals and the status of compliance with conditions imposed on the proponents. It also created monitoring units for projects situated close to ecologically sensitive areas. It took note of developments envisaged for the future, and undertook proactive steps like carrying out studies to understand the impact of development activities on the area.

As several power plants were being proposed on the coast of Nagapattinam district, the Authority, in its 66th meeting, resolved to conduct a study to assess the carrying capacity of Nagapattinam coast with reference to such activities. This was in order to take corrective measures and proper decisions, in future, with respect to similar projects. Due to the presence of reserve forests, bird sanctuaries, tidal flats and turtle nesting grounds on and around the coast of Nagapattinam district, the Authority also resolved to do a comprehensive study to assess the impact of setting up power plants and erection of foreshore facilities such as captive ports/jetties, desalination plants etc., on the coastal and marine environments. However, the meetings' minutes of the TNSCZMA do not mention anything on how these studies are being used to ensure better compliance.

The Authority also resolved to make periodic inspections to review and check the adherence to conditions imposed in the environment clearance, during construction phase/post-construction phase and also during the operational phase. In its 68th meeting, the subcommittee was asked to arrange for site inspections. It was decided that the first site inspection will be arranged during the second week of September 2012. The subcommittee decided on a protocol, parameters for monitoring and a baseline survey, in November 2012. In its 73rd meeting, the Authority identified institutions to carry out coastal water monitoring. It further decided to request the MoEF for funds. However, the number of violations, as discussed in the minutes of the meetings of the TNSCZMA, are very less compared to other states and do not correspond with such stringent monitoring mechanisms. Deepak Singh, Senior Disaster Risk Management Specialist, World Bank⁶ stated in the National Conference on Climate Resilient Coastal Cities held in New Delhi on October 10, 2014, "The biggest violator (of the CRZ Notification) is the Government itself. In some coastal areas in Tamil Nadu, all the development that has taken place is in violation of the Notification." Also, in response to an RTI application filed on January 30, 2014, almost all the Pollution Control Board (PCB) offices from various districts of Tamil Nadu, informed that no cases of violations were registered with their office (except two offices which shared details of four violations). The PCB offices shared this information when the TNSCZMA forwarded our RTI application concerning CRZ violations to them.

⁶ As reported by the members of the TNSCZMA in interviews conducted as part of this research in 2012, the World Bank is considering expanding the ICZMP in other coastal states of India. It is deliberating to include Tamil Nadu under the project.

13. Besides the CRZ Notification, what do the SCZMAs consider while recommending projects proposed to be set up in the CRZ area?

Decisions of the SCZMAs on project approvals are based on varied grounds. Projects are examined not just against the CRZ Notification, but also against factors such as local needs, public interest, interest of local bodies, etc. There have been matters that are not covered under the CRZ Notification and the Authorities seek various routes such as clarifying doubts with the MoEF, and relying on precedence or on examples from other states. At times, decisions are also based on members' discretion. Some routes are highlighted as follows:

Clearance in more critical/sensitive areas: When permission for a project is sought in CRZ area, sometimes, the existence of a similar project in a more sensitive area is used as a pretext for granting approval. For example, in relation to the proposal for the expansion of a helipad into an airstrip at Paradip, the OSCZMA decided, in its 2nd meeting in February 2004, to clear the project on the pretext that under the CRZ rules, development of airstrips was permitted in Andaman and Nicobar Islands and Lakshadweep. The logic applied was that despite these areas being extremely sensitive, if a helipad was allowed there, it could be allowed in Paradip Port as well. Further, as per the meeting's minutes, "...it can safely be assumed that there is per se no bar in CRZ II areas."

Compliance with general CRZ conditions: If the CRZ Notification is silent on a particular type of project, sometimes the Authorities grant clearance on the grounds that no CRZ clause will be violated by the project. For example, the Karnataka Authority, in January 2009, recommended the construction of a helipad at Karwar within 200 m of the HTL, on the seaward side of National Highway 17, which is categorised as CRZ II. It argued that although the CRZ Notification does not mention helipads, the project can be permitted with such restrictions that will ensure compliance with the CRZ Notification. One such condition was that no buildings would be allowed on the site as the Notification does not allow any construction on the seaward side within 200 m of the HTL.

Clarification from the NCZMA/MoEF: In certain matters which are not clear under the Notification, the Authorities seek clarification from the NCZMA or the MoEF. For instance, for applying the slab system while granting CRZ clearance to projects within 500 m of the HTL surrounding a water body, NCZMA's opinion was sought by the Andhra Pradesh SCZMA in January 2010.

Reliance on precedence: Many times the SCZMAs have taken decisions based on how other SCZMAs or the MoEF have dealt with similar issues in the past. For example, the construction of lighthouses in the Ramanathapuram and Pudukkottai districts of Tamil Nadu was recommended by the TNCZMA to the MoEF after its 19th meeting in February 2002, but with the condition that the staff residential building will be located outside the CRZ. The Notification allows construction of light houses, but does not mention anything on construction of residences for the staff. The Department of Lighthouses and Lightships requested the Authority, in its 20th meeting in May 2002, to reconsider the condition as the residences were meant for the operational staff who have to be in the vicinity of the lighthouse around the clock. It also informed that the MoEF had already issued environment clearance for a lighthouse along with staff quarters in the CRZ in Andhra Pradesh. Consequently, the Authority recommended the proposal with staff residences to the MoEF and decided that in future, lighthouses with staff quarters would be constructed well beyond 500 m from the HTL. The MoEF cleared the project.

In a similar instance, the TN Authority, in its 45th meeting, decided to approve a proposal for reconstruction of houses (1,567 in number) in the tsunami affected districts. It cited that a comparable proposal for reconstruction of houses in Villupuram district was recommended (by the Authority) and approved by the MoEF in the past.

Test/pilot projects: Sometimes, clearances have been granted to projects on a pilot basis and final decisions have been taken based on the results of the pilot. For instance, permission was granted by the TNCZMA for cultivation of seaweed and manufacture of Carrageenan,⁷ by

⁷ Carrageenan is substance extracted from red edible seaweed. It is used in the food industry for its gelling, thickening and stabilising properties.

PepsiCo India Limited, in the Palk Bay at Munaikadu on an experimental basis. The pilot was inspected by a committee comprising of TNSCZMA members deputed to study the impact. Based on the inspection report of the committee, the Authority, in its 20th meeting, issued the environment clearance for the proposal for cultivation (over an area of 10 km).

Reliance on external expertise: While the SCZMAs rely heavily on the CRZ Notification's provisions, they also give weightage to expert/scientific opinions. In response to a question on the grant of approvals, one of the members from the Goa SCZMA shared that the members at times rely on the expertise of individuals and organisations outside of the SCZMA (source: interview conducted as part of this research in 2012). Expert advice has been particularly sought from area-specific bodies to lay down the conditions subject to which approvals are granted. For example, the TN Authority, in its 53rd meeting, while considering the 2x800 MW Udangudi Super Critical Power Project (two plants at one location with capacity of 800 MW each) decided to get the opinion of the Gulf of Mannar Biosphere Trust as some of the proposed facilities were within the Gulf of Mannar CRZ. A subcommittee was constituted to establish the presence of any sand dunes or coral reefs in the area. Its members did not find any, and the Authority recommended the project subject to certain conditions. One of the conditions was that a long term agreement should be entered into, with a leading environmental agency such as the National Institute of Ocean Technology (NIOT), Institute for Ocean Management (IOM), Anna University or the Centre of Advanced Study (CAS) in Marine Biology, Annamalai University, to assess and monitor the impact of the project, to carry out research to minimise damages, if any, and to formulate and implement species recovery programmes.

Decision-making around project approvals has also been influenced by factors other than scientific, technical or legal ones and the CRZ Notification. Some such considerations by the Authorities while deciding on project proposals are presented as follows:

Recommendations of district level bodies/DLCCs: In the case of Tamil Nadu, the DCZMA is required to give feedback on every project that reaches the TNSCZMA. While taking a decision on the project, this feedback is also taken into account. In the case of seaweed cultivation, the Authority in its 21st meeting in October 2002, recommended relocation of a portion of the initially proposed area for cultivation, based on the recommendation of the DCZMA. The Authority further stipulated that the proponent should fulfil additional conditions put forth by the DCZMA, besides getting consent letters from the local fishermen and permission from the local body. In another case in January 2004 (in the 25th meeting of the TNSCZMA), the mining of rare minerals was permitted only up to an extent of 47.65 ha in Chennai, as recommended by the DCZMA.

Projects cleared prior to the CZMP/CRZ Notification: Projects that were granted clearance prior to the preparation of the CZMP or before the CRZ Notification, 1991, but could not be initiated then, have been permitted by the SCZMAs. Construction of the link road from Kollam boat jetty to Asramam was approved by the Kerala CZMA, in its 4th meeting, as the project was approved by the State Government in 1986, before the formulation of the CZMP. Although ice plants are not permitted under the CRZ Notification, 1991, it was allowed by the Authority in January 2003 in favour of Mary Pathrose, in Anchuthengu, primarily because the permission for the ice plant was obtained in 1987. Another such proposal was rejected, by the SCZMA, as the permission was sought after the CRZ Notification of 1991.

Livelihood considerations: The requirements of the local fishing community have also been given special consideration by the Karnataka and Andhra Pradesh Authorities. A proposal to set up an ice plant in the NDZ of CRZ III area, in Marianad village, was rejected by the MoEF. However, the Kerala CZMA re-examined the proposal, in its 33rd meeting, and recommended it again to the MoEF. It reasoned that the CRZ regulations were being reviewed⁸ and that this was a small establishment which was essential for the local fishing community. Similarly, under special consideration, dwellings for poor on the land provided by the Government, in the NDZ in Orumanayoor gram panchayat, was recommended by the Kerala SCZMA to the Gol in its 26th meeting.

⁸ Special committees constituted by the MoEF reviewed the CRZ Notification from time to time in the period from 1991 to 2011.

Disaster mitigation and response: Clearances are granted for projects with respect to disaster mitigation and to settle local people impacted by natural disasters, such as cyclones. For example, for dwellings falling within the CRZ I (for post tsunami housing construction), the TN Authority, in its 38th meeting, constituted a subcommittee to inspect the sites. The subcommittee reported that there were no reserve forests or river mouths at the said locations in Tirunelveli. Since the entire area was under CRZ III, as per the approved CZMP, except for the river mouth which was categorised as CRZ I, the Authority decided that the river mouth could also be re-categorised as CRZ III. Similar cases were also discussed for Thoothukudi. In the 40th meeting of the TNSCZMA, it was decided that although construction of new houses is not permitted in the CRZ III as a general rule, it may be allowed as an exception, strictly for the rehabilitation of the tsunami affected local people to replace their old houses.

Recommendation of local bodies: Views of the local bodies are considered while taking decisions on project proposals. However, approvals are granted only when strong reasons and evidence are provided by the local bodies. In Kerala, construction of dwellings for people, where land was taken over by Indian Rare Earths Limited (IREL) for mining, was allowed despite the prohibition of building activity under the CRZ Notification. This was based on the recommendation of the Chavara gram panchayat, which requested for special permission on the grounds that the people were living in the area prior to the initiation of mining. The Kerala CZMA, in its 26th meeting in October 2008, decided to recommend the proposal to the GoI after collecting documentary evidence from the panchayat and the IREL of the existence of buildings prior to 1991 in the area.

In another case, change in CRZ classification regarding buffer zone of filtration ponds (CRZ I to II) for constructing residential buildings, for local residents of Kadamakkudy gram panchayat, in Ernakulam, was requested by the KCZMA (27th meeting, November 2008) to the MoEF.

The Chavakkad municipality requested that the CRZ limit from the HTL be reduced because the local people were facing difficulties due to the strict implementation of the CRZ norms. The municipality also passed a resolution in this regard. In its 22nd meeting in April 2007, however, the KCZMA rejected the proposal because it did not find any compelling grounds for the reduction of CRZ limits.

Concurrence or consent of local associations: A project for a desalination plant proposed by the Chennai Petroleum Corporation Limited (with a capacity of 5.8 million gallons per day) was recommended by the TN Authority subject to the condition that the proponent obtains a letter of concurrence from the local body and the local fishermen's association. The proponent obtained the letter from the local body and informed the Authority, in its 31st meeting, that it was not aware of the existence of any fishermen's association which would object to the project on the grounds that it would hamper fishing activity. Subsequently the Authority deleted this condition.

Projects of 'public interest': In the 42nd meeting of the TNSCZMA, it was decided that projects received from government departments and projects of public interest would be processed by the Authority. In its meeting on July 1, 2005, the WBSCZMA decided that no construction would be approved in Digha till the re-categorisation was approved; unless, the construction was of public interest. Similarly, in the case of the clearance and construction of public amenities such as *Sulabh Sauchalaya* complexes along the coast, the Goa Authority, in its 4th meeting, granted clearance even to those proposed in the NDZ (200 m from HTL).

Based on interpretations: A bridge construction project of the Goa State Infrastructure Development Corporation in the Patto area was referred to the SCZMA. While reviewing this project, the SCZMA re-interpreted the clause on investment limit for approvals. As per the CRZ Notification, 1991, all projects exceeding an investment of more than ₹ 5 crores had to be referred to the MoEF for clearance. However, the GCZMA in its 15th meeting in May 2004, noted, "...through its budgetary provision, the government only incurs 'expenditure' and does not connote any 'investments' for developmental activities." The Authority further opined that perhaps the Notification deliberately uses the word 'investment' so as to keep projects which are for public utility purposes (e.g. bridges, roads, etc.), out of the purview of GoI. "Else the government will be flooded with hundreds of such proposals given the fact that ₹ 5 crores is a

modest amount in terms of the cost of civil constructions these days.” It further said, “...‘cost’ aspects should not have much of the bearing on environmental management provided the EIA recommendations are fully complied with.” (source: minutes of the 15th meeting of the GCZMA). In keeping with all this, the bridge project was not sent to the MoEF and was granted an NOC by the State Government.

Deemed approval: In cases where no response is received from the MoEF, the state governments make use of the clause of ‘deemed approval’. For instance, the Goa Authority had recommended two proposals to the MoEF in 2002 and 2003. The two projects were to do with regularisation and extension of an existing beach resort and a hotel respectively. Despite repeated reminders, the MoEF did not respond. Ultimately, it sent a letter to the MoEF (No. GCZMA/N/87/814 dated May 17, 2005) stating that if no response was received by June 14, 2005, the projects will be considered as approved under clause 3 (1) of the CRZ Notification, 1991. When the deadline expired the projects were cleared under the ‘deemed approval’ provision. This should be seen in the light of a decision, dated January 13, 2014, of the Gujarat High Court relating to the multipurpose industries of Mundra Port and Special Economic Zone (MPSEZ) Limited in Mundra taluka, Kutch district, Gujarat (PIL No. 30). The MPSEZ argued that since the EAC’s final recommendation was in favour of the company and the MoEF did not send its reply within 45 days as stipulated in clause 8 (iii) of the EIA Notification, 2006, they should be considered to have a deemed approval. The High Court stated in its judgment, “The plea of deemed approval is not tenable in the law, the position that would emerge as on today would be that the MPSEZ has no environment clearance.”

Post-facto approvals/regularisations: The SCZMAs such as those of Kerala, Karnataka and Goa are in general granting post-facto approvals. However, Maharashtra and Tamil Nadu act differently and do not grant regularisations on the basis that the CRZ Notification does not provide for it. A proposal seeking approval for a hotel apartment and tourism information centre building in Murud, Raigad district, Maharashtra, was discussed in the 77th meeting of the MCZMA, held in October 2012. In the meeting it came to light that the structures have already been constructed under the Konkan Development Scheme. The Authority noted that as per the CRZ Notification there is no provision for post-facto regularisation; hence, the proposal was rejected. However, there is no mention of the Authority registering a case of violation against the construction even though it was built without CRZ clearance. Again, in the 83rd meeting, a similar case of post-facto clearance was discussed and the Authority decided to seek clarification from the MoEF on “...procedure to be followed on CRZ violation cases.”

LOCATING THE AUTHORITY OF THE SCZMA AND CLASHES WITH THE STATE GOVERNMENT- GOA

In Goa, a State Level Committee (SLC) constituted for CRZ clearance, under the chairmanship of the Minister for Environment, was entrusted by the State Government with the task of clearing individual development and construction proposals within the CRZ. The State Government was of the opinion that the power of clearing individual projects was vested with it, whereas the SCZMA constituted by the Central Government was exclusively for examining and clearing proposed changes in the CRZ classification, CZMPs and dealing with violations of the CRZ Notification. This was discussed in August 2000, in the 5th meeting of the Goa SCZMA. The Authority members noted that if cases in the CRZ were handled by two different bodies, it may lead to confusion in the proper execution of the Notification and the decision making process. Hence, the members felt that resort/hotel proposals approved by the SLC would still have to be approved by the GSCZMA as per the circular J-17011/8/92-IA (III) of the MoEF. The GSCZMA, drawing its powers from a central legislation, was resisting handing its power to another entity under the State Government. The matter was not discussed in subsequent meetings of the Authority.

14. How are reclassification proposals linked with approvals? Do project proposals lead to reclassification or vice versa?

As mentioned in the earlier chapters, the SCZMAs recommend reclassification of certain areas that come under the jurisdiction of the CRZ Notification in order to grant clearances to industrial,

infrastructure and construction projects proposed to be located there. For example, the **Tamil Nadu** Authority decided to recommend to the MoEF the reclassification of a site from CRZ I to CRZ III, for a golf facility and resort by Sporting Pastime (India) Limited in Odhiyur village, Cheyyur taluka, Kancheepuram district, between the East Coast Road (ECR) and the sea. The golf course was planned on the ECR between Mammallapuram and Puducherry. Mammallapuram is an international tourist destination. Many hotel groups are pressurising the Government of Tamil Nadu to relax the CRZ conditions in the area. Apart from the CRZ Notification, Mammallapuram is subject to another condition- to get clearance for the construction of the ECR (from the MoEF), the TN government agreed not to permit any industries or tourism projects on the seaward side of the ECR.⁹ However, in the matter of the golf facility, the recommendation by the TNCZMA was to accept the position of the HTL as demarcated by the Chief Hydrographer, NHO, Dehradun. The Chief Hydrographer, NHO, had recorded that there was no reserve or protected or revenue forest in the region, and it was confirmed by the Kancheepuram DCZMA. The project was recommended to the MoEF for clearance after the reclassification. The MoEF asked the proponent to provide a 10 m wide zone to the public on both sides of the project and a 20 m wide access at every 500 m distance along the coast line [the condition was as per the provision under Annexure II 7 (1) of the CRZ Notification, 1991]. The proponent replied that the 20 m access will not be possible. The TNCZMA, in its meeting in February 2002, decided to request the MoEF to consider the issue of relaxation on the grounds that a golf course requires a continuous playfield area. Based on the recommendation of the TNCZMA, the MoEF granted environment clearance to the project in October 2002.

In Tamil Nadu, in January 2009, the District Collectors of all the coastal districts requested for reclassification of areas from CRZ I to CRZ III for reconstruction of houses. They wanted to get funding for the activity from World Bank, which had decided that it would fund projects only from the CRZ III areas (under the ETRP). The project was earlier approved by the Authority, in its 48th meeting in November 2008. However, the Authority declined the request for reclassification, despite the recommendation of the DCZMAs, which re-examined the sites and opined that the areas did not have any ecologically sensitive features and could be changed to CRZ III.

In another example, Gundu Island in **Kerala** was shown as part of the Elamakara panchayat (and hence CRZ III) as per the CZMP (1995). The Kerala SCZMA sought a confirmation from the Kochi Corporation whether the site belonged to the Corporation and could be categorised as CRZ II. Since the site was a CRZ II area (subject to confirmation from the Kochi Corporation), the Authority, in its 8th meeting, agreed to issue CRZ clearance to Taj Resorts to carry out structural renovations. In the 18th meeting it was reported that a field visit was carried out and it was confirmed that the site was a part of the Kochi Corporation. The Authority thus decided to recommend the project to the MoEF.

The modification of building regulations for construction in the CRZ II area at Puri and Gopalpur was discussed in the 13th meeting of the **Odisha** CZMA. The OCZMA sought clarifications from the Housing and Urban Development Department regarding the norms under the CRZ Notification, 1991. As per available minutes of meetings, the matter was deferred and no decision was taken.

There has been an instance in Kerala where an area was recommended for reclassification because a particular activity had already degraded its environmental condition, and CRZ category with less restrictions was more suited to its present condition. In the case of a project proposed in the Greater Cochin Development Authority (GCDA) and the Goshree Islands Development Authority (GIDA) area in Kochi, it was noted that 25 ha of backwaters had already been reclaimed by the GIDA. GIDA registered this land and sold it at ₹ 330 crores. It announced that part of the amount would be spent on construction of Goshree bridges. The bridges, after construction in 2004, (at an expenditure of ₹ 80 crores) were made toll free as GIDA had surplus funds left from the sale of the reclaimed land. The remaining sum is being spent on other infrastructure projects in the area [source: Martin, K. A. (2014, June 4). Celebrating a decade of Goshree bridges. *The Hindu*. Kerala. and Express News Service (2014, June 4). Bridges to development turn 10. *The New Indian Express*. Kerala.]. The High Court, in a Writ Petition, observing that the

⁹ EQUATIONS (2000). Coastal tourism in Tamil Nadu: A status report. Bengaluru, Karnataka.

area had already been reclaimed, declared the area as being outside the CRZ. Consequently, the Authority in its 42nd meeting in January 2011, decided to recommend a residential project (Tata Realty and Infrastructure Limited Kochi project) to the MoEF.

15. How have SCZMAs dealt with the points of disagreement with the MoEF?

The first example is from Kerala, where the SCZMA corrected itself after the MoEF pointed out factors it (KSCZMA) overlooked while recommending the project of construction of a convention centre by Chalet Hotels Private Limited in Thiruvananthapuram (source: minutes of the 26th meeting of the KSCZMA). It was recommended by the Kerala Authority to the MoEF for clearance of construction of boat jetties, a water plaza, etc. within the NDZ. The MoEF pointed out that the proponent proposed to open the channel connecting the backwater with the lake behind the backwater, which was outside the CRZ area. It therefore suggested that the project needed to be reviewed. The Authority agreed with the MoEF. It then recommended the project subject to the condition that opening the channel should not limit access/use of the lake and the backwater to the general public.

There have also been instances when the MoEF has filled in for certain SCZMAs, pending their constitution, and decided on certain projects. Different SCZMAs have reacted differently to this. Examples are given as follows:

In an instance related to the laying of a storm water outfall pipeline to the sea at the Paradip Refinery, the MoEF granted CRZ clearance in February 2012. At that point the Odisha SCZMA was not functional as the term of the Authority had expired in July 2011, and a new Authority was not constituted as yet. The later minutes of the OSCZMA did not report any displeasure on the part of the Authority. However, this is not always the case. In October 2002, the Tamil Nadu CZMA decided to draw the attention of the MoEF to the projects cleared by it without the consent of the TNCZMA. The Authority requested the MoEF not to issue environment clearances without the concurrence of the SCZMA. This is an interesting example of how Authorities view their powers and their relationship with the MoEF differently.

In Kerala, clearance was granted by the MoEF to a liquefied natural gas (LNG) import terminal, owned by Petronet LNG Limited, at Puthuvyppeen island in Kochi. This was based on the recommendations of the previously constituted KSCZMA. The reconstituted KSCZMA, in its 14th meeting in October 2005, while disagreeing with the decision of the earlier KSCZMA, decided that while this clearance was not being revoked, no more expansion or land acquisition will be allowed for the activity and communicated the same to the MoEF.

It is pertinent to point out that the instances from Kerala and Tamil Nadu are from the period prior to the letter of the MoEF (dated November 7, 2008) to the SCZMAs. In this letter, the MoEF issued revised guidelines for the functioning of the State CZMAs¹⁰ and mentioned that in case the SCZMAs are not operational due to the delay in reconstitution, the State Environment Department should take decisions as per the Notification. However, the instance pertaining to the Odisha SCZMA mentioned previously, occurred after the revised instructions were issued by the MoEF to the state CZMAs.

16. Are projects of the state governments treated differently by the SCZMAs?

In Tamil Nadu, from the minutes of meetings of the SCZMAs, certain examples of the projects from the line departments of the state governments not being given any special consideration by the SCZMAs can be highlighted. In its meeting on November 21, 2001, the DCZMA (TN's equivalent of the DLCC), discussed the Sholinganallur Phase III housing project of the Tamil

¹⁰ MoEF shared revised guidelines for the functioning of the State CZMAs with a letter dated November 7, 2008. Key points mentioned in it were:

- Project proposals were to be sent to the MoEF by the SCZMAs within 30 days of their receipt.
- In case SCZMAs are not in operation, due to being reconstituted, the State Department of Environment was to provide recommendations on projects.
- If the SCZMA took more than 30 days in sending the recommendations, project proponent was free to submit the proposal directly to the Ministry. The EAC would consider it in its meeting and the MS of the concerned SCZMA would be present with all information on the project.
- List of projects received and their status were to be uploaded on the SCZMAs' websites.

Nadu Housing Board. The project was to be located 107 m away from the Buckingham canal boundary (but not 100 m away from the backwater area). The DCZMA recommended that 100 m from the backwater area should be kept free of any development. This was despite the Board's request that such a condition not be imposed. With this restriction, 70,000 sq m of saleable residential land could not be used. Another proposal for construction of quarters for police personnel located between 200 and 500 m from the HTL was rejected. This is because, as per the CRZ Notification, 1991, construction of dwelling units is permitted in the zone only if it falls within the ambit of traditional rights and customary use of existing fishing villages and *gaothans*.¹¹ On similar lines, in the 43rd meeting of the TNSCZMA, it was decided that the Department of Geology and Mining and the Department of Industries will be told to issue mining leases only after all mandatory clearances including CRZ clearance were obtained. However, the statement of Deepak Singh, World Bank, in which he stated that the State Government is committing CRZ violations in Tamil Nadu (see previous box 'Post-Clearance Monitoring Mechanism of the TNSCZMA'), is contrary to these examples.

Similarly, the Municipal Corporation of Greater Mumbai, in a telephonic discussion with the MCZMA, requested it to appraise the road/bridge project 'Mithi River Bridge widening/road construction at 4 places' and not to forward it to the MoEF. It gave the example of a similar project 'Anik-Panjarpole link road', which was appraised by the MCZMA after the MoEF returned the proposal.¹² The matter was discussed in the 86th meeting of the MCZMA in November 2013. However, even afterwards, the MCZMA continued forwarding similar road/bridge projects to the MoEF with its recommendations. It decided that it would continue to send such proposals to the MoEF, until decisions are received on the latest proposals, and not to rely on a single precedent to decide on such matters.

But in general, most SCZMAs have been approving/recommending government projects. For instance, the Kerala and Goa SCZMAs have allowed sewage treatment plants proposed by the respective state governments despite the fact that the plants were in violation of the CRZ stipulations. However, the projects were also approved as they were to meet the needs of the local population.

17. How have the local bodies been involved in the clearance process especially with respect to projects related to local housing needs?

Clearances by panchayats have been a cause for concern for the Kerala Authority. The panchayats are supposed to grant permission for small reconstruction and repair projects. However, if they are not fully aware of the provisions of the CRZ norms (which is usually the case), they tend to grant clearances in contradiction to the Authority or, at times, act too stringently and disallow any construction in the CRZ I areas. Most SCZMAs are making exceptions to clause 8 I (i) that stipulates that no construction should take place in CRZ I areas (except certain constructions), to allow construction of dwelling units of traditional communities. Hence, sensitising the panchayat level officials is critical.

18. How have the courts been involved in the process of granting approvals?

Despite the fact that most of the cases in the High Courts are filed challenging the decisions of the SCZMAs, the courts, largely, have tried to limit their involvement only to directing the SCZMAs to review certain decisions or hold hearings before taking decisions. A Writ Petition (WP 34311/2009) was filed by Yesoram Infra Developers Private Limited against the Union of India in response to a direction from the MoEF to resend the proposal for a bridge in a revised format. It was in response to a request by the proponent for a slight adjustment to the project alignment. The project was already cleared by the Government of Kerala. The MoEF had raised

¹¹ As per Chapter 1, Section 2 (10) of the Maharashtra Land Revenue Code, 1966, a 'gaothan' or 'village site' means the land included within the site of a village, town or city.

¹² The 'Anik-Panjarpole link road' project was considered in the 67th and 70th meetings of the MCZMA and recommended again to the MoEF. This was to adhere to the Notification (2011), which states that the projects not listed under the EIA, 2006, require clearance from the MoEF. The MoEF returned the proposal dated November 23, 2011, mentioning that under clause 5 (x) of the CRZ Notification, 2011, all developmental activities are to be regulated by the State Government or the concerned CZMA.

concern with regard to the place of landing proposed at one end of the bridge. After shifting the site of the landing, the project proponent was apprehensive that the project would require to be routed again through all the statutory authorities and hence filed the petition. The High Court of Kerala directed the KCZMA, in August 2010, to examine the modified proposal (with regard to the question of the CRZ) and forward its recommendations to the Central Government, taking into consideration the fact that the other authorities had already cleared the project.

In this example the High Court was approached for a review of the decision of the Authority and the Court directed the Authority to reopen the case. Wherever the High Courts have given decisions with regard to certain approvals, SCZMAs have scrutinised them and if not in agreement, have raised their concerns through appeals. In yet another case, in Kerala, the petitioner asked for permission to construct on his property after leaving a distance of 50 m from the HTL (WP 5348/13, filed by Jose George). The High Court disposed off the matter on September 27, 2012, directing that it be considered as per the CRZ provisions. The matter was discussed in the 53rd meeting of the KCZMA and it was decided that the construction was in violation of the CRZ norms and action should be taken. The petitioner filed another Writ Petition (WP (C) No. 5348/13) and the High Court passed the judgment that the construction should be evaluated against the CRZ Notification, 1991, by which count it did not violate the Notification, and therefore the panchayat should assign a building number to the petitioner. The KSCZMA found the order of the HC against the spirit of the CRZ Notification as "...the Notification of 2011 is in existence and not that of 1991." According to the 2011 Notification, only dwelling units that had not obtained approval under the CRZ Notification, 1991, though permissible, can be regularised and not other constructions. It decided to file an appeal against the judgment.

The National Green Tribunal (NGT) has, at times, re-examined/reviewed the decisions taken by the SCZMAs or NCZMA on projects proposed to be located in the CRZ areas. Many a time, it has also undertaken the function of conflict resolution between the concerned SCZMA and NCZMA.

A number of appeals (numbers 13, 14, 19 and 20) were filed by M/s Hubtown Limited and Durgamata Cooperative Housing Society Limited, in 2012, against the decision of the NCZMA to reject permission for construction of a building to rehabilitate slum dwellers at Maya Nagar Cooperative Housing Society and Durgamata Cooperative Housing Society, in Mumbai, Maharashtra. The MCZMA opined that the area was under CRZ II and allowed the project, but the NCZMA considered the area as CRZ III and refused permission for the project. The NGT re-examined the case and the documents and weighed in with the MCZMA's decision to recommend the proposals for rehabilitation of slum dwellers in the proposed new buildings. This is an interesting example wherein the judiciary stood by the decision of the state, and also acted as a body to resolve the conflict between the SCZMA and the NCZMA.



Rice fields along the Aghanashini estuary at the foot of Mirjan Fort, Uttara Kannada, Karnataka, Manju Menon

More examples related to the NGT are discussed in Annexure 10.

SCZMAs like Kerala and Goa have had to retain a legal counsel to represent them in courts as there were large number of cases from the two states that reached the courts.

YESORAM SKYCITY PROJECT

A Writ Petition (WP 34311/2009) was filed by the Yesoram Infra Developers Private Limited against the Union of India in response to a direction from the MoEF to resend the proposal for a bridge in a revised format. It was in response to a request by the proponent for a slight adjustment to the project alignment. While the project was cleared by the State Government, the MoEF had raised concern regarding the place of landing at one end of the bridge. After shifting the site of landing, the project proponent was apprehensive that the project would require to be routed again through all the statutory authorities and hence filed the petition. The High Court of Kerala directed the KSCZMA, in August 2010, to examine the modified proposal (with regard to the question of the CRZ) and forward its recommendations to the Central Government, taking into consideration the fact that the other authorities had already cleared the project. The thus modified proposal for Yesoram Skycity was initially deferred by the KSCZMA (for the want of a general policy on construction on water), but was later forwarded to the Central Government.

The Kerala Authority constituted a subcommittee to re-examine the proposal with all relevant documents and to ascertain the policy of the state as development of the project involved public properties such as a *kayal* (lake). Vide a note, in November 2010, the matter was brought to the notice of the Chief Minister, who recorded that urgent action should be taken to review/appeal against the Court's order as the project had not even been given in-principle sanction. In response to a review petition filed by the KSCZMA, the High Court of Kerala clarified, on December 21, 2010, that in taking a decision the Court will not be confined to any particular aspect reflected in the earlier judgment of August 2010. The KSCZMA, after discussing the matter with the subcommittee, decided in its 42nd meeting that the project cannot be permitted as per the CRZ Notification. The High Court had earlier (in August 2010) decided on the appeal, it reopened it in March 2011 based on the review petition by the state and disposed the matter with the final decision on it in May 2011.

In the meantime, the Industries Department of the Government of Kerala ordered (through GO (MS) No. 228/2011 dated December 9, 2011) that clearance be granted to the Skycity project, subject to certain conditions. The proponent was asked to obtain necessary clearance under the CRZ Notification and furnish an application in the requisite Form I with relevant supporting documents.

In 2012, the Indian Institute of Architects, Kochi chapter, along with others filed a Writ Petition (WP 4561/2012) before the High Court arguing that the project, if implemented, will be in blatant violation of statutory norms, regulations and will result in compromising the 'equity of public property' such as land, water and the atmosphere. They challenged the order of the Industries Department. In the meanwhile, the KSCZMA also sent a notice to the proponent, calling for reasons why the proposal should not be rejected. The proponent had not replied till May 2013, and the Authority apprised the MoEF about the case.

19. What kind of challenges do the SCZMAs face while examining project proposals?

No response from MoEF: While deciding on project proposals, the CZMAs have been seeking the opinion of the MoEF, but there have been instances when it has not replied. The Authorities use their discretion in such cases. It has been observed that most of the times such projects were then granted clearance. The Kerala Authority, in its 4th meeting, sought clarification from the Indian Oil Corporation Limited (IOCL), the proponent of the project to install bitumen handling facilities at the Wellington Island Terminal, Kochi. It asked the proponent why the facility should not be shifted to the landward side of the 100 m regulation zone. As bitumen is not included in the list of petroleum products in Annexure III of the CRZ Notification, the Authority sought clarification from the MoEF as to whether storage of bitumen can be permitted in port areas. No reply was received from the MoEF till the 13th meeting and the Authority decided to issue clearance to the project based on the submission of the proponent.

No response from line departments: There have been instances where line departments too have been lax in responding to the queries/clarifications sought by the SCZMAs.

Interpreting the applicability of the CRZ Notification: Interpretation of the Notification, to understand its applicability, has varied across states. It has resulted in inconsistent or delayed decisions by the SCZMAs. In the 2nd meeting of the Odisha Authority, in February 2004, a proposal for deepening the entrance channel of the Paradip Port was discussed. It was reported that the Authority had earlier made an observation that the project was out of its purview as it was located entirely in the sea. But when the project reached the MoEF, the MoEF felt that the dredging would affect the flora and fauna of the site and also of the area where the dredged material would be dumped. Therefore, it stipulated that the CRZ clearance was desirable and the project was resubmitted to the OSCZMA for its approval.

In the matter of the proposal for a coast guard jetty on the Haldi river in Haldia, the WB Authority observed, in August 2013, that jetty construction was not listed in the EIA Notification and it was unclear whether the ToR were to be given by the MoEF or the WBSCZMA.¹³ However, since the Central Government normally seeks recommendations from the SCZMA on any matter concerning the CRZ, the Authority decided to review the project. However, it wanted the MoEF to clarify whether the ToR was to be given by the MoEF or the WBSCZMA. Eventually it was decided by the WBSCZMA that the project owner needed to approach the MoEF for getting the CRZ clearance. Otherwise it would mean duplication of work for other line departments if the ToR were circulated both by the WBSCZMA and the MoEF.

Similarly, the Goa Authority interpreted the word 'investment' used in the CRZ Notification and decided that the investment limit of ₹ 5 crores for projects to be reviewed only at the level of the state would not apply to public purpose projects as the State Government only incurs 'expenditure' (explained in detail in the answer to question 13).

Inconsistency in the CRZ maps: When the maps created under the CZMPs (see details on CZMPs in Chapter 2) and those created under the CRZ status report submitted with the project proposal do not match, the Authorities are in a quandary. In October 2008, the Kozhikode Corporation requested permission from the CZMA to construct a fuel retail outlet. As per the CZMP (1996), the area was under the CRZ, but as per the map prepared by the CESS, on the request of the Kozhikode Corporation, the proposed site lay outside the area. In another case, for construction of a shopping mall in Maradu gram panchayat, in January 2009 a subcommittee was constituted by the Kerala CZMA to verify the contradictions in two CRZ status reports; one prepared by the Institute of Remote Sensing (IRS), Anna University, and the other prepared by the CESS.

While considering the proposal for a polytechnic college in Thoothukudi district, the TN Authority observed in its 32nd meeting in June 2005, that the site proposed for construction fell within the salt pans land (CRZ I) as per the approved CZMP and fell outside the CRZ as per the revised CZMP. The salt pans did not have a connection with the sea and were five km away from the coast. Therefore, they were excluded from the CRZ in the revised CZMP. As per the HTL survey map furnished by the IRS, Anna University, Chennai, the site fell outside the CRZ.

In a similar matter earlier, the GoI had accepted the HTL survey map of Anna University and suggested that such cases should be dealt with at the state level. The Authority, based on this precedent, decided to clear the proposal for the polytechnic.

¹³ ToR for a project proposal is issued by the authority responsible for final approval.

POINTS FOR DISCUSSION

Can a set of rules/guidelines/byelaws for the CRZ Notification ensure uniform decisions?

Unlike other legislations, the CRZ Notification does not have a set of rules/guidelines/byelaws to facilitate the implementation of the Notification. One of the members of the Kerala CZMA, raised this point in an interview, and linked it with the inconsistency in the working and decisions of the State CZMAs. For example, during the initial meetings, the Kerala Authority allowed the construction of houses for the poor in CRZ areas (including NDZ). It maintained that this should be granted to the poor and traditional dwellers in those areas. Later in its 28th meeting, the Kerala Authority constituted a subcommittee to examine whether the construction of dwelling units for traditional inhabitants in the NDZ of Pokkali area can be permitted. Similarly, there are no guidelines for charging processing fee from project proponents for CRZ clearance. Different states have different slabs and varying fee structure (see Table 9). Certain uniformity on these aspects of the CRZ implementation can deter arbitrary decision making by the SCZMAs.

Can clarifications to the Notification lead to consistent and sound decision making across the SCZMAs?

Besides the explicit absence of matters such as helipad construction in the CRZ Notification, there are certain clauses that the Authorities are finding difficult to interpret. For instance, the term 'dwelling unit' had not been defined in the Notification. The Goa SCZMA was not allowing the construction of any new dwelling units in 1999 as it was expecting clarification on the term from the MoEF. By the end of 1999, it decided to proceed with its own interpretation. As per the GSCZMA, a residential house with one building should be considered a dwelling unit. In May 2004, however, the NCZMA addressed the clarification sought by the Government of Goa regarding the definition of a 'dwelling unit'. It stated that definition of a dwelling unit is as provided in the building byelaws of the state.

The Maharashtra CZMA, in its 78th meeting, decided to refer the clause relating to 'bays' to the Ministry and the NCZMA for clarification, because most of Maharashtra, Goa and North Karnataka coast is not open sea and comprises of bays and creeks. Same is the case with the east coast and if one were to go by the CRZ Notification, 2011 the CRZ would be limited to just 100 m on the landward side from the HTL for this entire stretch (and not 500 m from the HTL). Till January 2014, no reply was received from the MoEF.

Initially, the Kerala SCZMA rejected proposals for ice plants and petrol pumps as the activities were not permitted under the CRZ Notification, 1991. However, according to the CRZ Notification, 2011 these are permitted and the CZMA has started clearing them. The KCZMA rejected a proposal, in its 34th meeting, for construction of a petrol pump in the NDZ. It did so on the grounds that even though receiving and storing petroleum products is permitted in the NDZ of CRZ III area, as per the CRZ Notification, 2011, there is no mention of sale of petroleum products (petrol pumps).

Such gaps have prompted the SCZMAs to devise criteria at their level for examining projects and taking decisions. For instance, the Goa SCZMA, in its 4th meeting in March 2000, set up criteria for taking decisions on projects related to repair and reconstruction.¹⁴

What are the challenges in post-clearance monitoring of projects approved in the CRZ?

Major concerns with regard to the almost non-existent monitoring mechanism are:

- **Clearance to majority of the projects:** From the minutes of the meetings of the SCZMAs, it has been observed that in the 21 meetings of the Gujarat Authority, till March 2014, only one out of the 76 project proposals received was rejected. In the 76 meetings of

¹⁴Criteria for repair and reconstruction projects- the dwelling unit should belong to a local person, it should be designated for the use of the owner's family, the applicant should be the owner, and the property should not be likely to be designated for sale.

the TNSCZMA held till the same time, five project proposals were rejected out of a total of 347 that were received. Further details can be seen in the table 'Project Appraisals' in Annexure 1. If the rate of clearance was so high and almost all project proposals were granted clearance subject to certain conditions (for more details please see the enclosed CD), there is a compelling need for an effective monitoring mechanism.

- **Heavy workload:** A large number of projects seeking clearance or recommendation reach the State CZMAs (see the answer to question 9 and the table 'Project Appraisals' in Annexure 1). The SCZMAs are supposed to examine project documents, and if required, conduct site inspections and seek clarifications from the project proponent. Besides this, matters concerning the CZMPs, reclassification and cases of violations constitute the issues that demand the attention of the SCZMAs. With all these responsibilities, taking care of post-clearance monitoring may be difficult for the SCZMAs. The committee constituted by the MoEF, in December 2009, to examine the issues related to monitoring of projects, pointed out that there was a mismatch between the workload and the capacity of the Authorities.¹⁵ In August 2010, in its draft paper on issues related to monitoring of projects, the MoEF mentioned, "Monitoring by SCZMAs does not meet the challenge involved keeping in view the magnitude of work."
- **Missing action on post-facto studies and assessments:** The SCZMAs have been commissioning studies to evaluate the impact of projects that have already been granted clearance. For example, the Andhra Pradesh Authority, in its meeting on March 17, 2008, opined that the effluent discharge points of the different projects were located in close proximity to each other. Therefore, it stated that a study on the 'cumulative impact assimilation capacity' of the coastal region and the impact on marine life and sea water quality may be carried out as a part of the post-project monitoring.

On the issue of clearance to mining projects, the TNSCZMA decided to regulate mining of rare minerals, despite it being a permitted activity. It formed a three-member team to inspect the sites for evaluating the impact of already approved sand mining projects on corals. The team opined in October 2003 that though there was no apparent impact, a study on long-term impact be initiated. The minutes of the SCZMA meetings did not mention if such a long term study was initiated. It is not clear from the minutes of the meetings if subsequent decisions on similar projects were based on any such long-term study or the projects that have already been cleared have been questioned on the adverse impacts. These impacts, if any, on the coastal environment and surrounding area, would have been established through these reports.

- **Post-facto studies as compliance conditions:** Another concern related to post-facto studies is that many a time these studies were stipulated as conditions while granting clearances. These studies should have been conducted prior to granting clearances. The APSCZMA, in April 2012, recommended post-project monitoring of the impact of mining on the shoreline, by a specialised agency, while granting clearance for mining beach sand for extraction of heavy minerals in Srikakulam district (CRZ III) by Trimex Industries Limited.

¹⁵ A committee was constituted on December 14, 2009, under the chairmanship of J.M. Mauskar, Additional Secretary, to examine the issues related to monitoring of projects. Dr. G.K. Pandey and Dr. Nalin Bhat, Advisers, MoEF; Dr. B. Sen Gupta, Ex-Member Secretary, CPCB; Dr. Sunita V. Auluck, Director, MoEF; Chairmen of Kerala, Odisha, TN and WB SCZMAs; Chairmen of CPCB, Andhra Pradesh, Gujarat, Maharashtra and Punjab PCBs were also the members of the committee. It presented a draft paper in August 2010 seeking inputs before finalising the report. The committee was to appraise the compliance of monitoring of Environment and CRZ clearance conditions. The committee identified general gaps across all authorities (regional offices of MoEF, SEIAAs, PCBs and SCZMAs), such as lack of transparency due to unavailability of monitoring reports on the websites of the regulatory authorities, lack of trained and skilled manpower with the authorities, ineffective self monitoring by industries, etc. Regarding CRZ clearance, the committee identified that monitoring by the SCZMAs does not meet the challenges involved given the magnitude of work. It envisaged a new approach for EC/CRZ clearance based on synergy amongst the monitoring agencies, with the available resources, involvement of specialised agencies/institutions, transparent self monitoring, enhancement of penalty and the use of IT. The committee suggested actions such as identifying institutions to be involved in monitoring, putting together a mechanism for funding these institutions, amendment to the Environment (Protection) Act to enhance penalty for non-compliance, and involvement of other stakeholders such as civil society and industry associations.

- **Lack of response from other line departments:** It has been observed that the SCZMAs, while granting approvals, lay down conditions like procurement of an NOC from other line departments such as Ground Water Board, Pollution Control Board, etc. Subsequently, how the line departments responded to the projects is rarely discussed in the SCZMAs' meetings. A case in point is that of Trimex Industries Limited, which was accorded clearance by the GoI for mining beach sand for extraction of heavy minerals in Srikakulam district (CRZ III) of Andhra Pradesh. The clearance was later cancelled by the MoEF on account of EIA and CRZ violations. The State Authority recommended (in March 2008) to the MoEF that the violations did not take place and therefore the environment clearance for the activity can be restored. Later, the Authority, in April 2012, recommended issuance of an NOC to the project subject to an NOC from the Andhra Pradesh Pollution Control Board (APPCB). But the APPCB's report on the project was not discussed in the meeting. There are several such instances in the minutes of the State Authority's meetings where the issue was pending for comments and after that there seems to be no follow up.
- **Lack of resources:** As per the interviews carried out as part of this research in 2012, various Authority members have also recognised the lack of post-clearance monitoring. However, they feel that the Authority is not in a position to take on the task due to lack of human resources and limited contact with and knowledge of the situation on the ground. All the SCZMAs except the Goa SCZMA¹⁶ work as a part of the Department of Science and Technology or the Department of Forests and Environment in the state. There is no separate office or dedicated staff to look into the monitoring and implementation of the CRZ laws.
- **Role of local bodies/committees:** While admitting the incapability of the SCZMAs, Tamil Nadu and Odisha's CZMA members acknowledged the role of the District Level Committees and local bodies in ensuring compliance with the conditions specified in the approval letter. A member of the TNSCZMA stated that they conduct periodic consultations with local bodies for monitoring. A member from the Odisha SCZMA opined that this void can be filled by proactive DLCCs (in response to the interviews carried out as part of this research in 2012). However, a perusal of the minutes of the Goa SCZMA raises the question about the feasibility of the same. In many places, serious friction between the local self-governments and the Authority has made cooperation between the two difficult. Although, Karnataka has asked the Regional Directors to look at post-clearance compliance, it remains to be seen how it is being carried out.
- **Ambiguity in clearance conditions:** Most of the SCZMAs, while granting clearances, put down a set of conditions. However, many a time, these conditions are loosely framed and ensuring their enforcement becomes confusing. An illustrative example from West Bengal is detailed as follows:

The West Bengal SCZMA, while examining the Integrated Sahara Tourism Project in Sundarbans, stipulated in its meeting in May 2004 that no dredging should be carried out as part of the project. However, in the next sentence of the minutes of the meeting, the Authority stated that if dredging took place, the dredge spoil should be discarded at designated sites by the Kolkata Port Trust, thereby contradicting the previous statement. Such conditions make monitoring a futile and complex exercise.
- **Limited involvement of local citizens in monitoring:** Local citizens' involvement in monitoring, so far, is limited only to reporting cases of violations of conditions to the SCZMAs. They have not as yet been involved in collecting evidence or assisting SCZMAs/DLCCs for establishing violations. This task can be carried out quite effectively by fishermen's communities, which spend majority of their time on the coast and are well-acquainted with it. Acknowledging this potential, Baby John, Member, Kerala SCZMA (in response to the interview carried out as part of this research in August 2012), recommended the formation of *Jagratha Samithis* (Alert Committees) with people's involvement in it.

¹⁶ The Goa SCZMA works as a separate CRZ cell.

- **Fluid CZMPs and ‘in process’ demarcation of HTL and LTL:** The CZMPs, the primary document on which development of the coastline of a state is based, were approved by the MoEF in 1996 with certain conditions. These conditions were addressed by the respective states in the subsequent years. To abide with the conditions set out by the MoEF or to do away with ‘error apparent’, which could not be corrected at the time of approval, in 1996, or to reclassify areas, the CZMPs have undergone frequent changes. Along with the preparation of new CZMPs, as mandated under the CRZ Notification, 2011, the demarcation of HTL and LTL was underway, Post-clearance monitoring becomes extremely difficult when the reference points such as HTL, LTL and Hazard Line are still being marked and different zones are not fixed. The Goa SCZMA found a ‘make-shift’ solution to the problem. It decided to use the Pioneer Sand Dune Vegetation Line (PSVL) to grant clearances and to identify violations instead of the HTL and LTL, till such a time that the latter is demarcated. Perhaps this is the reason that the recording of violations is seen to be carried out rather aggressively in Goa as compared to the other coastal states.
- **No surprise site visits:** Site visits are conducted by the SCZMAs to examine project proposals awaiting clearance/recommendation. However, it seems from their meetings’ minutes that site visits to the project sites once they have been approved are hardly ever conducted.
- **No monitoring protocol:** The CRZ Notification, 2011 does not stipulate any conditions beyond submission of half-yearly compliance reports by the project proponent to the SCZMA. Neither the appointment orders for the SCZMAs nor the Notification have specified the minimum required frequency for monitoring of projects, once approved.

CHAPTER 4: ENFORCEMENT AND COMPLIANCE

1. What does the CRZ Notification say about enforcement and compliance?

The CRZ Notification, 1991, states, "The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory level, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this Notification, within their respective jurisdictions." The CZMAs were formed through the appointment orders of November 26, 1998, issued by the MoEF, in response to the Supreme Court directive of 1996 in the matter of the Writ Petition 664/1993. However, the CRZ Notification, 2011, in clause 6 (a), grants powers to the NCZMA and SCZMAs to ensure implementation and enforcement of the Notification. While laying out the procedure for clearance, clause 4.2 (v) mandates post-clearance monitoring in terms of the submission of half-yearly compliance reports by project proponents. Along with this it is stated that the reports shall be published in the public domain, displayed on the website of the concerned regulatory authority, and that any person can procure copies of the same upon application to the concerned CZMA.

2. What do the orders/directions issued by the MoEF say on enforcement and compliance?

The MoEF, in its orders constituting the SCZMA, outlines tasks such as inquiry into cases of alleged CRZ violations, review of cases involving CRZ violations and referring them to the NCZMA and filing complaints and taking action with respect to the violations identified. All of these can be categorised under its function of enforcement and compliance. After the CRZ Notification, 2011 into effect, the MoEF issued directions on January 25, 2011 regarding identification of violations under the Notification and action to be taken. The MoEF directed all the State and UT CZMAs to identify the violations within the next four months (from the date of the issue of directions) and take action in the four months after identification. The SCZMAs were directed to upload the violations on their respective websites as well. This task was linked with the preparation of the CZMPs to ensure that the violations would not be regularised in the new CZMPs. However, in July 2011, the MoEF extended the time to identify CRZ violations till October 31, 2011. While the SCZMAs have uploaded or are in the process of uploading violations, no new directions have been issued by the MoEF in the matter.

3. What do the constitution orders of the DLCCs say about their role in enforcement and compliance of the CRZ Notification?

According to the ToR of five SCZMAs out of the seven that have issued orders to constitute DLCCs in their respective coastal districts (see Chapter 1 for details), the DLCCs have been assigned the tasks of enforcement and monitoring of the Notification. The details of these responsibilities are given as follows:

- **Gujarat, Maharashtra, West Bengal and Karnataka** have empowered the DLCCs to take cognisance of violations *suo moto* and on complaints and references. They have also made the DLCCs responsible for verifying violations.
- **Gujarat, West Bengal and Maharashtra** have authorised the DLCCs to take appropriate steps:
 - West Bengal: remove illegal structures
 - Gujarat and Maharashtra: remove illegal structures and levy penalties
- In **Karnataka**, DLCCs are supposed to take action as per the directions of the KSCZMA.
- The **Tamil Nadu** SCZMA has made the DLCCs (called DCZMAs) responsible for monitoring and enforcement of the CRZ Notification. They have been granted powers to act on violations.
- The **West Bengal** and **Maharashtra** SCZMAs have assigned the task of monitoring compliance of the conditions stipulated in the CRZ Notification, 2011 and the environment clearance (EC) accorded to projects, to their respective DLCCs.

4. How do the SCZMAs identify and verify the reported violations?

Generally, violations are reported by members of the SCZMAs, local bodies like panchayats and municipalities, the DLCCs (in case of Tamil Nadu), the PCB, concerned individuals, NGOs and sometimes even by the MoEF. SCZMAs, such as those in Tamil Nadu and Goa, have also acted based on newspaper reports (see examples in the boxes 'Identification of Violations in Tamil Nadu' and 'Interaction between the Goa CZMA and other Government Departments on CRZ Violations').

Interviews in 2012 with members of the SCZMAs of seven states revealed that apart from site visits during the project approval stage or where reported violations have to be verified, the members do not look into the implementation and compliance of the law. They issue show cause or stop work notices. For instance, 'stop-memo' notices were issued by the Kerala, Gujarat and Goa Authorities to the concerned parties while the violations were being verified, and the permitting authorities (local self governments, town-planning departments, etc.) were asked to take appropriate action.

For the purposes of this study, a list of violations of the CRZ law and the subsequent actions taken by the Authorities were collected through RTI applications. Presented as follows are the different ways in which the SCZMAs have taken cognisance of and responded to cases of violations. These have been compiled based on the lists procured through the filing of RTI applications and the minutes of the SCZMAs' meetings (detailed lists of CRZ violations, as discussed in the minutes of the SCZMAs' meetings, are provided in the enclosed CD).

The **Karnataka** CZMA directed majority of the complaints received to the concerned Regional Directors (Environment) and asked them to take necessary action. The nature of action was not always clearly defined.

The **Kerala** CZMA sought opinions/reports from the concerned gram panchayat or other local bodies to establish a violation, after they carried out a site inspection. Once a CRZ violation or illegal construction in the CRZ area was established, it asked the District Collectors or local self government authorities to take appropriate action. However, there were no specific explanations provided to define 'appropriate' action. The Kerala CZMA has been mandated by the High Court, from time to time, to facilitate personal hearings to concerned parties in matters of violations brought to the Court.

The **Odisha** CZMA has been dealing with the matter of CRZ violations on a regular basis. It was informed in the 1st meeting of the reconstituted Authority in May 2003, that the violations (as reported by Beach Protection Council) would be referred to the concerned District Collectors and to the Chief Secretary for demolition and restoration of older structures. When violations were reported to the Odisha CZMA, they were verified by the district authorities and further action was decided based on their report. In its 3rd meeting, the Odisha Authority proposed to the MoEF that the District Collectors be given powers to take cognisance of and action on the violations without waiting for directions from the OSCZMA. However, the response of the MoEF is not known. In May 2012, the OSCZMA decided that the alleged CRZ violations will be referred to the State Project Management Unit (SPMU) of the Integrated Coastal Zone Management Project (ICZMP) for field enquiry and the report will be submitted to the Forest and Environment Department for further action. Corroborating that the Odisha CZMA does not take action on violations, Dr. P. K. Mohanty, Professor, Department of Marine Sciences, Berhampur University (also Ex-Odisha CZMA Member, 2008-11), at the National Conference on Climate Resilient Coastal Cities, held in New Delhi on October 10, 2014, shared, "CRZ violations come to our notice, but there is no authority to take action. The CZMA does not have the authority to take action. The Chairperson of the CZMA writes to the Collectors to take action, but no action was taken in the three years (2008-11) that I know of."

The minutes of the **Andhra Pradesh** SCZMA's meetings show that members of the Authority conduct site visits to verify violations.

The **Tamil Nadu** CZMA, as it appears from proceedings of the meetings, has been trying out various routes through various departments to identify violations and take action. In September 1999, when the MoEF forwarded a list of violations to the TNSCZMA (which was discussed in its 7th meeting), the Authority, while acknowledging its lack of human resources to carry out the task, decided to delegate the power to deal with violations to other government agencies at the field level. The District Environment Engineers of the Tamil Nadu Pollution Control Board (TNPCB), who are the conveners of the DCZMA, were asked to submit detailed quarterly reports on action taken on CRZ violations. In its 20th meeting, the Authority decided to request the Department of Town and Country Planning to furnish details of violations, quarterly, in respect to coastal areas falling under their jurisdiction. The Government of Tamil Nadu, in August 2004, approved the constitution of 'green squads', headed by the Assistant Conservator of Forests (ACF), to check CRZ violations.

The **West Bengal** SCZMA mandated the Digha Sankarpur Development Authority (DSDA)¹ to examine and take action on violations in the area under its jurisdiction. Repeated violation of the CRZ norms in Digha and Mandarmoni were discussed at length in its meeting in December 2009. It asked the Chief Law Officer, Environment Department, to lodge an FIR and file an affidavit before the High Court. The Institute of Environmental Studies and Wetland Management (IESWM)² was asked to ascertain the violations. It was decided that once the violations were established, the concerned District Magistrate, would be requested to take legal action. Similarly, a list of violations in the Sundarbans, forwarded by the regional office of the MoEF, was referred to the IESWM for verification. After its constitution in 2013, the DLCC, as per its constitution order, has been involved in the identification and correction of violations.

In **Gujarat**, the general practice is to issue a show cause notice to the project proponent. Site visits are also carried out by subcommittees appointed by the Authority to assess the situation and the extent of the violation and damage caused. However, it appears from the minutes of the meetings that not all cases have been followed through; some have been dropped midway without any corrective action.

As compared to other states, the **Goa** SCZMA has put in place better and more effective mechanisms to check, identify and take action against violations. On receiving reports of violations, it issues show cause notices to the alleged violators, conducts site inspections and holds personal hearings (for the concerned parties) through its subcommittees. The subcommittees usually comprise of a few Authority members. Creation of demolition squads and district mobile squads, orders to cut electricity and water supply to illegal constructions and orders to remove illegal shacks are a few steps taken by the Authority. In its 100th meeting in March 2014, it decided to constitute 'flying squads' in each district to keep a watch and monitor violations.

The **Maharashtra** SCZMA receives regular updates from the District Collectors on violations. It has instructed the Collectors to take action on apparent violations like construction in CRZ I areas. For constructions in CRZ II and CRZ III areas, it has directed the District Collectors to submit reports with the list of violations and actions taken. It also gave clear directions to the DCZMCs that community dwelling structures, as permitted under the CRZ Notification, 1991, even if without CRZ approval, should not be demolished. As per the minutes of its 78th meeting in November 2012, the Authority directed the Sindhudurg DCZMC as follows: "The dwelling units of traditional coastal communities including fisherfolks, tribals, as were permissible under the provision of the CRZ Notification 1991, but which have not obtained formal approval from concerned authorities under the CRZ Notification 1991, should be exempted from such action as per para 6 (d) of CRZ Notification 2011." It has filed an FIR with the police, in the cases where the violation was verified.

¹ DSDA is the planning authority constituted under the Town and Country Planning Act for 42 *mouzas* (the administrative unit of West Bengal) including Digha and Shankarpur, under the Urban Development Department of West Bengal.

² IESWM is preparing the CZMP for the CRZ areas of West Bengal.

IDENTIFICATION OF VIOLATIONS IN TAMIL NADU

In its meeting in 2004, the TNCZMA constituted 'green squads', headed by the ACF, to check CRZ violations. One of the cases that the squad inspected was the violation in the coastal areas of Kovalam. In January 2013, in response to a report on massive encroachment along the Kovalam estuary, Buckingham canal and the beach, the 'green squad' inspected the area and furnished a report indicating some ongoing activities along the coast of Kovalam. The District Collector (Chairman of the DCZMA), Kancheepuram, and the District Environment Engineer (Convenor), TNPCB, Kancheepuram, were instructed to take suitable, stringent action against the violators and furnish an 'action taken report'. In February 2013, a meeting was organised for Collectors of the coastal districts, coastal district environmental engineers of TNPCB, representatives of Chennai Metropolitan Development Authority (CMDA), Corporation of Chennai, etc. to discuss violations of the CRZ rules. Based on the discussions, instructions were issued, in February 2013, to all of them to identify violations in the CRZ and send details of action taken. However, reports from these officers on 'action taken' have not been discussed in the minutes of meetings. In response to an RTI application (filed in January 2014), almost all the PCB offices, which have been given the responsibility of identifying violations in their respective districts, reported that there were no violations registered in their office (except for two PCB offices which responded with, in all, details of four cases of violations). Even the cases of violations discussed in the TNCZMA meetings are very few compared to other SCZMAs (see details in the table 'Enforcement and Compliance' in Annexure 1). Hence, there seems to be a mismatch between these measures to check violations and the actual number of cases of violations discussed by the TNCZMA or delegated offices/bodies.



Effluent discharge into the Damanganga estuary in Vapi, Valsad, Gujarat, Kanchi Kohli

ROLE OF CIVIL SOCIETY/NGOs IN RECORDING VIOLATIONS

The role of NGOs in reporting violations to the SCZMAs has been significant. The matter has been on the agenda of the Odisha SCZMA from its very 1st meeting due to active reporting of violations by NGOs. The presence of NGO members in the Goa SCZMA has ensured that the issue of enforcement of the CRZ Notification is addressed on a regular basis. Similarly, the violations in Mandarmoni and Digha Sankarpur area have been reported to the WBSCZMA by civil society.

5. How can one obtain the list of violations that an SCZMA has identified and taken action on?

The MoEF has mandated that the list of violations reported/identified and action taken by the SCZMAs should be uploaded on their websites. Till December 2014, Karnataka, Odisha, Maharashtra and Kerala had uploaded this information. For the study, RTI applications were also filed to seek information. Details of violations were received from Odisha, Maharashtra, Tamil Nadu, Goa, West Bengal, Karnataka and Gujarat (for details see Annexure 2). One can also go through the minutes of the SCZMAs' meetings for information on cases of violations that were discussed. However, the lists on the websites do not tally with the list of cases of violations that were discussed in the SCZMA meetings. Some cases that were discussed in the minutes are absent from the lists and vice versa.

Table 17 shows the number of cases of violations as compiled from the three sources.

TABLE 17: NUMBER OF CASES OF VIOLATIONS OBTAINED FROM DIFFERENT SOURCES

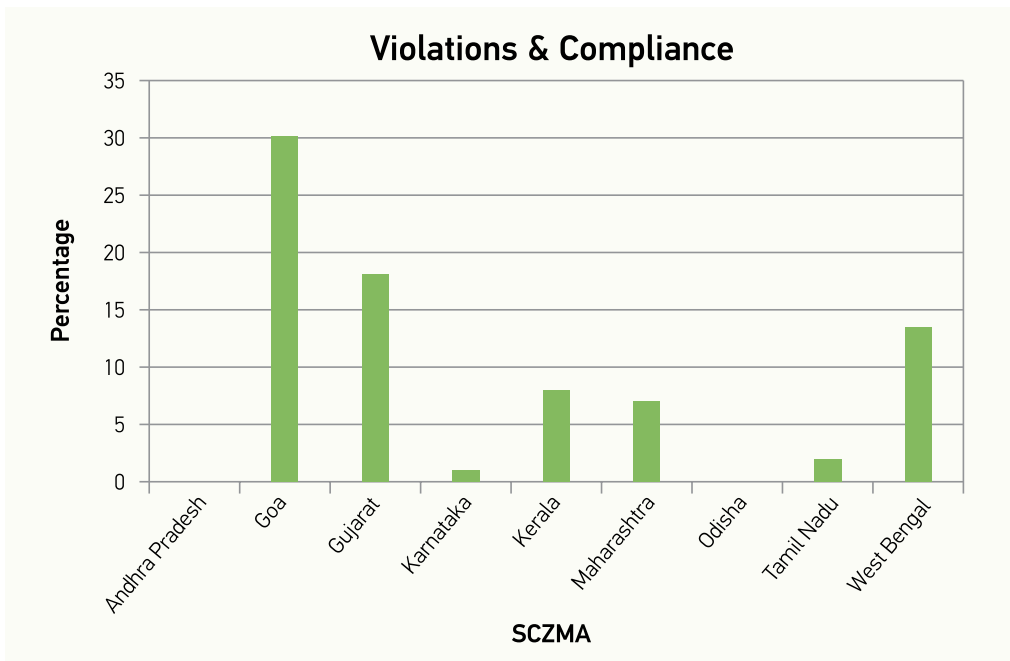
SCZMA NUMBER OF CASES OF VIOLATIONS	ANDHRA PRADESH	GOA	GUJARAT	KARNATAKA	KERALA	MAHARASHTRA	ODISHA	TAMIL NADU	WEST BENGAL
DISCUSSED IN MINUTES OF THE SCZMA'S MEETINGS	12	680	27	22	130	29	23	16	57
AS PER REPLY TO RTI APPLICATION FILED		478	44 (32 were from 2004 to 2009)	196 (from 200 to 2013)		492 (92 in 2010; 118 in 2011; 142 in 2012; 140 in 2013)	63 (January 2001 to November 2012)	4 (1 in 2014)	54 (53 in 2008; 1 in 2010)
AVAILABLE ON THE SCZMA'S WEBSITE IN DECEMBER 2014				46		231 (till March 2012)	63		

The time of registration of violations (if available) is provided in parentheses.

6. What is the frequency of matters concerning violations discussed in the SCZMAs' meetings?

Graph 4 shows the frequency (in percentage) of matters concerning project appraisals discussed in the meetings of SCZMAs. The meetings' minutes of 2010 and 2013 were examined for the various SCZMAs.

GRAPH 4: FREQUENCY OF MATTERS CONCERNING VIOLATIONS DISCUSSED IN THE SCZMAS' MEETINGS (IN PERCENTAGE)



The frequency is calculated in percentage in relation to the total number of agenda items in SCZMAS' meetings.
 Source: All available minutes of SCZMAS' meetings from 2010 and 2013.



Blocking of a creek due to bunding, Surajbari, Kutch, Gujarat, Kanchi Kohli

INTERACTION BETWEEN THE GOA CZMA AND OTHER GOVERNMENT DEPARTMENTS ON CRZ VIOLATIONS

The Goa CZMA has been discussing cases of violations from its initial meetings. In its 2nd meeting, the GCZMA attributed a high number of cases of violations to the slow and ineffective action initiated against those responsible, by the concerned local authorities. Finding that the panchayat of Calangute was defaulting repeatedly, the GCZMA passed a resolution in its 5th meeting, stating that "...there is a collusion between Panchayat members and CRZ violators..." and it resolved to "...strongly recommend to the Government that the present constitution of the elected membership of the Calangute Panchayat may be dissolved with immediate effect and to consequently handover the affairs of the Panchayat to the Director of Panchayats." However, it could not be tracked from the minutes whether the panchayat was actually dissolved. Further, it was pointed out by the Member Secretary, in the 8th meeting in September 2001, that all the panchayats in the CRZ were seeking to regularise alleged violations by submitting 'unsubstantiated/unacceptable' documents such as backdated (before 1991) house tax receipts, permissions obtained from the Tourism Department and panchayats for hotels, shops and restaurants, electricity and water receipts, simple letters from *sarpanches*, etc. However, approved plans and construction licences issued in accordance with the Panchayat Act were not submitted. Despite such aggressive non-cooperation from the local bodies, the GCZMA continued to pursue CRZ enforcement.

Consequently, the Authority decided, in its 11th meeting in April 2003, to issue final directions under Section 5 of the Environment (Protection) Act, 1986, to the Chief Electrical Engineer and Chief Engineer (PWD), to "suspend/cut" electricity and water supplies to such constructions. However in the 13th meeting of the GCZMA, held on November 5, 2003, it was pointed out that, despite clear direction, water and electricity were released to all constructions irrespective of their legal status. This resulted in encouraging these constructions instead of making them non-functional. After rigorous follow-up with Electricity Department, in September 2006, in the 27th meeting of the Authority, it was pointed out that the electricity connections were not being cut because when the Electricity Department issues an independent additional notice for disconnecting electricity, under the Electricity Act, the occupier challenges that notice in the trial court by making the Electricity Department a party. On learning this, the Authority decided to seek legal advice to address this loophole.

Another example of GCZMA's proactive action on violations was with regard to an oil pipeline case. Claude Alvares, Member, GCZMA, in the 18th meeting of the Authority in July 2004, produced a report that appeared on the front page of *Gomantak Times* dated July 21, 2004, about the status of the pipeline of Zuari Indian Oiltanking Limited. The pipeline was permitted by the GCZMA with several conditions. One of the conditions was that the pipeline should be firmly buried at a depth of at least 2.5 m below the ground and firmly anchored. But the pipeline was lying almost entirely on the surface of the beach and its protective polyethylene cover was missing at many places. The GCZMA decided to issue directions to stop the operation/use of the pipeline within 24 hours. It did not allow the operation till it was confirmed that the pipeline was covered and buried underground.

In December 2005, the GCZMA decided to prepare a list of 'hotel/resort' projects, completed as per the approvals granted to them, and inspect these with respect to the NDZ status of the area.

The Authority also conducted meetings with District Collectors, to discuss matters pertaining to compliance and enforcement of the CRZ guidelines. It has also been asking for monthly reports on violations and actions taken from the collectorates. The Collectors were told by the GCZMA to take *suo moto* action to demolish illegal constructions. In a meeting with the Collectors, in May 2007, the SCZMA strongly recommended having 'demolition squads' under the District Collector, to enable fast action against violations. It also asked the Department of Public Works to provide the Collectors with demolition machinery, as and when needed.

Since there were a lot of construction activities coming up within the CRZ areas that were not being reported to the GCZMA by the monitoring officers, the Authority in its meeting on September 19, 2007, discussed the constitution of the District Level Monitoring Squads under the direct control of the District Collectors in each district, thus enabling effective implementation of the CRZ Notification. Each squad was to consist of one officer at the level of Mamlatadar, along with one surveyor and was to be provided with a digital camera, mobile handset and a vehicle. Till their formation, the Authority advised that the District Collectors should constitute their own team to monitor the coast. Violations were to be reported to the respective Deputy Collectors who were to issue appropriate directions and stop the work accordingly.

In its 57th meeting the Goa Authority decided to form three-member teams of GCZMA members to conduct on the spot inspections for violations and to take direct action immediately at the site under the authority of the GCZMA. The actions taken by these committees were to be ratified in the subsequent full body meetings. The Authority had also noted the proliferation of shacks on the beaches, permitted by the Department of Tourism. Upon directions from the High Court, the GCZMA got actively involved in identifying areas where shacks should not come up, the maximum number of shacks to be allowed and conditions for establishing them. It also advised the Director of Tourism to frame a policy to regulate shacks.

7. How are local level bodies involved in enforcement and monitoring of the provisions of the CRZ Notification?

Although the CRZ Notification does not mandate any role for the local bodies with regard to enforcement and monitoring, the critical role of panchayats in implementing the CRZ Notification has been discussed in the meetings of many SCZMAs. In pursuance to a High Court order (WP 7772 of 2002 filed by Disha, an NGO), the WBCZMA in its meeting in June 2007, emphasised the duty of the panchayat to act in accordance with the existing rules and regulations of the CRZ Notification. The case was filed seeking strict compliance with the CRZ Notification and demolition of hotels/resorts in Mandarmoni area built in violation of the Notification. The WB Authority decided that the gram panchayats should insist upon clearance (from the Authority) before approving land use in the CRZ area. Dr. N. P. Kurian from the Kerala SCZMA also stated that the local bodies should be given a major role in the monitoring and enforcement of the clearance conditions and violations. He said, "The Authority has to support these institutions (local bodies) with awareness programmes." A. Ramachandaran and Ajayakumar Varma, members of the Kerala SCZMA stated that enforcement can be done through panchayats: "...as this institution (panchayat) is responsible for the numbering of buildings and they have to check whether the necessary clearances are submitted by the applicant before they grant number to the buildings" (as per responses to interviews with KSCZMA members conducted in February 2012 as part of this research).

However, there have also been instances of deliberate lack of action by the local bodies. Panchayats and municipal councils in Goa do not utilise their full power to take action against constructions in violation of the CRZ Notification. A list of alleged cases of violations of CRZ was discussed in the 5th meeting of the Authority. Notices/letters were issued in all such cases to the concerned panchayats to investigate the allegations and take appropriate action, with intimation to the GCZMA. But in very few cases was action initiated by the local authorities. The Authority noted that panchayats offer 'inadequate, incomplete or irrelevant replies' to these letters/notices. In the same meeting, the members of the Goa SCZMA opined, "...unless the local authorities... are made to deal firmly with the menace of illegal constructions... the CRZ violations are bound to occur unabated."

In November 2003, it came to the Goa Authority's attention that in a few coastal stretches unauthorised construction was proliferating under the guise of repairs and that fake numbers were also being issued. Consequently, three members of the GCZMA conducted a site visit in Mandrem and Morjim belt on July 19, 2004. They noted that the local authorities had either allowed or deliberately ignored at least five constructions within 50 m of the HTL. In such a situation, it is hoped that specially created bodies such as 'green squads', 'demolition squads' and DLCCs prove to be more effective as they draw their mandate directly from the CRZ Notification, unlike the other local bodies which are governed by departments such as public works, panchayat, tourism, etc.

8. How have courts influenced the enforcement and compliance of the CRZ Notification?

The role of courts in the matter of non-compliance of the CRZ Notification has been significant. Cases have been filed by aggrieved individuals, NGOs and civil society. At times courts have taken up instances of violations *suo moto*. A large number of cases have been filed in Kerala and Goa. While the cases have not been studied in detail, it is evident that in most cases aggrieved citizens have taken recourse to the courts by appealing against the action taken by SCZMAs on violations. Sometimes cases have been filed to bring violations, which have been ignored, to the notice of the SCZMAs. Particularly, in Kerala, the Court offered the opportunity to affected individuals to get a hearing before the Member Secretary, Kerala SCZMA. But the downside of this was also highlighted by Dr. N. P. Kurian, Member, Kerala SCZMA. During the interview conducted as part of this research in 2012, he stated that constructions that took place in Maradu panchayat area, near the Le Meridian Hotel, did not have clearance from the Authority. Despite the fact that the complaints against the construction were registered, and the Authority ordered the demolition of the structure, the violators managed to get a stay order against it from the Court.

Some key court cases discussed by the SCZMAs in their meetings, which seem to have impacted their functioning considerably, are discussed as follows:

- The High Court of Bombay at Goa in its judgment, dated June 29, 2000, in WP 126/1996, approved the scheme to designate certain staff of the collectorates to take swift action against blatant cases of illegal constructions and submit regular inspection reports to the State Government.
- In response to the same Writ Petition, the High Court of Bombay at Goa asked for the compilation of violations in Goa. This particularly helped the SCZMA to get the panchayats to prepare reports on violations.
- In another matter presented in WP 212/1991, the HC of Bombay at Goa passed the judgment that the directions issued under Section 5 of the EPA can include orders to demolish constructions that violate the EPA.
- In the proceedings related to a case, in a *suo moto* Writ Petition of February 2006, April 2007 and May 2007, in the High Court of Bombay at Goa, the Court directed that the Goa CZMA and the Government of Goa should work in coordination to formulate the tourism policy (including guidelines on setting up and operation of shacks and deck beds, and limiting their number). It also decided not to permit the village panchayats to grant permissions for such temporary structures without consulting the GCZMA.
- In response to an appeal (49 of 2013), the NGT observed that even after violations are recognised and show cause notices and demolition orders are issued, the violations continue. It directed the Goa CZMA to take final action. In response to another appeal (49 of 2012), the NGT laid down a new procedure, which is not part of the CRZ Notification, and directed the GCZMA to follow it in future (see Annexure 10 for details). The GCZMA, in accordance with the directions of the NGT (WP 63 of 2012), in its 87th meeting in June 2013, constituted five small inquiry committees for hearing pending cases of CRZ violations. In its 100th meeting in March 2014, it finalised a procedure for verifying and acting on violations. The procedure is as follows:
 - For a new/ongoing violation, GCZMA will issue a show cause notice and stop work order. Copies will be shared with revenue authorities and local bodies for them to take immediate action.
 - The inquiry committee will inquire into the matter after a reply is received from the alleged violator.
 - Based on the report of the inquiry committee, the GCZMA will decide whether to issue orders for demolition/closure/disconnection of water and electricity supply, etc. The orders are to be executed by the revenue or other concerned authorities. They will then submit the report of compliance with the order to the GCZMA.
 - In case of minor violations, the complaints are to be forwarded to revenue authorities or local bodies to take appropriate action and submit an 'action taken' report to the GCZMA.
 - If the case records are voluminous, making it difficult to provide copies, the GCZMA will allow the applicant(s) to inspect the documents and supply copies (if there is a request for any) at the latter's expense. If in a particular instance the issue can be better resolved by physical inspection of the site, then the GCZMA will arrange for site inspection, and present the inspection report to the affected party. The inspection will be done directly by the Authority or through a senior officer.
 - For old/existing structures, the complaints will be examined by the inquiry committee and based on its report, action will be initiated.

9. How have orders by the MoEF and NCZMA influenced the SCZMAs to identify and take action on violations?

On November 7, 2008, the MoEF issued a set of detailed instructions to guide the functioning of the SCZMAs (also referred to in Chapter 3). Though these instructions were concerning project approvals, the MoEF stated the following:

"It is observed that Authorities are not taking adequate steps in controlling violations. In several instances, the ministry has had to intervene and issue directions to the violators...Therefore high priority will be accorded to enforcing and monitoring of Coastal Regulation Zone Notification 1991 by all the State/UT CZMAs."

While it did not direct the SCZMAs clearly to identify and take action on violations, it has an implication on this aspect of the CRZ implementation. The order issued by the MoEF post 2011 with regard to identification of violations is explicit and lucid. As per the minutes of the meetings of the NCZMA, the importance of the order (dated January 25, 2011) relates to identification and correction (if possible) of violations (see the answer to question 2). This has been emphasised by the MoEF. The implementation of this order was critical, so that violations do not get internalised in the new CZMPs being created under the CRZ Notification, 2011. The NCZMA in its meeting in April 2011, also insisted on time-bound action through the use of satellite imagery to identify such violations and upload the details on the website. The NCZMA, from time to time, has sought updates from the SCZMAs on compliance and steps taken with respect to this order. In December 2012, the MoEF instructed that state governments have to initiate action on the violations under the Environment (Protection) Act, 1986. The 24th meeting of the NCZMA in January 2012 was held specifically for collecting updates on the identification of violations from the states. Responses of the State CZMAs to the orders and directions of the MoEF and the NCZMA are as follows:

- The **Andhra Pradesh** CZMA informed the NCZMA, in April 2011, that it is yet to start a formal process of identification of violations as it has not acquired the satellite images. In its meeting in May 2011, the Authority decided that the District Collectors need to carry out fresh surveys of violations, keeping in view the revised guidelines on delineation of the CRZ. These would then be reviewed by the APCZMA, followed by field visits. Till January 2012, Visakhapatnam, East Godavari and West Godavari districts had sent reports on violations and the information was awaited from the remaining six districts.
- The **Karnataka** CZMA reported in the NCZMA meeting (in April 2011) that it had identified 46 violations and instructions were issued in 16 of these cases. By the next meeting of the NCZMA, held in May 2011, the KCZMA had identified 69 cases and taken action in 40 cases. No further information was available on action taken with regard to the identified violations.
- The **Maharashtra** CZMA reported (in April 2011) that it had a dedicated website ready and had given directions to the local bodies and the Revenue Department for identification of violations as per the CRZ Notification, 2011. However, it sought an extension of the deadline till December 2011. In July 2011, the MoEF had extended the deadline till October 31, 2011 [source: Times News Network (2011, July 19). MoEF extends date to identify CRZ violations. *The Times of India*.].
- The **Tamil Nadu** CZMA reported to the NCZMA, in April 2011, that a format was prepared for collecting information on violations. Further to the letter dated January 25, 2011, the Authority directed the DCZMAs to identify violations, take action and submit a report every fortnight (as against the quarterly reports which the DCZMAs were asked to submit initially) so that the details could be uploaded on the Authority's website and reported to the GoI. The Authority decided in its 71st meeting that in future penal action would be initiated against the violators before considering the proposals/activities for clearance. It asked the DCZMA and CMDA to take legal action in the matter of violations until the formation of a legal cell in the Department of Environment.
- The **Odisha** SCZMA also sought additional time from the NCZMA, in its meeting in April 2011, as it had not yet placed the issue in its meeting. However, the OSCZMA, in its 16th meeting in May 2011, intimated that the District Collectors, District Forest Officers (DFOs) and State PCBs have been asked to report violations within the next three months. In the next meeting of the NCZMA, the OSCZMA informed that the demolitions had taken place for cases related to aquaculture.

- The **West Bengal** CZMA intimated, in April 2011, that a dedicated website was created for the Authority and site visits for identification of violations had been initiated. In the next meeting it stated that demolition had taken place in the Digha area.
- The **Goa** SCZMA informed, in the 22nd meeting of the NCZMA on May 30, 2011, that it had started identifying violations and till the date of the meeting 198 structures, within 0-200 m of the HTL, had been demolished. As per a newspaper report in July 2011 [Times News Network (2011, July 19). MoEF extends date to identify CRZ violations. *The Times of India.*], the Goa SCZMA had identified over 8,000 violations till then.
- In the same meeting in May 2011, the **Kerala** CZMA shared with the NCZMA that it intended to involve NGOs and local bodies in the process of identifying violations.

In the NCZMA meeting in June 2013, the State and UT CZMAs reported on the status of identification of violations. Table 18 shows the information pertaining to the states.

TABLE 18: STATUS OF IDENTIFICATION OF VIOLATIONS

STATE	NO. OF VIOLATIONS IDENTIFIED
Andhra Pradesh	126
Goa	198
Gujarat	14
Karnataka	69
Kerala	45
Maharashtra	435
Odisha	19
Tamil Nadu	DC, CMDA, Corporation of Chennai asked to identify violations
West Bengal	151

Source: Minutes of the 27th NCZMA meeting held on June 25, 2013.

SPECIAL COMMITTEES CONSTITUTED BY THE MoEF

Based on a number of complaints received by the MoEF against Adani Port and Special Economic Zone Limited in Mundra taluka of Kutch, Gujarat, the MoEF constituted a committee on September 14, 2012 to look into the violation of conditions of environment and CRZ clearance by the project. The five-member committee that was headed by Sunita Narain, Director General, Centre for Science and Environment had as members, officials of the MoEF and experts on coastal ecosystems and disaster management. The committee submitted its report in April 2013, which was based on a number of site visits and consultations with the local communities. While it acknowledged that there was incontrovertible evidence of non-compliance by the project, it did not advocate that the environment clearance granted to the project be cancelled. Based on the recommendations of the committee, the MoEF, in September 2013, levied a fine of ₹ 200 crores on the Adani group for environmental violations. Also, as per the directions of the Sunita Narain Committee, the Gujarat SCZMA has created an Environment Restoration Fund, with a corpus of 1% of the project cost or ₹ 200 crores, whichever is higher. The CRZ Notification and EIA Notification were issued by the MoEF using clause 3 (2) (v) of the Environment (Protection) Act (EPA), 1986 and as per the EPA there is no provision of levying a fine. The EPA only empowers the Ministry to start criminal prosecution in a court and cancel environment clearance in cases of violations. Although the committee considered both legal proceedings and cancellation of clearances, it finally decided against it, stating that these are "...procedural, and would only lead to delay without any gains to the environment and the people." How this figure of ₹ 200 crores was arrived at, was also not clear in the report submitted by the committee. The report only said, "...it is practically difficult to assign tangible and intangible costs to non-compliance and violations. However, the inability to quantify these costs should not deter us from setting precedence for the future."

INTERACTIONS BETWEEN THE GUJARAT CZMA AND THE MoEF ON CRZ VIOLATIONS

It has been observed in case of the Gujarat CZMA that the Authority would take cognisance of the violations but would drop most of those cases due to various reasons. The case against Reliance Industries Limited was filed for the construction of a jetty. The case was registered in 1999 when the Gujarat Maritime Board (GMB) was asked to submit dates related to the construction of the jetty to the Authority. This was so that the violation could be established. In 2000, when the GCZMA met again, the GMB had not submitted the dates. Till 2002, no dates had been provided. A subcommittee was then appointed to inspect the construction of the main jetty and the Ro-Ro³ jetty. In 2003, from the subcommittee's report, it appeared as though there was no need for a separate CRZ clearance for the jetty as the company had already obtained an environment clearance in January 1992. Even so, the SCZMA decided to refer the matter to the MoEF to obtain more clarity. Till 2004, the MoEF had not responded on the matter and the SCZMA decided to send one last reminder. In 2005, there was still no communication from the MoEF and hence the matter was closed.

In another instance, in 2002, a case was filed against the Shanti Co-operative and Housing Society. The company had constructed a multi-storey building in the CRZ area of the Veraval-Patan municipal limit without prior CRZ clearance. In 2003, the Authority decided to consult the NCZMA on this matter. In this case, the demolition of the structure would have meant disrupting the lives of the people who had already invested in the building. Even after two years, by when the next meeting of the Authority took place, the MoEF had not provided any response, as to how to proceed in this particular case. Hence, the Authority decided that the Collector of Junagadh and the Chief Officer, Veraval-Patan Nagar Palika would be informed that CRZ clearance had not been granted for the building and necessary action needs to be taken. By its 7th meeting in 2006, the Authority decided to inform the civil court in Veraval of the violation (if the same had not already been done). The matter has not been discussed in any subsequent meetings and as of December 2006, the case is pending in the Veraval Civil Court.

In 2004, the Authority issued a show cause notice to Essar Steel India Limited and asked them to demolish the wall that the company had constructed without obtaining a CRZ clearance. They also instructed the company not to start or continue with any work before obtaining a CRZ clearance from the competent authority. After repeated exchange of information between the project authorities, the GCZMA and the MoEF, it came to light that the MoEF had already issued an environment clearance for the additional components of the project (which required a CRZ clearance from the GCZMA and an NOC from the GPCB), without referring the proposal to the GCZMA. The Authority, being unclear on whether the accorded environment clearance included CRZ clearance as well, felt that the GPCB should file a case under Section 19 of the EPA. Subsequently, in 2011, the Authority decided to drop the case as the company had already obtained the required permissions and no case had been filed by the GPCB so far.

In 2005, it was found that Indian Rayon Industries Limited illegally set up a caustic soda plant in the area under the CRZ. The Authority sent repeated reminders to the MoEF to find out the details of the environment clearance already granted, but received no response and consequently closed the file.

These examples point to the inability of the GCZMA to take action against violations. This has been further aggravated by the lack of support from state departments such as the GPCB, local bodies and the MoEF. A strange dynamic was observed in these cases- the MoEF did not reply to the requests/queries from the SCZMA, but responded to the companies directly. Thus the companies got the answers to the queries of the SCZMA, which the Authority was unable to get from the MoEF. Eventually, it seems the SCZMA had to reach the MoEF via the companies, a wholly undesirable situation. Once again, in December 2006, a case of violation was identified where Ambuja Cement began construction of a jetty without a CRZ clearance (which was stipulated in the EC). It was not clear if the EC included the CRZ clearance as well. The GCZMA asked the company to take up the matter with the MoEF and appraise the Authority. In 2010, the MoEF responded that all CRZ clearance related formalities were complete, therefore, the violation was only a 'procedural lapse' and the matter was closed.

³ Roll-on-Roll-off (Ro-Ro) ships are vessels designed to carry wheeled cargo, such as automobiles and railroad cars. These are driven on and off the ship on their own wheels. A Ro-Ro jetty is constructed for accommodating these vessels.

POINTS FOR DISCUSSION

Instead of arbitrary delegation of powers, can the DLCCs be authorised to verify and take action on violations?

Many SCZMAs have delegated the power to identify violations and take action. While most State CZMAs have relied on District Collectors of the coastal districts to take necessary action, the Odisha CZMA has tried various alternatives. It began with the District Collectors of the coastal districts, moved to the DLCC and finally delegated the task to the SPMU of the ICZMP to inquire into the violations and the Forests and Environment Department to take action.

Similarly, the TNCZMA has sought the help of the CMDA and the Town Planner. The TN Authority, in its 41st meeting, resolved to delegate powers to the Member Secretary, TNCZMA, to take action on all violations of the CRZ Notification and inform the Authority about action taken. Later on, it decided to create a legal cell and moved the responsibility to take action to the DCZMAs. The reason for these changes could perhaps be attributed to the lack of support from the district level bodies. In both the examples the Authorities moved the responsibilities to their respective CRZ-specific institutions such as the SPMU and the DCZMAs. These bodies report to the Authorities and it would have been easier to get them to take action. However, the Authorities eventually need support from the local level bodies and officers such as the District Collector, the Superintendent of Police, the Town Planner etc. to carry out demolitions. As per the constitution orders of the DLCCs issued by the SCZMAs, there seems to be a trend of granting powers to the DLCCs not only to verify but also to take action on violations.

In Maharashtra, as mandated by their constitution orders, the DLCCs (called DCZMCs) are taking cognisance of violations and reporting the same to the MCZMA. In the 87th meeting of the MCZMA in January 2014, the Raigad DCZMC reported 47 violations out of which 37 were to do with sand mining, which is banned in the CRZ. The MCZMA asked the DCZMC to take immediate steps to stop sand mining in the area. However, from this one cannot gauge the extent of autonomy the DCZMCs have to act on violations of their own accord. Also, examples of cases on non-compliance of conditions mentioned in the EC of a project could not be found in the minutes of the Maharashtra Authority's meetings. Such instances were also not found in the minutes of the West Bengal SCZMA's meetings.⁴

Another progressive move of the Governments of Maharashtra and West Bengal was to include the Superintendent of Police as a member of the DLCCs. By doing this, the states perhaps tried to provide DLCCs with the administrative support to act on violations. Also, the MCZMA has been filing FIRs with the police station, once a violation is verified.

What are the challenges to enforcement actions?

Lack of resources: Lack of resources at the disposal of the SCZMAs has reflected in their functioning, particularly in enforcing compliance with the CRZ Notification. It appears that both identification and taking action on violations has been given the least attention and seen the maximum delegation. Many members from Kerala felt that they can take policy decisions and screen applications but do not have the staff for actual implementation and monitoring, and that a larger network of people at the district level are required to ensure enforcement. The Tamil Nadu and Goa SCZMAs lamented about the lack of manpower and other resources to check violations. In the interviews conducted with Kerala SCZMA members as part of this research in February 2012, Baby John, Member, Kerala SCZMA, said, "At grass-roots there should be *Jagratha Samithis* (Alert Committees), involving people. NGOs should be given a greater role. Only if people get involved, only if their support is there, Authority can take bold steps." A. Ramachandran, Member, KSCZMA added, "We should have district-wise monitoring groups, along with the State Authority."

⁴ West Bengal and Maharashtra are two states which have authorised their DLCCs to monitor the compliance of the conditions stipulated in the CRZ Notification, 2011 and the environment clearance.

Non-cooperation of line departments: As noted in the previous chapters, in the cases of post-clearance monitoring and zoning, non-cooperation of line departments is quite apparent in enforcement of the CRZ Notification in almost all the SCZMAs. Cases of non-cooperation in taking action against CRZ violations in Goa has been discussed in the box 'Interaction between the Goa CZMA and other Government Departments on CRZ Violations'. Tamil Nadu, as mentioned earlier, has also experienced lack of support from the Department of Town and Country Planning and the CMDA. Similarly, the Karnataka CZMA in its meeting in January 2009, responded to a report by the Regional Director (Environment), Karwar, on illegal mining of seashells in the Kali river. The mining was being carried out by West Coast Paper Mills. The matter was brought to the notice of district officers of Departments of Mines and Geology and they were requested to take action. But the mining still continues. Such non-cooperation seriously impacts the functioning of the Authority and enforcement of the Notification. It also makes the lack of resources with the SCZMAs more glaring as the very departments that are supposed to ease the workload of the SCZMA burden it further by not cooperating and at times being party to the violations. Other such instances are cases of panchayats in Goa colluding with the local people to allow constructions in violation of the CRZ norms.

Violations due to procedural gaps: Quite often, the Gujarat SCZMA has cited delay or procedural gaps in granting clearances as a reason for not taking action on cases of violations. Examples mentioned in the box 'Interaction between the Goa CZMA and other Government Departments on CRZ Violations' clearly bring out how the MoEF responds selectively to the GCZMA's queries. This lack of communication has made the State Authority somewhat vestigial, as the companies get the EC directly from the MoEF. Subsequently, when the Authority enquires if the CRZ clearance has been included the MoEF does not reply. Later on, the entire matter is dropped on account of it being a procedural gap and not an actual violation.

In 2007, the Karnataka SCZMA recommended a project to the MoEF, for building infrastructure for a jetty for export and import of cargo. However, the project was pending till April 2010 with the MoEF, while the work on the site had begun. While recommending the case, the Authority imposed a condition that a bypass road should be constructed by the PWD to avoid transportation of iron ore through the Belekeri village. This had also not been done till April 2010. Hence, considering the work illegal, the Port Department initiated action and the matter was brought back to the Authority. The Authority decided to discuss the matter with the MoEF to expedite the clearance and write to the PWD to start the road construction. The matter did not feature in the minutes of the subsequent meetings, and hence could not be traced further. However, it was established that due to a delay in response from the MoEF, the matter has been considered as a violation.

Violations not on the priority list of SCZMAs: The analysis of the minutes of the SCZMA's meetings reveal that most SCZMAs have not been regular or proactive in recording violations. The reasons could be manifold, including those discussed in previous chapters and those in this answer, related to capacity, political interference, lack of support from the State Government and so on. However, the MoEF order of January 25, 2011 spurred the SCZMAs to act on violations. Regular follow-up by the MoEF and NCZMA has also helped in keeping the matter as a priority issue for the State CZMAs. This urgency was because of the upcoming deadline of the expiry of the CZMPs in January 2014. Therefore, there was an urgent need to avoid the risk of regularisation. However, it is not certain, whether CRZ violations will still remain a priority with the MoEF, once the CZMPs are prepared. In most cases, the MoEF has been pushing the SCZMAs to identify violations, but in the case of Gujarat, the MoEF seems to have decided to either not reply to the queries of the SCZMA or grant clearance to projects on its own accord, without the involvement of the SCZMA. This has rendered the Gujarat SCZMA toothless when it comes to ensuring compliance. This lack of response or excessive interference from the MoEF has influenced the final decisions of the Authority on violations. Even the amount of ₹ 5 lakhs granted by the MoEF to all the SCZMAs in 2002 for the identification of violations was used by the Gujarat SCZMA to build awareness and sensitise people on the CRZ Notification. This was because the GCZMA did not receive any response from the MoEF on how to spend it (as reported in minutes of GCZMA's meetings in August 2004 and November 2005).

Should there be a uniform procedure for verifying violations and taking action?

There is no consistency in the process for addressing the issues of violations- similar verdicts are not handed down. For example, the Goa SCZMA orders cutting water and electricity supply, Gujarat issues show cause notices and West Bengal takes legal action. This can have positive or negative impacts. If the responses to violations are standardised, the possibility of addressing the unique aspects of each case is eliminated. However, SCZMAs should consider setting a baseline of cases against which decisions on various types of violations can be determined.

CHAPTER 5: CONSERVATION

1. What does the CRZ Notification say about conservation?

The CRZ Notification, 1991 categorises, among other areas, ones that are ecologically sensitive and falling in the coastal stretches within 500 m from the HTL, as CRZ I. The CRZ Notification, 2011 says that the coastal stretches of the country are being declared as Coastal Regulation Zones “...to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner...” The conservation of coastal areas is, therefore, the reason for the very existence of the CRZ Notification and embedded in it. Further, the CRZ Notification, 2011 has recommended creation of special areas, Critically Vulnerable Coastal Areas (CVCA) and Ecologically Sensitive Areas (ESAs) for “...protecting the critical coastal environment and difficulties faced by the local communities...”

2. Do the MoEF orders appointing SCZMAs list conservation as one of their functions?

The term ‘conservation’ is not used in the appointment orders. However, from the first appointment orders that constituted these Authorities in 1998, tasks such as identification of ESAs, areas highly vulnerable to erosion and planning for the management of these areas have been listed. Since 2011, identification of economically important stretches has also been added as one of the functions.

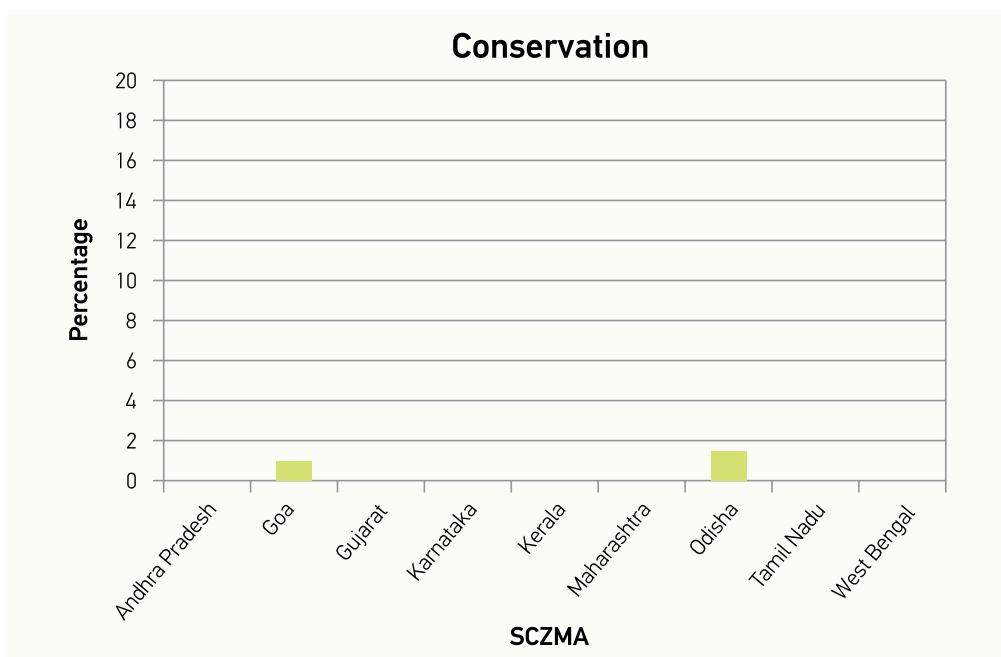


Mangrove destruction due to bunding and blocking of creeks, Kanchi Kohli

3. Do SCZMAs and the NCZMA view conservation as one of their functions?

Five of the 12 SCZMA members who answered the question on conservation in the interviews conducted as part of this research in 2012, mentioned that the Authority does not take proactive measures for conservation. The SCZMAs have not been able to undertake any significant direct environmental conservation activities. When they were asked about the Authority's conservation efforts, they did not have many activities to list. This also points towards the lack of clear direction from the Central Government, with regard to the SCZMAs' responsibility towards conservation, either through the CRZ Notification or appointment orders. Review of conservation efforts do not feature in the meetings of the NCZMA as well. In its 20th meeting, following reports of a violation in an ecologically fragile area of Maharashtra, the NCZMA directed the MCZMA to be proactive in guarding the fragile coastal areas. This was the only time a direction concerning conservation was issued in the NCZMA meetings. The other times, the NCZMA discussed issues of sand mining and tourism in Andaman and Nicobar Islands, which could be classified under conservation issues. Graph 5 gives a representation of the frequency (in percentage) of matters concerning conservation discussed in the meetings of the SCZMAs. The meetings' minutes of 2010 and 2013 were examined for the various SCZMAs.

GRAPH 5: FREQUENCY OF MATTERS CONCERNING CONSERVATION DISCUSSED IN THE SCZMAs' MEETINGS (IN PERCENTAGE)



The frequency is calculated in percentage in relation to the total number of agenda items in SCZMAs' meetings.

Source: All available minutes of SCZMAs' meetings from 2010 and 2013.

4. What are special areas, ESAs and CVCAs in the CRZ Notification?

As per the CRZ Notification, 2011, besides the four CRZ sub-zones, certain areas require special consideration for the purpose of protecting the critical coastal environment and mitigating the difficulties faced by the local communities. These are:

Special areas: CRZ areas falling within the limits of Greater Mumbai, backwater and backwater islands of Kerala and CRZ areas of Goa [clause 7 (v)].

Critically Vulnerable Coastal Areas (CVCAs): Sundarbans region of West Bengal [clause 7 (v)]; Gulf of Khambat and Gulf of Kutch in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Odisha and Koringa, East Godavari and Krishna in Andhra Pradesh [clause 8 (V) 4 (b)].

Ecologically Sensitive Areas (ESAs): The category includes those CRZ I areas that are ecologically sensitive and have the geo-morphological features that are necessary for the integrity of the coast (mangroves, corals and coral reefs, sand dunes, mudflats, protected areas, salt marshes, turtle nesting sites, horse shoe crab habitats, sea grass beds, nesting grounds of birds, areas or structures of archaeological importance and heritage sites) [clause 7 (i) A], and areas as identified under the Environment (Protection) Act, 1986 [clause 7 (v)].

5. Is there a process prescribed for the notification and management of CVCAs?

As per clause 7 (v), 8 (V) 4 (a) and (b) of the CRZ Notification, 2011, the CVCAs are to be declared through a process of consultation with local fisher and other communities inhabiting the area and depending on the coast for their livelihoods. Clause 8 (V) 4 (c) of the Notification further states that the MoEF will develop guidelines for identification, planning, notification and implementation with regard to CVCAs. This needs to be done in consultation with the concerned State Government and local communities.

6. How have the SCZMAs dealt with the tasks of identification of ESAs and CVCAs?

Initial meetings of many SCZMAs have discussed matters pertaining to the identification and management of ESAs and vulnerable areas but there is no record of any follow up. The following is an account of discussions pertaining to identification of ESAs and CVCAs by different SCZMAs:

- The **Goa** SCZMA had identified certain ESAs such as the turtle nesting sites at Galgibag, Agonda, Mandrem and Morjim, where no activities were permitted. The Authority decided in its 20th meeting in September 2004, to issue directions to the Department of Tourism to restrict the construction of seasonal shacks in the vicinity of turtle nesting sites on the beaches of Morjim and Galgibag.
- Based on a letter from an NGO, Kalpavriksh, the **Odisha** SCZMA reclassified the Rushikulya sea turtle nesting site as CRZ I from CRZ III, in its 1st meeting after being reconstituted in May 2003. In its 3rd meeting in January 2005, the Authority identified that eco-sensitive areas like Bhitarkanika mangroves, Chilika Lake, and Rushikulya sea turtle rookery sites such as the Devi river mouth, where sea turtles congregate, need special attention. In subsequent meetings there were no agenda items related to these.
- The matter of identification of special/sensitive areas was not discussed in the meetings of the **Andhra Pradesh** and **Tamil Nadu** SCZMAs.
- The **Kerala** CZMA in 2005, assigned the task of identification of ESAs and coastal areas highly vulnerable to erosion/degradation, up to Thrissur, to the CESS, and from Thrissur to Kasaragod to the Centre for Water Resources Development and Management (CWRDM). However, there were no updates on it in the subsequent meetings.
- The **Karnataka** SCZMA had not discussed the issue in its meetings till March 2014.
- In its meeting in October 1999, the **West Bengal** SCZMA discussed a proposal for the identification and preparation of management plans for ESAs, economically important areas, designated tourism areas and areas highly vulnerable to erosion. The matter was discussed at length and Digha, Sankarpur, Sagar and Bakkhali coasts were identified in the proposal as erosion prone areas. The Authority also admitted in the meeting that a major portion of the WB coast consists of critical habitats. The largest of these is the mangrove chunk of the Sundarbans, the two smaller patches on the eastern side of the Hooghly estuary called Nija Kasba and Khejuri and the emerging dunes at Dadanpatrabar and Sagar. It was also decided in the same meeting that the Lower Long Island and Nayachar would be taken up for conservation. However, there was no mention of any follow up in the subsequent meetings of the Authority.
- The **Maharashtra** CZMA in its 77th meeting on October 9, 2012, sought a clarification from the MoEF on allowing reconstructions and new constructions in Malvan-Sindhudurg,

which was recommended for CVCA status in the CRZ Notification, 2011. This was because the Notification does not mention anything on permitting these activities in the identified CVCAs (it only mentions that facilities required for traditional inhabitants be permitted till the Integrated Management Plans are prepared). It was decided in the 84th meeting to send a reminder to the MoEF. The proposals were returned to the respective proponents (unless they were to do with community needs) with a direction to send them once the management plan for the Malvan region was prepared based on the guidelines expected from the MoEF.

- In its 2nd meeting in 2000, the **Gujarat** SCZMA discussed the matter of identifying ESAs. It decided to invite opinions from various agencies such as the Gujarat Ecology Commission (GEC), Gujarat Ecological Education and Research (GEER) Foundation, Gujarat Institute of Desert Ecology (GUIDE) and a few NGOs for the same. However, there does not seem to have been any follow up afterwards.

7. Has any SCZMA identified/notified any CVCAs/ESAs till date?

Dandi (Gujarat), Vedaranyam (Tamil Nadu) and Vembanad Lake (Kerala)¹ were identified as ESAs under the ICZMP [source: World Bank (2013). ICZMP report of the mid-term review mission.] [see the following box 'Conservation Activities under the ICZMP' and the box 'Integrated Coastal Zone Management Project (ICZMP)' in Chapter 2]. Of these, Dandi has already been notified. Although the website of the Gujarat SCZMA has listed it, the minutes of the meetings do not discuss the Dandi ESA at all. Neither Vedaranyam nor Vembanad have been mentioned in the Tamil Nadu and Kerala minutes respectively. Hence, the involvement of respective SCZMAs and local communities in identification and notification of these ESAs cannot be gauged.

CONSERVATION ACTIVITIES UNDER THE ICZMP

The Integrated Coastal Zone Management Project (ICZMP) is being implemented in various states by the MoEF in collaboration with the World Bank. Based on an integrated approach to coordinate the activities of various government agencies and departments, it has been piloted in three states (Gujarat, Odisha and West Bengal) for coastal zone management planning. The ICZMP has been involved in conservation, awareness creation and skill building activities as well. Through the State Project Management Units (SPMUs), which are the technical cells of the SCZMAs in the pilot states, training programmes are being conducted for district level officials. Work on identification of ESAs across the country is being carried out and three have already been identified. The evaluation of sea turtle nesting sites in Gujarat, study of migratory birds at Chilika lagoon in Odisha and assessment of mangroves of Sundarbans in West Bengal has been carried out as part of the conservation activities under the Project.

8. What efforts have been made by the MoEF for identification of CVCAs/ESAs?

The National Centre for Sustainable Coastal Management (NCSCM),² constituted by the MoEF, has put together an action plan for delineating ESAs under CRZ I. As a first step, in October 2013, it held a series of three consultations to develop the criteria for primary screening of ESAs listed in the CRZ Notification, 2011. It is acquiring GIS based maps for the ecosystems or habitats that are listed as CRZ I areas but are outside Protected Areas.³ The conservation value of these areas will be assessed to identify highly sensitive areas, for which management plans would be prepared. These areas will eventually be notified with specific provisions for conservation. ESAs on which communities depend heavily will be demarcated as CVCAs. Guidelines for demarcation of CVCAs and preparation of Integrated Management Plans will be prepared through consultations with

¹ Dandi and Vedaranyam are associated with the salt marches in 1930. On the west coast it was launched by Mahatma Gandhi and in parallel on the east coast by C. Rajagopalachari. Vembanad is the longest lake of India.

² NCSCM is an autonomous body constituted by the MoEF for Integrated Coastal and Marine Area Management (ICMAM) under the ICZMP. The Centre is located in Anna University's campus in Chennai.

³ Protected Areas comprise national parks, wildlife sanctuaries, conservation reserves and community reserves.

ecologists and sociologists. The maps created through this process will have the boundaries of “highly sensitive areas, sensitive areas and CVCAs” (source: note titled ‘Delineation and Mapping of Ecologically Sensitive Areas and Critical Vulnerable Coastal Areas along the Coast of India’ available on the website of the NCSCM).

STAKEHOLDER CONSULTATION WORKSHOP ON CVCAs IN KARWAR, KARNATAKA

NCSCM has been contracted by the MoEF to come up with a methodology for identification of ESAs and CVCAs in the 12 sites suggested in the CRZ Notification, 2011. The Centre has also been given the task to prepare management plans for these areas. To do the same, NCSCM has been conducting stakeholder workshops in all designated sites. In September 2014, NCSCM held the first of its stakeholder workshops in Karwar, Uttara Kannada for the identification and declaration of CVCAs in Karwar district. The meeting was attended by experts in the field of ecology, fisheries, and coastal areas. Fishermen groups, villagers and other traditional community representatives attended the workshop. NCSCM shared with the participants its approach (see the answer to question 7), in response to which the participants raised certain concerns. The following are the concerns raised by the participants regarding the methodology for identification and management of CVCAs:

- NCSCM is considering only the administrative boundaries of the sites mentioned in the CRZ Notification for CVCA demarcation. However, ecosystems are not limited by administrative boundaries and may extend beyond them. In light of this, rather than merely going by administrative boundaries, the geographical expanse of these unique ecosystems should be considered for notification.
- The methodology for ESA and CVCA identification, in its current form, is technical, data heavy and relies on experts. If this methodology is endorsed by the MoEF for notification of CVCAs, it will leave no scope for communities to submit their proposals for declaration of CVCAs.
- NCSCM is planning to notify CVCAs in CRZ I. However, the resources on which the communities are dependent can occur in CRZ II and CRZ III as well. The participants observed that the focus of the methodology for CVCA identification is more on the conservation aspect and less on the aspect of dependence of communities on coastal resources.

Source: Observations from the workshop held on September 19, 2014 in Karwar, Uttara Kannada district, Karnataka.

9. Has the MoEF issued guidelines for identification, planning, notification and implementation with regard to CVCAs?

As of December 2014, the MoEF has not issued guidelines for identification, planning, notification and implementation of Critically Vulnerable Coastal Areas (CVCAs). In October 2012, the Maharashtra SCZMA decided to request the MoEF for guidelines regarding the preparation of management plans for Achra-Ratnagiri and Malvan-Sindhudurg. Till August 2013, no reply was received from the MoEF. However, the MoEF has chalked out a plan and has contracted NCSCM for the same (see the answer to question 7 and the box ‘Stakeholder Consultation Workshop on CVCAs in Karwar, Karnataka’).

10. What are economically important stretches in the CRZ Notification? Have they been discussed in the meetings of the SCZMAs?

The CRZ Notification, 1991 and 2011, do not talk about economically important stretches. This term was introduced in the appointment orders of the SCZMAs issued by the MoEF and has not been defined anywhere. However, economically important stretches were discussed in the initial meetings of Odisha, West Bengal, Kerala and Gujarat:

- The **Kerala** CZMA decided in its meetings that CESS (upto Thrissur) and CWRDM (from Thrissur to Kasaragod) would identify economically important stretches.
- **Gujarat** decided in its 2nd meeting to invite opinions on the matter from various agencies such as the GEC, GEER Foundation and GUIDE and from a few NGOs as well.
- Paradip and Gopalpur were acknowledged as economically important zones by the **Odisha** SCZMA in its 1st meeting. It was also highlighted that the Industrial

Infrastructure Development Corporation (IIDCO) is developing the Gopalpur area as a Special Economic Zone.

- Areas between the forest boundary and Dampier Hodges Line in the Sundarbans and the area between Junput and Digha of **West Bengal** were identified as suitable for coastal aquaculture. The small island on the south of Haldia, called Nayachar, is also being used for aquaculture. There are working salt pans east of Sankarpur at Dadanpatrabar. As per the discussions in the West Bengal meeting dated October 10, 1999, Digha 'old tourist spot', Sankarpur 'developing tourist spot', Dadanpatrabar 'virgin tourist spot', Sagar 'pilgrim spot', Frasersgunge 'emerging beach', and Bakkhali 'old tourist spot' are important for tourism.

11. How does conservation feature in the conditions imposed by the SCZMAs while granting clearances to or recommending project proposals?

The State CZMAs mention planting mangroves as one of the conditions while granting clearance or recommending projects. In case a construction could lead to the destruction of existing mangroves, the **Goa** Authority works on the premise of 'prehabilitation' instead of 'rehabilitation'. This implies that compensatory forestation steps need to be taken before the actual project activity/construction begins. This has been observed in the case of the construction of the Ribandar bypass in Goa, in November 2014. In its 87th meeting in January 2014, the **Maharashtra** CZMA decided that there should be a policy to manage the 50 m buffer zone around the mangrove area of 1,000 m or more. It resolved that a green belt has to be developed by project proponents in the proximity of the mangrove areas in the 50 m buffer zone for the protection of existing mangroves. The minutes of the meetings of the **Gujarat** SCZMA reveal that it has ordered mangrove plantation as compensatory afforestation for the diversion of forest land for non-forest use as mandated by the Forest Conservation Act, 1980. Similarly, the Tamil Nadu SCZMA in its 58th meeting imposed the condition that a long term action plan for the conservation of mangroves be put in place. This was in the recommendations for a 3,600 MW coal based thermal power plant, captive port and desalination plant, in four villages of Chidambaram taluka, proposed by the Infrastructure Leasing and Financial Services (IL&FS) and the Tamil Nadu Power Company.

MANGROVE PLANTATION IN GUJARAT

The total area of mangrove plantation undertaken by various project applicants in the CRZ in Gujarat, as a part of a compensatory afforestation, adds up to more than 2,000 ha. Almost 1,000 ha of planting had been reportedly finished. As mentioned in Chapter 2, the Gujarat SCZMA in April 2011 decided to monitor the mangrove plantation through the Conservator of Forests. It also directed the GEC to give BISAG the details of the mangrove plantation undertaken by various companies, so that those could be verified through satellite images. The Gujarat Authority has also endorsed a bio-shielding project for the entire Dahej area. The project was entrusted to Maharaja Sayajirao University, Vadodara.

12. Is prevention of erosion discussed in the meetings of the SCZMAs?

The problem of erosion has been discussed in the meetings of the states located on the eastern coastline that are frequently hit by cyclones and are thus highly vulnerable to erosion.

- In its 1st meeting in June 1999, the **Odisha** SCZMA, realising the need to pay attention to areas vulnerable to erosion and inundation due to sea level rise, explored the possibility of obtaining a list of such areas from the Soil Conservation Department and Department of Ocean Development. In the subsequent meetings, the use of natural features such as line sandbars, beaches and plantations was discussed, as safeguards against erosion. Special attention was paid to the recent beach erosion of the shoreline at Puri and Gopalpur.
- The **Andhra Pradesh** SCZMA discussed the concerns regarding severe erosion seen along the coastline on the north side of the Kakinada Bay. It asked the District Collectors of the coastal districts to identify the stretches subject

to erosion. It further opined, in the end of 2010, that the stretches near Kakinada and the estuaries of Godavari and Krishna rivers, which are severely eroded, should be taken up, under the World Bank assisted scheme. This, it suggested, should be taken up on priority basis for prevention of erosion, as these are breeding grounds of marine fauna. The issue was discussed in the later meetings of the Authority as well, but more in terms of mapping changes with respect to the shoreline and preparing base maps.

- The erosion problem in the Digha area in **West Bengal** was discussed in the West Bengal Authority meeting on July 1, 2005. It decided to carry out a study to understand the impact of groyne construction on erosion at the Digha confluence (*Mohana*).
- The matter has not featured in the minutes of the meetings of the other State CZMAs.

DISASTER MITIGATION PROJECTS

The National Cyclone Risk Mitigation Project is being implemented by the National Disaster Management Authority since 2006. The project is a World Bank and Gol initiative. It aims to minimise risks and vulnerability to cyclones, strengthen cyclone mitigation efforts and build capacity for cyclone risk mitigation in harmony with the conservation of coastal ecosystems in coastal states and UTs prone to cyclone. It is being implemented in six districts of Odisha and nine districts of Andhra Pradesh. The project proposes construction of cyclone shelters, connecting roads to cyclone shelters and raising and strengthening of saline embankments. The Project sought clearance from the Odisha and Andhra Pradesh CZMAs, and it was granted. As per minutes of meetings, the West Bengal CZMA has also granted clearance to 150 cyclone shelters. Cyclone shelters were not mentioned in the minutes of other SCZMAs, perhaps because the states on the western coastline are not impacted by cyclones as much.

13. Do SCZMAs discuss awareness and capacity building activities for coastal conservation?

Several SCZMAs consider awareness and capacity building programmes as conservation activities. In the interviews conducted with **Kerala** SCZMA members in February 2012 as part of this research, while mentioning awareness building efforts, the members listed awareness programmes for the local self government officials and the awareness campaigns conducted in Malayalam on the CRZ. Examples highlighted in the minutes of the meetings of other CZMAs are presented as follows:

- Training programmes to train selected staff of the Survey Department and the Town and Country Planning Department of coastal districts of **Tamil Nadu** on overlaying the HTL maps on village maps had been organised by the Tamil Nadu SCZMA in 2001. It also conducted few awareness programmes and seminars on coastal issues, for the staff of the Directorate of Environment and Department of Environment and Forests, in June 2003. The TNCZMA, through the Tamil Nadu PCB, had also conducted some field trainings and study tours for the staff based in the ESAs on the TN coast. As per the minutes of the 27th meeting, the TNSCZMA also worked with few NGOs, to organise street plays and ecological trekking expeditions to improve awareness about coastal conservation.
- In October 2008, the **Odisha** Authority decided to organise a workshop on coastal erosion in December 2008.
- In its initial meetings, the **West Bengal** SCZMA observed that the awareness about the CRZ Notification needs to be increased among the general public, enforcement officers and government bodies. The SCZMA decided in December 2010 that it would sensitise the gram panchayats and panchayat samitis on the CRZ.
- The **Gujarat** SCZMA has been conducting trainings on CRZ issues for the District Collectors, DFOs and ACFs, so that they can sensitise the coastal communities on coastal issues (source: GSCZMA's meetings' minutes of September 28, 2000, April 29, 2011 and February 27, 2012). Even the amount of ₹ 5 lakhs sanctioned by the MoEF

was spent on these activities as the MoEF did not respond to the Authority's query on what activities were to be funded by the amount (as reported in the GSCZMA meeting on August 27, 2004).

- The **Karnataka** and **Andhra Pradesh** SCZMA meetings have not discussed these activities.

14. Do the SCZMAs consider conservation concerns while examining projects to be set up in the CRZ?

Sometimes, clearances are granted subject to the condition that mangroves are planted. Some projects are also granted clearance subject to conditions that they would protect features such as mangroves. However, there have been instances when the project authorities were asked to set up the projects in alternate locations on the grounds that the given project sites were environmentally sensitive. With respect to the development of a captive port by the Tamil Nadu Electricity Board at Kancheepuram, the TN Authority, in its 53rd meeting in August 2009, decided to ask the applicant to locate the project at an alternate site as the current site had sand dunes, was earmarked for ecotourism activities and was close to settlements and salt pans.

ENVIRONMENT POLICY OF TAMIL NADU

In the 68th meeting of the TNCZMA in August 2012, the matter of drafting an environment policy was discussed. Minimising conflicts of interest between various competing activities and the conservation of environment, including coastal environment, were the main objectives of the policy. The policy was envisaged as a useful guideline to take decisions on project proposals, formulate various projects for implementation, ensure livelihood security to fishing and other local communities, promote development in a sustainable manner, control effluent discharge, conserve specialised habitats in marine areas and regulate activities such as dredging, reclamation, sand mining, etc. in the coastal waters.

The Authority decided to pay the consultant for framing the policy from the 'Tamil Nadu State Coastal Zone Development Fund' (see more on funds in Chapter 1).

The matter has not been discussed in subsequent meetings.



Painted Storks at Tuna port, Kutch, Gujarat, Kanchi Kohli

POINTS FOR DISCUSSION

What is conservation for the SCZMAs? Is it prevention of pollution, mangrove plantation, capacity building or regulation?

Generally, there is no clarity on outcomes expected through implementing the CRZ guidelines. Therefore, it is difficult to assess the extent of conservation achieved by the decisions of the CZMAs. This becomes evident from the responses of Authority members to questions on conservation activities. Members of the Odisha CZMA stated in the interviews conducted as part of this research in 2012 that the Environment Department of the state carries out conservation related activities. Since the Authority is a part of the Department, it becomes a joint effort. Two members of the Goa SCZMA and one member each of the Tamil Nadu and Kerala SCZMAs expressed that the regulatory function and project clearance related activities of the Authorities lead to conservation of the coast. SCZMA members view their role of taking action either to prevent pollution or protect the environment of the coastal areas as contributing to conservation. The Kerala SCZMA members highlighted that capacity building and awareness generation tasks are related to conservation. This difference in interpretation arises because the CRZ Notification and MoEF appointment orders, while listing the tasks that the CZMAs are supposed to perform, do not provide any directions on what outcomes these tasks would have to lead to.

Why is conservation not a priority?

The reason for lack of attention to conservation may be attributed to the fact that over 50% of the Authority members who were interviewed, view the SCZMA as a regulatory body (based on the interview of select members of Goa, Odisha, Kerala, Gujarat and Tamil Nadu CZMAs, conducted in 2012 as part of this research).

At times, when provided with an opportunity to grant a conservation status to some of its coastal areas, the Authorities take time as they are interested in making an informed decision and insist on understanding the implications beforehand. This may be attributed to the anxiety that such a status generates in the local area. For example, in pursuance to a letter from the MoEF dated May 30, 2002, recommending that the Sundarbans area of West Bengal be declared a Ramsar Site, the WB Authority discussed the matter in its meeting in October 2002, and decided to ask the MoEF about the obligations of such a declaration. It is also important to note that the coastal areas in the country are currently under a lot of stress and the number of violations and project proposals might be overwhelming for the State CZMAs to deal with, particularly without the requisite political mandate and infrastructure support. As a member of the Odisha CZMA put it in an interview response, "Lot of applications in one meeting affect...the functioning of the authority."

Is there a forest bias in coastal conservation under the CRZ?

Conservation measures of the SCZMAs in general are focussed on mangroves. In this matter, Gujarat is a key example.

Other ecosystems and habitats that are unique to coastal areas do not get as much attention. Intertidal zones, for example, have hardly been cited by any Authority as a basis for the decision on the fate of projects. V. Vivekanandan, Ex-Member, NCZMA, pointed out in his interview that other ecosystems such as intertidal zones are yet to be given importance in conservation matters.

RECOMMENDATIONS

AN OUTCOMES BASED COASTAL GOVERNANCE UNDER CRZ

I. DEFINING THE ULTIMATE OUTCOMES OF THE CRZ NOTIFICATION

The CRZ Notification states its objectives as the protection of local communities living along the coast and the conservation of the coastline. While these are normative and give a broad sense of direction to the CZMAs, the CRZ Notification does not lay down any specific, measurable social or environmental outcomes to be expected from its day to day implementation. As a result, despite its progressive objectives, the implementation results only in outputs such as setting up of an administrative structure, finalisation of maps, appraising project approvals or identifying violations.

In order to turn the CRZ Notification into an outcomes based legal tool rather than a set of routinised outputs and procedures, the following are necessary:

- A systematic exercise to be undertaken at the SCZMA and DLCC levels to identify and prioritise coastal hazards that threaten coastal communities and the ecology. This exercise should ideally be interdisciplinary and, given the urgency of the situation, swift. CZMAs can draw from existing scientific information as well as local knowledge and experience formally through the DLCCs. This process can involve consultations with various departments and bodies and public hearings.
- Once the hazards that most threaten the coast are identified, a set of measurable outcomes needs to be developed for the SCZMAs and DLCCs so that they can work towards managing or removing these threats through their day to day decisions. For example, if coastal erosion has been identified as a priority hazard, then an appropriate outcome for the institutions to work towards could be: "A 25% reduction in erosion in two years from the present date." Another example of an outcome target could be: "A 25% reduction in industrial and municipal waste in coastal areas in one year."
- SCZMAs and DLCCs should craft an action plan that lays out the measures to be adopted to achieve each outcome. There could be multiple proactive and prohibitive actions needed to realise each outcome. For example, erosion control would likely involve mangrove plantations, protection of sand dunes and prohibition of dredging of coastal areas. Reduction in waste would likely include treatment, recycling and appropriate disposal of waste at source, and at-source measures to reduce the amount of waste generated and being disposed in coastal sites. The SCZMAs should periodically review the progress of actions planned. If the activities are not achieving the outcome, they would need to be expanded or redesigned.
- In addition, every proposal for siting a project should be assessed for how it would affect the outcomes of the CRZ. A greater weightage should be given to those projects which comprehensively fit the action plan of the SCZMA and DLCCs.
- Outcomes also need suitable indicators so that the performance on the outcomes can be measured periodically by the SCZMA or other third party monitoring agencies if needed. The best indicators are those for which data can be easily collected. A 25% reduction in erosion is a relatively specific target- almost an indicator in and of itself. A precise indicator could be: "Rate of decline in mean beach width reduces by 25%." For an outcome of reduction in waste disposed one indicator could be a measurable improvement in the quality of surface water in samples collected from coastal sites.

Admittedly, there are multiple factors that influence outcomes on complex processes such as erosion management. But CZMAs are made up of representatives from all the relevant bodies- including the MoEF, the Ministry of Fisheries, etc. Together, these departments have the expertise and the authority to protect the coast.

II. CLARITY OF ROLES AND POWERS OF CRZ AUTHORITIES

The CZMAs (both national and state level) draw their mandate either from the CRZ Notification or from the specific appointment orders that list the tasks of the CZMAs. However, neither the Notification nor the appointment orders clarify how these tasks are to be administered. There are also no supplementary guidelines or office orders that elaborate on how the Notification can be enforced in its entirety and enable processes such as setting up subcommittees, delegating powers, outsourcing tasks, determining frequency of meetings, evolving mechanisms for conflict resolution between agencies and creating a communication protocol among various agencies engaged in implementation of the CRZ Notification. These are important to ensure the smooth functioning of CZMAs as an institution. While CZMAs can and should exercise discretion to realise specific requirements, the lack of such guidelines leads to arbitrariness.

In order to establish clear and enabling conditions for the functioning of CZMAs, the following steps are necessary:

- The CRZ Notification needs to define and prioritise the responsibilities of CZMAs, and distinguish the tasks of regulation, conservation and management through a set of supportive directives or guidelines.
- The CRZ Notification needs to build in clarity regarding the roles and decision making powers of SCZMAs in relation to both the NCZMA and the MoEF. This will also help clarify which institution is finally accountable for which clause or function. This can also include clarifications on powers to delegate or outsource specific tasks as discussed in the study.
- There is a need to clearly identify ways to resolve conflicts over decisions between citizens and CZMAs, CZMAs and local government departments, CZMAs and the NCZMA or CZMAs and the MoEF.
- The MoEF needs to ensure that regular interactions and possibilities of cross learning between the CRZ institutions is formalised and conducted rather than merely demanding a half yearly report of activities, as is done by the NCZMA presently. Reporting and monitoring is valuable only when it offers opportunities for improvement and learning.

III. PARTICIPATORY PLANNING AND COASTAL ZONE MANAGEMENT

One of the critical roles of the CZMAs is the preparation of CZMPs. The preparation of the CZMPs, which includes the demarcation of HTL and LTL remains one of the most essential processes based on which coastal land use can be planned and regulated. While CZMA members have advocated comprehensive and integrated coastal management, there has not been an explicit mention that the process needs to be carried out in a participatory and transparent manner. The first set of CZMPs prepared under the CRZ Notification, 1991, did not follow an open and inclusive process. However, since many of the CZMPs are still in the process of being prepared and finalised, it is an opportune time to involve both DLCCs and coastal communities in the planning exercise. A transparent process with conciliation oriented exercises can help address several coastal conflicts and violations and produce creative and pragmatic plans.

In order to create space for participatory planning, regulation and management of the CRZ, some clear steps are required. These include:

- A clearly defined process to carry out participatory CZMP process needs to be initiated with the help of fishing unions, civil society groups and research organisations towards evolving a comprehensive and integrated plan for the coast. Currently, without final CZMPs and demarcation of zones, HTL and LTL are being defined based on discretion keeping in view the project approvals.
- The process of CZMP preparation needs to be an open and transparent process. The MoEF should allocate resources to the CZMAs to involve a range of actors to prepare maps

and do verification on the ground. The CZMA can also consider modern technological tools like crowd sourcing to collect feedback from citizens and responses on CZMP preparation.

- An exhaustive list of agencies for the preparation of CZMPs and demarcation of HTL and LTL needs to be considered by the MoEF.

IV. CAPACITY, COORDINATION AND RESOURCE CONSTRAINTS

Although the CZMAs are the main bodies implementing the CRZ Notification, their composition and functioning indicates that they have been mostly working part-time. Almost all the members on these Authorities are primarily associated with other government or academic institutions with their role in the CZMA being an additional responsibility. This impacts regular participation in meetings and motivation to engage more deeply with the CZMA as an institution. The part-time status, relying on office space from other institutions like the PCB or Departments of Environment, as well as the financial constraints seriously challenge the efficient and regular functioning of CZMAs and their ability to carry out all tasks. Another important problem that has to be addressed is of inter-departmental coordination. Although the CZMAs are the main institutions responsible in each state to implement the CRZ Notification, there are several other government departments which govern different parts of the coast. The CZMAs need to coordinate with the revenue, forest, and fisheries departments, panchayats, maritime boards, defence installations, and the coast guard. However, this coordination remains ad hoc and occasional.

In order to ensure that CZMAs can shoulder the responsibilities delegated to them, the following are essential:

- SCZMAs should be made full-time bodies with dedicated funding and support staff.
- A comprehensive assessment should be done to ascertain whether the tools and resources available to the CZMAs are adequate to achieve the outputs stated in their appointment orders.
- Clear mechanisms for regular inter-departmental cooperation and coordination should be put in place for planning coastal land use as well as implementation of regulatory and conservation measures. This should include a system for monitoring the progress and completion of each of the tasks undertaken.
- It is urgent to formalise and ensure regular financial support to CZMAs from the state governments. Allocations need to be made from annual plan budgets and disbursed with regularity.

V. MONITORING, COMPLIANCE AND ENFORCEMENT

Most SCZMAs do not have a public interface for redressing grievances of coastal communities about the CRZ decisions. This is crucial for coastal governance as their grievances need timely remedies. Approvals under the CRZ Notification are granted subject to conditions that a project proponent has to comply with. The conditions are vague and cannot be monitored easily for compliance. The post-clearance monitoring remains one of the weakest areas of the CRZ Notification. While the CZMAs issue show cause notices to projects that violate the conditions, they delegate the powers to follow up to the line departments, which are expected to shut down power supply to the project or undertake demolitions, as may be the case. This creates fuzzy accountability on matters of enforcement. Although DLCCs have been added to the institutions for implementation of the CRZ Notification, their role in improving compliance and enforcement still needs to be confirmed.

In order to ensure that the CRZ regulation is not a sporadic event but a continuous process, there is a need to:

- Immediately set up DLCCs with the powers to identify and take action on violations and also work with the SCZMAs for on-ground verification of the CZMPs.

The MoEF should prepare a guidance note on the key tasks that the DLCCs should carry out, including ground verification at the time of project clearance, identification and reporting of violations, monitoring conditions of approval, mapping and proactive conservation.

- Have a range of mechanisms to ensure that coastal communities have direct access to both the SCZMAs and DLCCs or any other body performing regulatory functions under the CRZ norms. 'Open Days' by SCZMAs or DLCCs, 'DLCC- community dialogues on the coast', interactive websites or call centres can provide avenues for people to voice their grievances and seek timely redress.

VI. ACCESS TO INFORMATION AND TRANSPARENCY

The manner in which CZMAs record the discussions in their minutes or maintain other data related to the decision making process, differs vastly across different CZMAs. Some CZMAs have extremely organised ways of recording minutes of meetings, maintaining databases and filing documents. This makes it far more transparent for anyone to understand their priority areas, methods of decision making, frequency of decisions and actions. Data retrieval pertaining to old cases or projects is also relatively easier in these states. However, in the case of other CZMAs, this is extremely challenging and requires digging through layers of paperwork to understand the CZMAs' functioning. The CRZ Notification, 2011, mandates that CZMAs should have websites where information related to meetings' agendas and minutes, decisions, court orders and other information is made available. While most of the SCZMAs have websites in place, the information uploaded is not uniform, leading to more public enquiries through RTI and related applications. This further reduces the time the CZMAs have to carry out mandated tasks.

In order to ensure greater transparency of implementation of the CRZ norms, the following steps should be undertaken:

- A handy compilation of all the orders, instructions, notifications, guidelines, minutes and standards should be prepared by the MoEF and made publicly available in different languages. This can be uploaded on various websites and also distributed through DLCCs.
- A set of guidelines for data management and recording of minutes can be prepared to ensure some consistency across SCZMAs. This can be either developed through discussions between SCZMAs or suggested by the MoEF/NCZMA.
- It should be ensured that all SCZMAs' websites are comprehensive and interactive. They not only need to have a responsive grievance redressal mechanism but also need to be an effective tool where actions taken can be tracked. This can be an important mechanism to gather evidence on violations for enforcing the CRZ Notification.
- The websites should also collect and review suggestions for improvements in the implementation of CRZ norms.



Houseboats, Alappuzha, Kerala, Tannishtha Bhattacharjee



Transporting water, Manju Menon

ANNEXURES

ANNEXURE 1 SCZMAs AT A GLANCE

Presented in this Annexure is a quick status update on key aspects of implementation of the CRZ Notification and functioning of the State Coastal Zone Management Authorities (SCZMAs.) It has been divided into four sections:

1. CZMP, Zoning and Classification
2. Project Appraisals
3. Enforcement and Compliance (acting on violations)
4. Conservation

Information provided under the four sections is based on the reading of available minutes of meetings of the nine SCZMAs and the NCZMA (from 1999 till March 2014) and replies to RTI applications received during the research period.

CZMP, ZONING AND CLASSIFICATION

STATE	ANDHRA PRADESH	GOA	GUJARAT	KARNATAKA	KERALA	MAHARASHTRA	ODISHA	TAMIL NADU	WEST BENGAL
DETAILS									
Agency	SAC & NIO are being considered	NIO	BISAG & SAC declined. NCSCM has been contacted.	NHO	CESS	CESS & IRS	Odisha Space Application Centre	IRS	IESWM
Approach	District wise	With planning for ESAs, CVCA's, etc.	Cluster approach	District wise	With planning for ESAs, CVCA's, etc.	District wise	With ICZM Plan & planning for ESAs, CVCA's, etc.	District wise	With ICZM Plan
Others involved (for public hearings)				RD, DLCC				DC, DCZMA	
ICZMP's involvement			Yes (Gulf of Kutch)		Being considered for the next phase		Yes (Paradip-Dhamra & Gopalpur-Chilika)	Being considered for the next phase	Yes (details not chalked out)
Status	In progress (as of June 2013)	In progress (as of June 2014)	In progress (as of June 2014)	Draft prepared. Public hearings are going on (as of March 2014).	Draft CZMP for Kochi, Thiruvananthapuram & Kollam districts prepared. Public hearings to start (as of July 2014).	In progress (as of June 2013)	In progress (as of June 2013)	Draft prepared. Public hearings are going on (as of March 2014).	In progress (as of June 2013)

PROJECT APPRAISALS

SCZMA	ANDHRA PRADESH	GOA	GUJARAT	KARNATAKA	KERALA	MAHARASHTRA	ODISHA	TAMIL NADU	WEST BENGAL
DETAILS									
No. of proposals received	228	1297	76	1310	571*	618	178	347	28
No. proposals cleared/ recommended to State Government	116	998	5	1059	335	351	74	136	19
No. of proposals recommended (to MoEF/NCZMA)	78	46	66	52	85	105	51	163	1
No. of proposals deferred	27	185	4	113	51	140	43	43	7
No. of proposals rejected	7	68	1	86	93	22	10	5	1
% rate of approval	85	80	93	85	74	74	70	86	71
Out of those projects cleared/ recommended, % with conditions	70	70	82	19	51	59	19	76	30
Type of project with maximum number of proposals received	Shopping/ commercial complex/mall/ apartment (51)	Reconstruction/ renovation/repair/ additions (667)	Groyne/seawall (16); Jetty/harbour/port (15); Industry (10)	Reconstruction/ renovation/repair/ additions (587); Housing (586)	Housing (146); Reconstruction/ renovation/repair/ additions (132)	Miscellaneous (204)- of these, 194 were hoardings; Reconstruction/renovation/ repair/additions (96)	Community services (82)- mostly cyclone shelters	Reconstruction/renovation/ repair/additions (38); Jetty/ harbour/port (35); Tourism facility (35)	Tourism facility (6); Industry (4)
Site visits- No. of cases in which a decision was taken (does not include deferred cases)	5 out of 201	52 out of 1112	11 out of 72	228 out of 1197	36 out of 513	5 out of 478	8 out of 135	22 out of 304	0 out of 21
% of no. of site visits as a proportion of total proposals discussed (includes deferred cases)	4	7	14	20	9	1	5	7	3.5

*The decision for 7 of these projects is not known.

Source: Compilation from meetings' minutes between 1999 and March 2014 (provided in the CD) [except for Kerala (January 2000 to March 2014), Maharashtra (October 2012 to March 2014) and Karnataka (January 2009 to March 2014)].

ENFORCEMENT AND COMPLIANCE

DETAILS	SCZMA	ANDHRA PRADESH	GOA	GUJARAT	KARNATAKA	KERALA	MAHARASHTRA	ODISHA	TAMIL NADU	WEST BENGAL
No. of cases of violations										
Discussed in minutes of SCZMA's meetings*	12	680	27	22	130	30	23	16	57	
As per reply to RTI application filed		478 (from April 2011 to September 2014)	44 (32 were from 2004 to 2009)	196 (from 2001 to 2013)		492 (92 in 2010; 118 in 2011; 142 in 2012; 140-2013)	63 (January 2001 to November 2012)	4 (1 in 2014)	54 (53 in 2008; 1 in 2010)	
Available on the SCZMA's website in December 2014				46		231 (till March 2012)	63			
No. of cases of regularisations discussed in minutes of SCZMA's meetings*										
Granted		56		6	42					
Rejected		8		0	13					
Deferred		6		2	10					

The time of registration of violations (if available) is provided in parentheses.

*Source: Compilation from meetings' minutes between 1999 and March 2014 (provided in the CD) [except for Kerala (January 2000 to March 2014), Maharashtra (October 2012 to March 2014) and Karnataka (January 2009 to March 2014)].

CONSERVATION

STATE	ANDHRA PRADESH	GOA	GUJARAT	KARNATAKA	KERALA	MAHARASHTRA	ODISHA	TAMIL NADU	WEST BENGAL
DETAILS									
Identification of ESAs & CVCAs			Yes (ICZMP)	Initiated	Yes (ICZMP)		Initiated	Yes (ICZMP)	
Management plans for ESAs & CVCAs				Initiated			Initiated		
Prevention of erosion	Initiated						Initiated		Initiated
Mangrove plantation		Yes	Yes						
Awareness & training	Initiated		Initiated	Initiated			Initiated	Initiated	Initiated

**ANNEXURE 2
RIGHT TO INFORMATION (RTI) CHRONOLOGY**

I. MINISTRY OF ENVIRONMENT AND FORESTS

CORRESPONDENCE DETAILS	RTI APPLICATION DATE	REPLY DATE	FOLLOW UP DATE
SUBJECT OF RTI APPLICATION			
Minutes of the meetings of the NCZMA	20.11.2013	06.03.2014	14.02.2014
Guidelines for the development of the beaches and coastal areas	22.11.2013	10.02.2013	
Internal directions, file notes, orders and note sheets with regard to composition, quorum, tenure, etc. of the SCZMAs and the NCZMA	22.11.2013	27.01.2014	
Report of the committee constituted to examine the functioning of the SCZMAs	22.11.2013	<i>20.12.2013</i> 27.01.2014	27.12.2013
Status of CZMPs from the different states	15.10.2013 13.11.2013	22.10.2013 06.12.2013	
Directions issued to the SCZMAs regarding composition, tenure, etc. and the SC order in the matter	13.11.2013	<i>12.12.2013</i> 20.12.2013 14.02.2014	30.01.2014
Instructions/guidelines issued to the SCZMAs pertaining to their functions	03.12.2013	31.12.2013	
Funds sanctioned to the SCZMAs	14.02.2014	<i>20.03.2014</i> 03.06.2014	19.04.2014

Italic: incomplete/unsatisfactory reply received

II. STATE COASTAL ZONE MANAGEMENT AUTHORITIES

SCZMA	CORRESPONDENCE DETAILS	RTI APPLICATION SUBJECT	MEETINGS' MINUTES	VIOLATIONS	DISTRICT LEVEL COASTAL COMMITTEES	BUDGET	SCRUTINY FEE	SITTING FEE/ STIPEND
ANDHRA PRADESH	RTI application		23.08.2012 , <i>21.02.2014</i> , <i>05.05.2014</i>	23.08.2012 , <i>30.01.2014</i>	25.09.2012 , <i>07.05.2014</i>	14.11.2013	14.11.2013	14.11.2013
	Follow up			<i>17.04.2014</i>	<i>18.06.2014</i>	07.01.2014	07.01.2014	07.01.2014
	Reply		Received end of 2012 , <i>23.09.2014</i>	Received end of 2012	20.10.2014 , <i>24.06.2014</i>	22.01.2014	22.01.2014	22.01.2014
GOA	RTI application		08.08.2012 , <i>21.02.2014</i>	08.08.2012 , <i>30.01.2014</i>	25.09.2012 , <i>07.05.2014</i>	20.11.2013	14.11.2013	14.11.2013
	Follow up			<i>17.04.2014</i>	<i>18.06.2014</i>	07.01.2014	07.01.2014	07.01.2014
	Reply		Received end of 2012 , <i>16.09.2014</i> <i>(phone)</i>	<i>30.09.2014</i> <i>(email)</i>	<i>26.06.2014</i> <i>(phone)</i>	04.02.2014 (collected in person)	24.12.2013 , 30.09.2014 (email)	24.12.2013 , 30.09.2014 (email)
GUJARAT	RTI application		10.09.2012	10.09.2012 , <i>30.01.2014</i>	23.10.2012	03.12.2013	03.12.2013	03.12.2013
	Follow up							07.01.2014 , 12.02.2014 , 28.02.2014
	Reply		Received end of 2012	<i>12.03.2014</i>	08.11.2012 , 01.12.2012	24.12.2013	24.12.2013	

SCZMA	CORRESPONDENCE DETAILS	RTI APPLICATION SUBJECT	MEETINGS' MINUTES	VIOLATIONS	DISTRICT LEVEL COASTAL COMMITTEES	BUDGET	SCRUTINY FEE	SITTING FEE/ STIPEND
KARNATAKA	RTI application		08.11.2012 , <i>21.02.2014</i>	08.11.2012 , <i>30.01.2014</i>	25.09.2012	14.11.2013	14.11.2013	14.11.2013
	Follow up		<i>18.11.2014</i>	<i>17.04.2014</i>		07.01.2014 , 17.04.2014	07.01.2014 , 22.04.2014	07.01.2014 , 22.04.2014
	Reply		Received end of 2012	Received beginning of 2013	22.12.2012	28.05.2014	15.05.2014	15.05.2014
KERALA	RTI application		23.08.2012 , <i>21.02.2014</i>	30.01.2014	25.09.2012 , <i>07.05.2014</i>	14.11.2013	14.11.2013	14.11.2013
	Follow up					07.01.2014		
	Reply		Received end of 2012 , <i>12.05.2014</i>	14.02.2014	27.10.2012 , <i>17.05.2014</i>	22.01.2014	07.12.2013	07.12.2013
MAHARASHTRA	RTI application		14.11.2013	14.11.2013	19.11.2013	14.11.2013	14.11.2013	14.11.2013
	Follow up		07.01.2014	07.01.2014	07.01.2014	07.01.2014	07.01.2014	07.01.2014
	Reply		05.02.2014 (phone)	10.03.2014	09.01.2014	10.02.2014	05.02.2014	05.02.2014
ODISHA	RTI application		15.09.2012 , <i>21.02.2014</i>	15.09.2012	08.11.2012 , <i>07.05.2014</i>	14.11.2013	14.11.2013	14.11.2013
	Follow up							
	Reply		09.01.2013 , <i>10.07.2014</i>	09.01.2013	04.12.2012 , <i>19.06.2014</i>	21.12.2013	04.12.2013	04.12.2013
TAMIL NADU	RTI application		23.08.2012	30.01.2014	25.09.2012	14.11.2013	14.11.2013	14.11.2013
	Follow up							
	Reply		Received end of 2012	Received beginning of 2014	26.10.2012	17.12.2013	17.12.2013	17.12.2013
WEST BENGAL	RTI application		14.11.2013	14.11.2013	19.11.2013	14.11.2013	14.11.2013	14.11.2013
	Follow up				07.01.2014	07.01.2014		
	Reply		06.12.2013	06.12.2013	03.12.2013	03.12.2013	06.12.2013	06.12.2013

RTI application: The date the RTI was filed

Follow up: The date follow up appeals were filed (in case no reply was received within 30 days of filing the RTI application)

Reply: The date of the reply (unless otherwise specified)

Bold: First RTI application that was filed

Italic: Subsequent RTI application (if filed)

ANNEXURE 2 RIGHT TO INFORMATION (RTI) CHRONOLOGY

I. MINISTRY OF ENVIRONMENT AND FORESTS

SUBJECT OF RTI APPLICATION	CORRESPONDENCE DETAILS	RTI APPLICATION DATE	REPLY DATE	FOLLOW UP DATE
Minutes of the meetings of the NCZMA		20.11.2013	06.03.2014	14.02.2014
Guidelines for the development of the beaches and coastal areas		22.11.2013	10.02.2013	
Internal directions, file notes, orders and note sheets with regard to composition, quorum, tenure, etc. of the SCZMAs and the NCZMA		22.11.2013	27.01.2014	
Report of the committee constituted to examine the functioning of the SCZMAs		22.11.2013	<i>20.12.2013</i> 27.01.2014	27.12.2013
Status of CZMPs from the different states		15.10.2013 13.11.2013	22.10.2013 06.12.2013	
Directions issued to the SCZMAs regarding composition, tenure, etc. and the SC order in the matter		13.11.2013	<i>12.12.2013</i> 20.12.2013 14.02.2014	30.01.2014
Instructions/guidelines issued to the SCZMAs pertaining to their functions		03.12.2013	31.12.2013	
Funds sanctioned to the SCZMAs		14.02.2014	<i>20.03.2014</i> 03.06.2014	19.04.2014

Italic: incomplete/unsatisfactory reply received

II. STATE COASTAL ZONE MANAGEMENT AUTHORITIES

SCZMA	RTI APPLICATION SUBJECT	MEETINGS' MINUTES	VIOLATIONS	DISTRICT LEVEL COASTAL COMMITTEES	BUDGET	SCRUTINY FEE	SITTING FEE/ STIPEND
ANDHRA PRADESH	RTI application	23.08.2012 , <i>21.02.2014,</i> <i>05.05.2014</i>	23.08.2012 , <i>30.01.2014</i>	25.09.2012 , <i>07.05.2014</i>	14.11.2013	14.11.2013	14.11.2013
	Follow up		<i>17.04.2014</i>	<i>18.06.2014</i>	07.01.2014	07.01.2014	07.01.2014
	Reply	Received end of 2012 , <i>23.09.2014</i>	Received end of 2012	20.10.2014 , <i>24.06.2014</i>	22.01.2014	22.01.2014	22.01.2014
GOA	RTI application	08.08.2012 , <i>21.02.2014</i>	08.08.2012 , <i>30.01.2014</i>	25.09.2012 , <i>07.05.2014</i>	20.11.2013	14.11.2013	14.11.2013
	Follow up		<i>17.04.2014</i>	<i>18.06.2014</i>	07.01.2014	07.01.2014	07.01.2014
	Reply	Received end of 2012 , <i>16.09.2014</i> <i>(phone)</i>	<i>30.09.2014</i> <i>(email)</i>	<i>26.06.2014</i> <i>(phone)</i>	04.02.2014 (collected in person)	24.12.2013 , 30.09.2014 (email)	24.12.2013 , 30.09.2014 (email)
GUJARAT	RTI application	10.09.2012	10.09.2012 , <i>30.01.2014</i>	23.10.2012	03.12.2013	03.12.2013	03.12.2013
	Follow up						07.01.2014 , 12.02.2014 , 28.02.2014
	Reply	Received end of 2012	<i>12.03.2014</i>	08.11.2012 , 01.12.2012	24.12.2013	24.12.2013	

	RTI APPLICATION SUBJECT	MEETINGS' MINUTES	VIOLATIONS	DISTRICT LEVEL COASTAL COMMITTEES	BUDGET	SCRUTINY FEE	SITTING FEE/ STIPEND
SCZMA	CORRESPONDENCE DETAILS						
KARNATAKA	RTI application	08.11.2012, <i>21.02.2014</i>	08.11.2012, <i>30.01.2014</i>	25.09.2012	14.11.2013	14.11.2013	14.11.2013
	Follow up	<i>18.11.2014</i>	<i>17.04.2014</i>		07.01.2014, 17.04.2014	07.01.2014, 22.04.2014	07.01.2014, 22.04.2014
	Reply	Received end of 2012	Received beginning of 2013	22.12.2012	28.05.2014	15.05.2014	15.05.2014
KERALA	RTI application	23.08.2012, <i>21.02.2014</i>	30.01.2014	25.09.2012, <i>07.05.2014</i>	14.11.2013	14.11.2013	14.11.2013
	Follow up				07.01.2014		
	Reply	Received end of 2012, <i>12.05.2014</i>	14.02.2014	27.10.2012, <i>17.05.2014</i>	22.01.2014	07.12.2013	07.12.2013
MAHARASHTRA	RTI application	14.11.2013	14.11.2013	19.11.2013	14.11.2013	14.11.2013	14.11.2013
	Follow up	07.01.2014	07.01.2014	07.01.2014	07.01.2014	07.01.2014	07.01.2014
	Reply	05.02.2014 (phone)	10.03.2014	09.01.2014	10.02.2014	05.02.2014	05.02.2014
ODISHA	RTI application	15.09.2012, <i>21.02.2014</i>	15.09.2012	08.11.2012, <i>07.05.2014</i>	14.11.2013	14.11.2013	14.11.2013
	Follow up						
	Reply	09.01.2013, <i>10.07.2014</i>	09.01.2013	04.12.2012, <i>19.06.2014</i>	21.12.2013	04.12.2013	04.12.2013
TAMIL NADU	RTI application	23.08.2012	30.01.2014	25.09.2012	14.11.2013	14.11.2013	14.11.2013
	Follow up						
	Reply	Received end of 2012	Received beginning of 2014	26.10.2012	17.12.2013	17.12.2013	17.12.2013
WEST BENGAL	RTI application	14.11.2013	14.11.2013	19.11.2013	14.11.2013	14.11.2013	14.11.2013
	Follow up			07.01.2014	07.01.2014		
	Reply	06.12.2013	06.12.2013	03.12.2013	03.12.2013	06.12.2013	06.12.2013

RTI application: The date the RTI was filed

Follow up: The date follow up appeals were filed (in case no reply was received within 30 days of filing the RTI application)

Reply: The date of the reply (unless otherwise specified)

Bold: First RTI application that was filed

Italic: Subsequent RTI application (if filed)

ANNEXURE 3

LIST OF INTERVIEWEES AND DISCUSSANTS

INTERVIEWEES

SERIAL NO.	NAME	CZMA/ STATE	DESIGNATION
1	Dr. N. P. Kurian	Kerala	Member; Director, Centre for Earth Science Studies (CESS)
2	Baby John	Kerala	Member; Director, Malabar Coastal Institute for Training Research & Action (MCITRA), Kozhikkode
3	A. Ramachandran	Kerala	Member; Registrar, Cochin University of Science & Technology
4	Dr. Madhusoodana Kurup	Kerala	Ex-Member; Vice Chancellor, Kerala University of Fisheries & Ocean Studies
5	Dr. K. V. Thomas	Kerala	Scientist, Centre for Earth Science Studies (CESS)
6	Dr. Harinarayanan	Kerala	De-facto technical officer behind all Kerala CZMA activities; Scientist, Kerala State Council for Science, Technology & Environment (KSCSTE)
7	Ravindran Nair	Kerala	Member, Retired Fisheries Officer, Kerala
8	Dr. Ajayakumar Varma	Kerala	Ex-Member; Scientist, Centre for Earth Science Studies (CESS)
9	V. Vivekanandan	NCZMA	Ex-Member; associated with International Collective in Support of Fishworkers (ICSF)
10	Prof. K. Thanasekharan	Tamil Nadu	Member; Director, Centre for Environmental Studies, Anna University, Chennai
11	Dr. M. Ramalingam	Tamil Nadu	Member; Director, Institute of Remote Sensing (IRS), Anna University, Chennai
12	Dr. B. R. Subramanian	Andhra Pradesh, Odisha and Tamil Nadu	Member; Project Director & Scientist, Integrated Coastal & Marine Area Management Project (ICMAM), Ministry of Earth Sciences (MoES)
13	B. P. Singh, IFS	Odisha	Member Secretary
14	Dr. Rabindra Nath Hota	Odisha	Member
15	Dr. Debashish Roy	Odisha	Senior Scientist, Environment & Ecology, Government of Odisha (Coastal Zone In Charge)
16	R. K. Sharma, IAS	Odisha	Chairman; Principal Secretary, Forests & Environment, Government of Odisha
17	Jaganath Bastia	Odisha	Ex-Member (NGO representative)
18	Dr. A. K. Sahu	Odisha	Ecologist, Integrated Coastal Zone Management Project (ICZMP)
19	Ajit Kumar Pattnaik	Odisha	Member; Project Director, Integrated Coastal Zone Management Project (ICZMP); Director, Chilika Development Authority
20	Dr. P. C. Panigrahy	Odisha	Professor, Emeritus, Berhampur University
21	Dr. K. C. Sahu	Odisha	Member; Professor & Department Head, Department of Marine Sciences, Berhampur University
22	Dr. Pratap Kumar Mohanty	Odisha	Ex-Member; Professor, Department of Marine Sciences, Berhampur University
23	Mangaraj Panda	Odisha	Member; Secretary, Artists' Association, Ganjam
24	Dr. Savita Kerkar	Goa	Member
25	S. T. Nadakari	Goa	Member
26	Narayan R. Sawant	Goa	Member
27	Sunil Kumar Agarwal, IFS	Goa	Member
28	Dr. Arvind Gajanan Untawale	Goa	Member
29	Claude Alvares	Goa	Member

SERIAL NO.	NAME	CZMA/ STATE	DESIGNATION
30	Pascoal Noronha	Goa	Member
31	Dr. S. M. Borges	Goa	Member
32	Rajesh Shah	Gujarat	Member (NGO representative, Vikas Centre for Development)
33	Pradeep Khanna	Gujarat	Member; Principal Chief Conservator of Forests (PCCF)
34	Dr. M. H. Balakrishnaiah	Karnataka	Member Secretary; Special Director, Technical Cell, Department of Forests, Environment & Technology
35	Suresh Heblkar	Karnataka	Member (NGO member)
36	<i>Preferred not to be named</i>	Karnataka	Clerical Officer
37	Dr. V. Shreedhara	Karnataka	Member; Scientist
38	B. K. Jagadish Chandra	Karnataka	Member
39	Dr. A. Senthil Vel	Delhi	Director, Ministry of Environment & Forests (MoEF)

Interviews were conducted in 2012.

DISCUSSANTS

SERIAL NO.	NAME	DESIGNATION	DATE OF DISCUSSION
1	Hardik Shah	Member Secretary, Gujarat CZMA	August 22, 2013
2	Daso Harikantra	Community Representative, Kumta, Uttara Kannada DCZMC	April 30, 2014, May 15, 2014
3	Vasant Kharvi	Community Representative, Bhatkal, Uttara Kannada DCZMC	May 1, 2014
4	Lokesh M. Mesta	Community Representative, Honnavar, Uttara Kannada DCZMC	May 1, 2014

ANNEXURE 4

QUESTIONNAIRE FOR INTERVIEWEES

SELECTION AND APPOINTMENT OF CZMA MEMBERS

- What is the appointment process for the members of the CZMA?
- How are the members shortlisted?
- What are the Terms of Reference (including tenure, remuneration, re-election, representation and other criteria)?
- What is the kind of expertise that is sought of members? Do you think it befits the role and functioning of the Authority? Are all areas of expertise required for good decision-making represented in the Authority or are some areas missing?
- If not, why are they missing? Lack of availability of experts or some other reasons?

ROLE AND FUNCTIONS OF THE CZMA_s

- What are the duties and functions of the CZMA under the new CRZ Notification, 2011?
- Are you aware of the role, power and legal niche of the Authority?
- Are the listed functions adequate? Are there duties demanding more powers/better constitution of the Authority?
- What is the nature of the CZMA? Is it a regulatory body or management body or both?
- What are the conservation tasks that the CZMA undertake for effective implementation of the CRZ Notification?
- What is the role of the CZMA_s with respect to monitoring and compliance? What is your experience?
- What is the level of coordination and cooperation with other departments/governmental agencies/institutions, etc., in the functioning of the Authority?

CLEARANCE TO PROJECTS, IMPLEMENTATION AND MONITORING

- What is the process for clearance for various projects? Any criteria used for decision-making? Can you explain with examples if possible?
- How does the Authority undertake the necessary assessments before the grant of clearance?
- How are the conditions subject to which the clearance is granted identified?
- How does the Authority assure the implementation of the CRZ provisions by the concerned parties?
- How does the Authority undertake the extensive monitoring that is required?
- What are the data collection, management and analysis processes of the Authority while granting clearances, monitoring, etc.?
- Does the Authority rely on private/company/NGO generated data while granting clearances?
- Who all does the monitoring group meet during a field trip? Only the project personnel or even people who live in the vicinity of the project, NGOs, local panchayat, etc.?
- In granting clearance, implementation and monitoring, does the Authority call for further expertise/support from research bodies/individuals/institutions? How successful/difficult/easy is this process?
- Does the Authority take up investigation (on its own) on violations? What are the actions taken upon confirmation of violation?
- What is your opinion about the feasibility of the mapping techniques stated in the Notification?
- What are the challenges faced by the Authority in the clearance process?

COASTAL ZONE MANAGEMENT PLANS

- How does the Authority develop CZMPs?
- In developing the CZMPs, does the Authority undertake other planning exercises such as planning for areas with special needs, (e.g. ecologically sensitive areas)?
- How extensive is the process of developing CZMPs?
- What are the technical and scientific support they need for developing the CZMPs?

AUTHORITY MEETINGS

- What is the frequency of the CZMA meetings? What is the normal duration?
- What are the quorum requirements?
- What is the nature of meetings (agenda, presentation, discussion, etc.)?
- Where is the meeting usually held? What is the flexibility in fixing the meeting location?
- What is the decision making process?
- How are disputes/conflicts within the Authority resolved?
- Is there active participation from all the members?
- Do you think the experts in the panel utilise their scientific expertise/capacity to the fullest in the discussions of the Authority?
- What are the major issues you observe as affecting the meeting efficiency?
- What is the level of transparency in the meetings?
- How are the meetings recorded (video/audio/written minutes)? Are the minutes circulated among the members? Are the minutes published on the Authority's website?

COMMUNICATION

- How does the Authority communicate with the government/NGOs/media/public? What are the procedures/circumstances/methods?
- How are the decisions of the Authority communicated to various stakeholders?
- What is the presence of the Authority in the media/public domain? Does the Authority maintain an independent website? Is there proper information available through the internet (e.g. contact details of all members, office hours, application forms, explanation of procedures)? Is it updated?
- What is the method of receiving and addressing queries/grievances from the public? How effective is this?
- Do you think the people impacted by the CRZ legislation are aware of the existence and importance of the Authority?

CHALLENGES

- What are the challenges and drawbacks in the proper functioning of the Authority?
- Please list the challenges faced by the Authority in its functioning (including the logistics of functioning), in order of priority if possible.
- Do you notice any obvious drawbacks in the constitution, role, power, functioning, etc., of the Authority (quality of expertise, limits to the power of the Authority, political influences, remuneration/compensation, paraphernalia, etc.)?
- What are the challenges you think can easily be overcome (and how) for the better functioning of the CZMA?
- What measures are needed to tackle bigger challenges/drawbacks?

NEEDS AND FUTURE

- What are your major needs for better functioning of the Authority? Do you personally need training/legal awareness/scientific awareness/paraphernalia/remuneration?
- How do you envision the role of the CZMA in better conservation and protection of coastal areas? Suggest improvements which have not been discussed under the section on challenges.

ANNEXURE 5 BINDING CONSTRAINTS ANALYSIS

From the interviews with the members of SCZMAs (conducted as part of this research in 2012), constraints to proper functioning of the Authorities were identified and ranked based on the number of members who mentioned them. Responses have been segregated state-wise to see if state-specific concerns emerge. Members from Goa (8), Gujarat (1), Karnataka (3), Kerala (8), Odisha (10) and Tamil Nadu (3) were asked to highlight the key gaps that constrain the regular functioning of the Authority. Responses have been compiled in the following table:

TABLE: **BINDING CONSTRAINTS AS MENTIONED BY THE SCZMA MEMBERS**

SCZMA	GOA (8 MEMBERS)	GUJARAT (1 MEMBER)	KARNATAKA (3 MEMBERS)	KERALA (8 MEMBERS)	ODISHA (10 MEMBERS)	TAMIL NADU (3 MEMBERS)	TOTAL (33 MEMBERS)
Lack of monitoring & effective implementation			3	6		1	10
Part-time nature of Authority & lack of manpower	1		1	6	1	-1*	9
Excess of government members in the Authority; hence violation by the government departments				3	3		6
Lack of awareness of/ support from LSGs				5			5
Lack of decision-making powers with the Authority	1		1 (need a CRZ Act instead of a Notification)			3	5
Lack of awareness among people	1			1		1	3
Manipulation of legal loopholes				2			2
Lack of coordination between government departments			1	1			2
Political pressure	1			1	-1*		2
Need to finalise CZMP/ICZM Plans				2			2
Irregular meetings, too many items & less time for discuss					2		2
Backlog/lagging cases				1	1 (due to a gap between two consecutive constitutions)		2
Need for byelaws/directions to implement				1			1
No effective judicial intervention				1			1
Lack of enforcement capacity				1			1
Scientists not clear on CZMA process					1		1
Lack of vision	1						1
Everything is done by the centre; State Government has no role to play	1						1
Lack of harmonisation of conservation & industrial development		1					1

*Stated as not being a problem.

Source: Responses to interviews carried out as part of this research in August 2012.

Key points that emerge from this analysis are as follows:

- Lack of monitoring and effective implementation was the most cited constraint by the members.
- The part-time nature of the Authority and lack of manpower was the second most cited barrier to the regular functioning of the Authority.
- 6 members of the Kerala SCZMA (out of 10) and all interviewed members from Karnataka SCZMA (3) mentioned lack of monitoring and effective implementation as one of the binding constraints.
- Half of the members who were interviewed from the Kerala SCZMA mentioned lack of awareness of/support from Local Self Governments as a binding constraint. Members from other SCZMAs did not state this.
- All interviewed members of the Tamil Nadu SCZMA (3) mentioned lack of decision-making powers with the SCZMA as a constraint.
- Need to finalise the CZMP and manipulation of legal procedures were mentioned only by members from the Kerala SCZMA.
- Irregular meetings, too many agenda items and less time to examine projects and a gap between two constitutions were cited by Odisha SCZMA.
- Lack of harmonisation of conservation and industrial development was mentioned as a challenge to the working of the Authority by a member of the Gujarat SCZMA.
- Political interference was cited as a barrier to SCZMA functioning by one member each from the Goa and Kerala SCZMAs. However, a member of the Odisha SCZMA clearly stated that there was no political pressure on the OCZMA.

ANNEXURE 6 SCZMAS' COMPOSITION OVER TIME

ANDHRA PRADESH

	YEAR	1998	2002	2009	2013
REPRESENTATION					
Department of Environment, Forests, Science & Technology		1	1	1	2
APPCB		1	1	1	1
Department of Revenue		1	1	1	1
Shore Area Development Authority		1	1	1	
Department of Meteorology and Oceanography				1	1
Department of Ocean Development			1	1	1
National Remote Sensing Agency		1	1	1	1
ICMAM			1	1	1
Government Departments		5	7	8	8
College of Fisheries, Acharya N. G. Ranga Agricultural University		1			
Department of Zoology, College of Science & Technology, Andhra University		1			
Department of Zoology & Marine Biology, Andhra Pradesh University			1	1	1
Academic Institutions		2	1	1	1
Environment Center (NGO)				1	1
NGO/Individual				1	1
Total		7	8	10	10

GOA

	YEAR	1998	2002	2010	2013
REPRESENTATION					
Department of Environment		1	1	1	1
Department of Science, Technology & Environment		1	1	1	1
Department of Forests			1	1	1
Goa State Biodiversity Board					1
Department of Town & Country Planning		1			
Indian Bureau of Mines		1			
Directorate of Industries, Trade and Commerce				1	1
Department of Tourism		1	1		
Directorate of Tourism				1	1
Water Resource Department				1	1
Public Works Department				1	1
ICMAM			1		
Chief Secretary, Government of Goa			1		
Directorate of Panchayat				1	1
Government Departments		5	6	8	9

	YEAR	1998	2002	2010	2013
REPRESENTATION					
NIO (Biological Oceanography 2010)		1	1	1	1
University of Kolhapur		1			
Department of Geology, Chowgule College of Science				1	
Subject Expert in Coastal Construction & Reinforced Concrete Construction				1	
Department of Marine Biotechnology, Goa University				1	1
Academic Institutions		2	1	4	2
Goa Foundation (NGO, 2002)/Shakti (NGO, 2013)			1		1
NGO/Individual			1		1
Total		7	8	12	12

GUJARAT

	YEAR	1998	2002	2009	2012
REPRESENTATION					
Department of Environment		1			
Environment & Forests Department		1	2	2	2
Department of Industries		1	1		
Forests & Wildlife		1	1	1	
Aranya Bhavan					2
Gujarat Ecological Education & Research Foundation				1	
GPCB				1	1
Department of Fisheries				1	1
Department of Town Planning			1		1
Urban Development & Urban Housing Department				1	
Town & Country Planning Organization				1	
Department of Urban Development & Housing					1
Industries & Mines Department				1	1
SAC, Ahmedabad			1	1	1
Gujarat Maritime Board				1	1
Government Departments		4	6	11	11
Maharaja Sayajirao University			1		
Department of Geology, Maharaja Sayajirao University of Baroda		1		1	1
Centre for Environment & Planning, Technology School of Architecture		1			
Indian Institute of Management, Ahmedabad		1	1		
Central Salt & Marine Chemical Research Institute				1	1
Bhaskaracharya Institute of Space Application & Geo-Informatics				1	1
Academic Institutions		3	2	3	3
Vikas Centre for Development (NGO)				1	1
NGO/Individual				1	1
Total		7	8	15	15

KARNATAKA

REPRESENTATION	YEAR	1998	2002	2009	2013
Department of Forest Ecology & Environment		1		2	2
Environment Technical Cell, Department of Forest, Ecology & Environment		1	1		
Forest Department				1	1
Department of Environment & Forests			1		
Department of Ecology & Environment				1	1
KSPCB		1	1	1	1
Regional Office, MoEF			1		
Department of Fisheries			1		
Department of Animal Husbandry & Fisheries				1	1
Department of Urban Development				1	1
Department of Industries		1	1		
Department of Industries & Commerce				1	1
Department of Information, Tourism & Youth Services				1	1
Karnataka Remote Sensing Unit			1		
Karnataka Space Remote Sensing Application Centre				1	1
West Bengal Forest Department			1		
Government Departments		4	8	10	10
Department of Botany, St. Joseph's College		1	1		
Department of Aquatic Sciences, College of Fisheries		1			
Department of Computer Sciences, Indian Institute of Science		1			
Department of Fisheries Resources Management, Karnataka Veterinary, Fisheries & Animal Sciences University				1	1
Department of Plant Sciences, School of Life Sciences, Bharathidasan University				1	1
Academic Institutions		3	1	2	2
Ecowatch (NGO)				1	1
NGO/Individual				1	1
Total		7	9	13	13

KERALA

REPRESENTATION	YEAR	1998	2002	2008	2011
Department of Science Technology & Environment		1		1	1
Science, Technology & Environment Department			1		
Environment Department				1	1
State Committee for Technology & Environment			1		
KSCSTE				1	1
KSPCB		1		1	1
Department of Fisheries			1	1	1

	YEAR	1998	2002	2008	2011
REPRESENTATION					
Department of Revenue		1		1	1
Industries Department				1	1
Department of Tourism			1		
Department of LSG			1	1	1
Department of Health & Family Welfare		1			
Principal Secretary to the Chief Minister			1		
Government Departments		4	6	8	8
Central Marine Fisheries Research Institute		1	1		
Emeritus Scientist		1	1		
CESS		1	1	1	1
School of Industrial fisheries, CUSAT				1	1
Science Division, CUSAT			1		
Center for Integrated Management of Coastal Zones, School of Marine Science, CUSAT				1	
University of Kerala					1
Academic Institutions		3	4	3	3
J. Mercykutty Amma (Individual, 2008) & Malabar Coastal Institute for Training, Research and Action (NGO, 2011)				1	1
NGO/Individual				1	1
Total		7	10	12	12

MAHARASHTRA

	YEAR	1998	2002	2008	2012
REPRESENTATION					
Department of Environment		1	1	2	2
MSPCB		1	1		
Dairy Development & Fisheries' Department				1	
Fisheries Department					1
Department of Revenue & Forests		1	1		
Revenue Department				1	1
Urban Department		1			
Department of Urban Development			1	1	1
Industries Department				1	1
Municipal Corporation of Greater Mumbai				1	1
Government Departments		4	4	7	7
Department of Botany, Kolhapur University		1	1		
Central Institute of Fisheries Education		1	1	1	1
IIT, Mumbai		1	1	1	
Department of Zoology, St. Xavier's College			1		
CESS					1
NIO					1
Veermata Jijabai Technological Institute (VJTI)					1

	YEAR	1998	2002	2008	2012
REPRESENTATION					
Applied Science Department, College of Engineering, Pune					1
Salim Ali School of Ecology				1	
Department of Botany, Shivaji University				1	
Academic Institutions	3	4	4	4	5
Vamrai Pratishthan (NGO)				1	
NGO/Individual				1	
Total	7	8	12	12	

ODISHA

	YEAR	1998	2002	2008	2012
REPRESENTATION					
Science, Technology, Environment and Forests wing, Orissa Secretariat	2				
Department of Environment			1		
Department of Forests & Environment			1	2	2
Forest Department (Wildlife)				1	1
OSPCB	1			1	1
Regional Office, MoEF			1	1	1
Chilika Development Authority			1	1	1
Fisheries and Animal Resource Development Department				1	1
Department of Urban Development (2002, 2008)/Housing & Urban Development (2012)			1	1	1
Directorate of Mining & Geology	1				
Remote Sensing Application Centre				1	
Odisha Space Application Centre					1
ICMAM			1	1	1
West Bengal Forest Department			1		
Government Departments	4	7	10	10	
Central Marine Fisheries Research Institute	1				
Sambalpur University	1				
Department of Zoology and Marine Science			1		
Department of Geology, Utkal University				1	1
Department of Marine Science, Berhampur University				1	1
Academic Institutions	2	1	2	2	2
Sarana House (NGO, 1998)/Beach Protection Council of Odisha (NGO, 2008)/ United Artists' Association (NGO, 2012)	1			1	1
NGO/Individual	1			1	1
Total	7	8	13	13	

TAMIL NADU

	YEAR	1998	2002	2008	2012
REPRESENTATION					
Department of Environment		2	1	1	1
Department of Environment & Forests			2	1	1
TNPCCB		1	1	1	1
Department of Fisheries					1
Department of Country & Town Planning		1	1	1	1
Central Ground Water Board			1	1	1
Central Water & Power Research Station, Pune		1			
Chennai Metropolitan Development Authority				1	1
ICMAM					1
Disaster Management & Mitigation Department				1	
Government Departments		5	6	7	8
National Institute of Ocean Technology, IIT Madras		1	1	1	
Centre of Advanced Study (CAS) in Marine Biology, Annamalai University		1	1	1	
Institute for Ocean Management, Anna University				1	
Centre for Environmental Studies, Anna University				1	1
National Institute for Sustainable Coastal Management, Anna University					1
Institute of Remote Sensing, Anna University					1
Academic Institutions		2	2	4	3
OSAI Environmental Organisation (NGO)				1	1
NGO/Individual				1	1
Total		7	8	12	12

WEST BENGAL

	YEAR	1998	2002	2008	2012
REPRESENTATION					
Department of Environment		1	2	2	2
Department of Forests		1	2	1	1
WBPCB		1	1	1	
Department of Fisheries		1	1		1
Sundarbans Development Authority			1		
Department of Sundarbans Affairs				1	1
Arsenic & Flouride Task Force in West Bengal				1	
Botanical Survey of India		1			
Zoological Survey of India		1			
Department of Urban Development					1
Government Departments		6	7	6	6
Indian National Center for Ocean Information Services				1	
Centre for Study for Man & Environment, Department of Geology, University of Calcutta		1			
Department of Zoology, Jadavpur University			1		
Institute of Environment Studies & Wetland Management (IESWM)				1	
Jadavpur University				1	
Seed Science & Technology, Faculty of Agriculture, Bidhan Chandra Krishi Vishva Vishyalaya				1	
Department of Geology & Geophysics, IIT Kharagpur					1
Academic Institutions		1	1	4	1
Pranab Kumar Pradhan (Individual)					1
NGO/Individual					1
Total		7	8	10	8

ANNEXURE 7 CHRONOLOGY OF THE SCZMAS' MEETINGS

The serial number of the meeting (if mentioned in the minutes) has been provided here. E.g. MCZMA Meeting No. 77.

ANDHRA PRADESH CZMA

MEETING NO.	DATE
APCZMA Meeting	13.01.1999
APCZMA Meeting	03.07.2002
APCZMA Meeting	07.09.2002
APCZMA Meeting	06.01.2003
APCZMA Meeting	15.07.2003
APCZMA Meeting	24.01.2004
APCZMA Meeting	27.04.2004
APCZMA Meeting	08.11.2004
APCZMA Meeting	16.06.2005
APCZMA Meeting	20.12.2005
APCZMA Meeting	17.08.2006
APCZMA Meeting	21.02.2007
APCZMA Meeting	01.05.2007
APCZMA Meeting	17.08.2008
APCZMA Meeting	13.05.2010
APCZMA Meeting	14.09.2010
APCZMA Meeting	21.12.2010
APCZMA Meeting	26.05.2011
APCZMA Meeting	19.07.2011
APCZMA Meeting	31.01.2012
21 st APCZMA Meeting	26.04.2012
22 nd APCZMA Meeting	07.11.2012
23 rd APCZMA Meeting	21.09.2013
24 th APCZMA Meeting	15.03.2014

GOA CZMA

MEETING NO.	DATE
GCZMA Meeting No. 1	21.04.1999, 26.04.1999
GCZMA Meeting No. 2	12.11.1999
GCZMA Meeting No. 3	29.12.1999
GCZMA Meeting No. 4	24.03.2000
GCZMA Meeting No. 5	23.08.2000
GCZMA Meeting No. 6	05.10.2000
GCZMA Meeting No. 7	06.12.2000
GCZMA Meeting No. 8	11.09.2001, 12.09.2001

MEETING NO.	DATE
GCZMA Meeting No. 9	20.05.2002
GCZMA Meeting No. 10	30.10.2002, 13.11.2002, 29.11.2002
GCZMA Meeting No. 11	16.04.2003, 24.04.2003
GCZMA Meeting No. 12	02.05.2003
GCZMA Meeting No. 13	05.11.2003
GCZMA Meeting No. 14	26.03.2004
GCZMA Meeting No. 15	23.04.2004, 27.04.2004, 03.05.2004
GCZMA Meeting No. 16	10.05.2004
GCZMA Meeting No. 17	21.05.2004, 27.05.2004
GCZMA Meeting No. 18	21.07.2004
GCZMA Meeting No. 19	18.08.2004, 23.08.2004
GCZMA Meeting No. 20	24.09.2004
GCZMA Meeting No. 21	23.11.2004, 24.11.2004
GCZMA Meeting No. 22	22.04.2005
GCZMA Meeting No. 23	01.09.2005
GCZMA Meeting No. 24	02.12.2005
GCZMA Meeting No. 25	20.04.2006
GCZMA Meeting No. 26	24.08.2006
GCZMA Meeting No. 27	
GCZMA Meeting No. 28	10.01.2007
GCZMA Meeting No. 29	01.02.2007
GCZMA Meeting No. 30	13.03.2007
GCZMA Meeting No. 31	17.04.2007
GCZMA Meeting No. 32	11.05.2007
GCZMA Meeting No. 33	28.06.2007
GCZMA Meeting No. 34	11.07.2007
GCZMA Meeting No. 35	11.08.2007
GCZMA Meeting No. 36	10.09.2007
GCZMA Meeting No. 37	14.11.2007
GCZMA Meeting No. 38	12.12.2007
GCZMA Meeting No. 39	20.02.2008
GCZMA Meeting No. 40	08.05.2008
GCZMA Meeting No. 41	29.05.2008

MEETING NO.	DATE
GCZMA Meeting No. 42	19.06.2008
GCZMA Meeting No. 43	17.07.2008
GCZMA Meeting No. 44	13.08.2008
GCZMA Meeting No. 45	10.09.2008, 12.09.2008
GCZMA Meeting No. 46	13.11.2008
GCZMA Meeting No. 47	27.11.2008, 12.12.2008
GCZMA Meeting No. 48	20.01.2009
GCZMA Meeting No. 49	04.03.2009, 20.03.2009
GCZMA Meeting No. 50	07.05.2009
GCZMA Meeting No. 51	27.05.2009
GCZMA Meeting No. 52	29.06.2009
GCZMA Meeting No. 53	15.01.2010
GCZMA Meeting No. 54	03.03.2010
GCZMA Meeting No. 55	31.05.2010
GCZMA Meeting No. 56	25.08.2010
GCZMA Meeting No. 57	16.12.2010
GCZMA Meeting No. 58	12.01.2011
GCZMA Meeting No. 59	23.05.2011, 15.05.2011
GCZMA Meeting No. 60	14.07.2011
GCZMA Meeting No. 61	21.07.2011
GCZMA Meeting No. 62	03.08.2011, 10.08.2011
GCZMA Meeting No. 63	20.09.2011
GCZMA Meeting No. 64	04.10.2011
GCZMA Meeting No. 65	21.10.2011
GCZMA Meeting No. 66	22.11.2011
GCZMA Meeting No. 67	02.04.2012, 10.04.2012
GCZMA Meeting No. 68	19.04.2012
GCZMA Meeting No. 69	04.05.2012, 11.05.2012, 23.05.2012
GCZMA Meeting No. 70	08.06.2012
GCZMA Meeting No. 71	09.08.2012, 07.09.2012
GCZMA Meeting No. 72	25.09.2012
GCZMA Meeting No. 73	19.10.2012
GCZMA Meeting No. 74	09.11.2012
GCZMA Meeting No. 75	16.11.2012, 21.11.2012, 29.11.2012

MEETING NO.	DATE
GCZMA Meeting No. 76	17.12.2012
GCZMA Meeting No. 77	09.01.2013, 15.01.2013
GCZMA Meeting No. 78	24.01.2013
GCZMA Meeting No. 79	14.02.2013
GCZMA Meeting No. 80	13.03.2013
GCZMA Meeting No. 81	21.03.2013
GCZMA Meeting No. 82	03.04.2013
GCZMA Meeting No. 83	24.05.2013
GCZMA Meeting No. 84	06.06.2013
GCZMA Meeting No. 85	12.06.2013
GCZMA Meeting No. 86	20.06.2013
GCZMA Meeting No. 87	25.06.2013
GCZMA Meeting No. 88	11.07.2013
GCZMA Meeting No. 89	27.08.2013
GCZMA Meeting No. 90	07.09.2013
GCZMA Meeting No. 91	13.09.2013
GCZMA Meeting No. 92	03.10.2013
GCZMA Meeting No. 93	05.10.2013
GCZMA Meeting No. 94	15.10.2013
GCZMA Meeting No. 95	01.11.2013
GCZMA Meeting No. 96	17.12.2013
GCZMA Meeting No. 97	09.01.2014
GCZMA Meeting No. 98	10.02.2014
GCZMA Meeting No. 99	20.02.2014
GCZMA Meeting No. 100	19.03.2014

GUJARAT CZMA

MEETING NO.	DATE
GCZMA Meeting No. 1	20.05.1999
GCZMA Meeting No. 2	28.09.2000
GCZMA Meeting No. 3	26.08.2002
GCZMA Meeting No. 4	19.05.2003
GCZMA Meeting No. 5	27.08.2004
GCZMA Meeting No. 6	11.08.2005
GCZMA Meeting No. 7	25.08.2006
GCZMA Meeting No. 8	04.12.2006
GCZMA Meeting No. 9	
GCZMA Meeting No. 10	22.04.2008
GCZMA Meeting No. 11	10.03.2010
GCZMA Meeting No. 12	20.04.2011

GCZMA Meeting No. 13	14.07.2011
GCZMA Meeting No. 14	27.02.2012
GCZMA Meeting No. 15	30.03.2012
GCZMA Meeting No. 16	31.07.2012
GCZMA Meeting No. 17	01.01.2013
GCZMA Meeting No. 18	02.04.2013
GCZMA Meeting No. 19	11.06.2013
GCZMA Meeting No. 20	21.11.2013
GCZMA Meeting No. 21	07.02.2014

KARNATAKA CZMA

MEETING NO.	DATE
KSCZMA Meeting	15.01.2009
KSCZMA Meeting	27.11.2009
KSCZMA Meeting	16.04.2010
KSCZMA Meeting	30.10.2010
KSCZMA Meeting	19.12.2011
KSCZMA Meeting	15.09.2011
KSCZMA Meeting	14.03.2011
KSCZMA Meeting	28.05.2012
KSCZMA Meeting	26.08.2013
KSCZMA Meeting	03.09.2013
KSCZMA Meeting	08.01.2014
KSCZMA Meeting	25.02.2014
KSCZMA Meeting	27.03.2014

KERALA CZMA

MEETING NO.	DATE
KCZMA Meeting No. 1	25.01.2000
KCZMA Meeting No. 2 (minutes unavailable)	
KCZMA Meeting No. 3 (minutes unavailable)	22.12.2000
KCZMA Meeting No. 4	25.05.2001
KCZMA Meeting No. 5 (minutes unavailable)	26.03.2002
KCZMA Meeting No. 6	15.07.2002
KCZMA Meeting No. 7 (minutes unavailable)	16.12.2002
KCZMA Meeting No. 8	15.01.2003
KCZMA Meeting No. 9 (minutes unavailable)	
KCZMA Meeting No. 10 (minutes unavailable)	24.07.2003

MEETING NO.	DATE
KCZMA Meeting No. 11	11.11.2003
KCZMA Meeting No. 12	29.03.2004
KCZMA Meeting No. 13	11.01.2005
KCZMA Meeting No. 14 (only agenda available)	06.10.2005
KCZMA Meeting No. 15	29.10.2005
KCZMA Meeting No. 16	17.02.2006
KCZMA Meeting No. 17 (only agenda available)	20.06.2006
KCZMA Meeting No. 18	24.06.2006
KCZMA Meeting No. 19	22.08.2006
KCZMA Meeting No. 20	15.12.2006
KCZMA Meeting No. 21	20.01.2007
KCZMA Meeting No. 22	27.04.2007
KCZMA Meeting No. 23	21.08.2007
KCZMA Meeting No. 24	12.12.2007
KCZMA Meeting No. 25	27.03.2008
KCZMA Meeting No. 26	16.10.2008
KCZMA Meeting No. 27	24.11.2008
KCZMA Meeting No. 28	23.01.2009
KCZMA Meeting No. 29	28.02.2009
KCZMA Meeting No. 30	14.05.2009
KCZMA Meeting No. 31	17.07.2009
KCZMA Meeting No. 32	06.10.2009
KCZMA Meeting No. 33	18.12.2009
KCZMA Meeting No. 34	20.03.2010
KCZMA Meeting No. 35	31.05.2010
KCZMA Meeting No. 36	10.06.2010
KCZMA Meeting No. 37	23.07.2010
KCZMA Meeting No. 38	31.08.2010
KCZMA Meeting No. 39	25.09.2010
KCZMA Meeting No. 40	30.10.2010
KCZMA Meeting No. 41	04.12.2010
KCZMA Meeting No. 42	22.01.2011
KCZMA Meeting No. 43	11.02.2011
KCZMA Meeting No. 44	17.02.2011
KCZMA Meeting No. 45	09.05.2011
KCZMA Meeting No. 46	23.01.2012
KCZMA Meeting No. 47	07.02.2012
KCZMA Meeting No. 48	26.03.2012
KCZMA Meeting No. 49	10.05.2012
KCZMA Meeting No. 50	10.06.2012
KCZMA Meeting No. 51	21.08.2012

MEETING NO.	DATE
KCZMA Meeting No. 52	20.11.2012
KCZMA Meeting No. 53	27.12.2012
KCZMA Meeting No. 54	15.04.2013
KCZMA Meeting No. 55	06.05.2013
KCZMA Meeting No. 56	20.05.2013
KCZMA Meeting No. 57	24.06.2013
KCZMA Meeting No. 58	27.07.2013
KCZMA Meeting No. 59	04.09.2013
KCZMA Meeting No. 60	27.11.2013
KCZMA Meeting No. 61	20.12.2013
KCZMA Meeting No. 62	17.02.2014

MAHARASHTRA CZMA

MEETING NO.	DATE
MCZMA Meeting No. 77	09.10.2012
MCZMA Meeting No. 78	03.11.2012
MCZMA Meeting No. 79	05.01.2013
MCZMA Meeting No. 80	11.02.2013
MCZMA Meeting No. 81	26.04.2013
MCZMA Meeting No. 82	10.06.2013
MCZMA Meeting No. 83	06.08.2013
MCZMA Meeting No. 84	30-31.08.2013
MCZMA Meeting No. 85	12-13.09.2013
MCZMA Meeting No. 86	27.11.2013
MCZMA Meeting No. 87	20-21.01.2014
MCZMA Meeting No. 88	31.01.2014
MCZMA Meeting No. 89	14.03.2014

ODISHA CZMA

MEETING NO.	DATE
OCZMA Meeting No. 1	28.06.1999
OCZMA Meeting No. 2	25.03.2000
OCZMA Meeting No. 1 (Reconstituted)	09.05.2003
OCZMA Meeting No. 2	06.02.2004
OCZMA Meeting No. 3	03.01.2005
OCZMA Meeting No. 4	31.03.2005
OCZMA Meeting No. 5	
OCZMA Meeting No. 6	
OCZMA Meeting No. 7	07.08.2006
OCZMA Meeting No. 8	29.10.2007

OCZMA Meeting No. 9	03.10.2008
OCZMA Meeting No. 10	04.03.2009
OCZMA Meeting No. 11	17.09.2009
OCZMA Meeting No. 12	04.03.2010
OCZMA Meeting No. 13	12.04.2010
OCZMA Meeting No. 14	27.08.2010
OCZMA Meeting No. 15	03.12.2010
OCZMA Meeting No. 16	29.03.2011
OCZMA Meeting No. 17	07.05.2012, 08.05.2012
OCZMA Meeting No. 18	04.10.2012
OCZMA Meeting No. 19	18.12.2012
OCZMA Meeting No. 20	15.04.2013
OCZMA Meeting No. 21	17.01.2014

TAMIL NADU CZMA

MEETING NO.	DATE
TNCZMA Meeting No. 1	17.02.1999
TNCZMA Meeting No. 2	07.04.1999
TNCZMA Meeting No. 3	21.04.1999
TNCZMA Meeting No. 4	
TNCZMA Meeting No. 5	07.06.1999
TNCZMA Meeting No. 6	04.08.1999
TNCZMA Meeting No. 7	08.09.1999
TNCZMA Meeting No. 8	15.10.1999
TNCZMA Meeting No. 9	01.03.2000
TNCZMA Meeting No. 10	19.05.2000
TNCZMA Meeting No. 11	05.06.2000
TNCZMA Meeting No. 12	20.06.2000
TNCZMA Meeting No. 13	21.08.2000
TNCZMA Meeting No. 14	07.11.2000
TNCZMA Meeting No. 15	24.11.2000
TNCZMA Meeting No. 16	22.03.2001
TNCZMA Meeting No. 17	18.07.2001
TNCZMA Meeting No. 18	12.09.2001
TNCZMA Meeting No. 19	08.02.2002
TNCZMA Meeting No. 20	27.05.2002
TNCZMA Meeting No. 21	08.10.2002
TNCZMA Meeting No. 22	19.02.2003
TNCZMA Meeting No. 23	31.07.2003
TNCZMA Meeting No. 24	08.10.2003
TNCZMA Meeting No. 25	21.01.2004
TNCZMA Meeting No. 26	28.05.2004

MEETING NO.	DATE
TNCZMA Meeting No. 27	06.10.2004
TNCZMA Meeting No. 28	05.11.2004
TNCZMA Meeting No. 29	08.12.2004
TNCZMA Meeting No. 30	28.02.2005
TNCZMA Meeting No. 31	31.03.2005
TNCZMA Meeting No. 32	15.06.2005
TNCZMA Meeting No. 33	09.09.2005
TNCZMA Meeting No. 34	17.10.2005
TNCZMA Meeting No. 35	26.10.2005
TNCZMA Meeting No. 36	18.01.2006
TNCZMA Meeting No. 37	18.04.2006
TNCZMA Meeting No. 38	03.07.2006
TNCZMA Meeting No. 39	13.09.2006
TNCZMA Meeting No. 40	14.11.2006
TNCZMA Meeting No. 41	03.03.2007
TNCZMA Meeting No. 42	26.06.2007
TNCZMA Meeting No. 43	03.10.2007
TNCZMA Meeting No. 44	31.12.2007
TNCZMA Meeting No. 45	26.03.2008
TNCZMA Meeting No. 46	28.08.2008
TNCZMA Meeting No. 47	17.10.2008
TNCZMA Meeting No. 48	03.11.2008
TNCZMA Meeting No. 49	12.01.2009
TNCZMA Meeting No. 50	06.03.2009
TNCZMA Meeting No. 51	06.05.2009
TNCZMA Meeting No. 52	10.07.2009
TNCZMA Meeting No. 53	28.08.2009
TNCZMA Meeting No. 54	28.10.2009
TNCZMA Meeting No. 55	11.12.2009
TNCZMA Meeting No. 56	29.01.2010
TNCZMA Meeting No. 57	24.02.2010
TNCZMA Meeting No. 58	13.04.2010
TNCZMA Meeting No. 59	28.05.2010
TNCZMA Meeting No. 60	30.08.2010
TNCZMA Meeting No. 61	01.11.2010
TNCZMA Meeting No. 62	30.12.2010
TNCZMA Meeting No. 63	28.02.2011
TNCZMA Meeting No. 64	20.07.2011
TNCZMA Meeting No. 65	10.02.2012
TNCZMA Meeting No. 66	03.04.2012
TNCZMA Meeting No. 67	10.07.2012
TNCZMA Meeting No.68	23.08.2012
TNCZMA Meeting No.69	30.10.2012

MEETING NO.	DATE
TNCZMA Meeting No.70	05.12.2012
TNCZMA Meeting No.71	20.02.2013
TNCZMA Meeting No.72	07.06.2013
TNCZMA Meeting No.73	12.08.2013
TNCZMA Meeting No.74	09.10.2013
TNCZMA Meeting No.75	18.12.2013
TNCZMA Meeting No.76	21.03.2014

WEST BENGAL CZMA

MEETING NO.	DATE
WBCZMA Meeting	29.04.1999
WBCZMA Meeting	05.10.1999
WBCZMA Meeting	11.09.2002
WBCZMA Meeting	10.04.2003
WBCZMA Meeting	26.04.2004
WBCZMA Meeting	11.05.2004
WBCZMA Meeting	13.07.2004
WBCZMA Meeting	27.07.2004
WBCZMA Meeting	29.10.2004
WBCZMA Meeting	01.07.2005
WBCZMA Meeting	26.10.2006
WBCZMA Meeting	19.06.2007
WBCZMA Meeting	29.01.2007
WBCZMA Meeting	19.06.2009
WBCZMA Meeting	17.09.2009
WBCZMA Meeting	07.12.2009
WBCZMA Meeting	24.12.2010
WBCZMA Meeting	29.01.2011
WBCZMA Meeting	24.08.2012
WBCZMA Meeting	23.04.2013
WBCZMA Meeting	29.05.2013
WBCZMA Meeting	08.08.2013
WBCZMA Meeting	20.01.2014
WBCZMA Meeting	30.01.2014

ANNEXURE 8
FREQUENCY OF MATTERS DISCUSSED BY THE NCZMA

NO.	MEETING DATE	CASES REFERRED/RECOMMENDED TO NCZMA			TAKING UPDATES FROM SCZMAs			CONSERVATION		REVIEW OF FUNCTIONING OF SCZMAs	PROCEDURAL			REMARKS (FOR MISCELLANEOUS)
		APPRAISALS	RECLASSIFICATION	VIOLATIONS	VIOLATIONS	CZMP	ICZM/CZM	HTL DEMARCATION	ESA/CVCA		REGULATIONS	ADMINISTRATIVE	FINANCIAL	
1 st														
2 nd														
3 rd														
4 th														
5 th	06.01.2003		1				3	1						2 Training on implementation of the CRZ Notification, 1991 for SCZMAs & workshop on experiences of SCZMAs in its implementation
	26.02.2003													1 Ground water resources
6 th	02.06.2003		1					1						1 Ground water resources
7 th	28.10.2003		2				3							2 Training on implementation of the CRZ Notification, 1991 for SCZMAs & workshop for SCZMAs, stakeholders & NGOs regarding the Notification's grey areas
8 th	05.12.2003		1		1		2							
9 th	06.05.2004					1	3	1		1				3 Workshop on revisions to the CRZ Notification, 1991, CRZ clarifications & completion of a report on MPAs prepared under UNEP-GPA
10 th	15.12.2004													
11 th														
12 th	08.09.2005		1						1	2				1 Tourism in Andaman & Nicobar Islands
13 th	13-14.02.2006						2			1				1 Review of implementation of Swaminathan Committee Report
14 th	08.08.2006		4			1	2							1 Review of implementation of Swaminathan Committee Report
15 th	15-16.03.2007		2	1	2		3							2 Review of implementation of Swaminathan Committee Report & M. Tech. Course in CZM by IOM, Anna University, Chennai
16 th	30.10.2007	3	4				2	1		1				
17 th	02.06.2008	1	4				1	1				1		1 Draft CZM Notification, 2008
18 th	15.09.2009		14			1						1	1	1 Workshop for MCZMA & some affected proponents on the CRZ Notification, 1991
19 th	22.01.2010		10							1			1	
20 th	11.11.2010		1	1										1 Corrections to draft CRZ Notification, 2010
21 st	19.04.2011		13		1									1 A court case was discussed. As directed by the court, a hearing was arranged for.
22 nd	30.05.2011	1	6		1								1	1 Corrections in the CRZ Notification, 2011
23 rd	04.01.2012	1		1										
24 th	24.01.2012				1	1								
25 th	16.07.2012		5	1										
26 th	27.11.2012		1	1		1								1 Authorisation of more agencies to demarcate HTL
27 th	25.06.2013		3		1	1						1		1 SCZMAs' websites
	Total	6	73	5	7	6	21	5	1	5	1	3	3	21
	Grand Total	6	73		12			32		6	1		6	21

ANNEXURE 9
FREQUENCY OF MATTERS DISCUSSED BY THE SCZMA_s

STATE	ANDHRA PRADESH				
YEAR	2010			2013	
DATE	13.05.2010	14.09.2010	21.12.2010	21.09.2013	
Matters Discussed					TOTAL
Procedural					0
CZMP	7		1	1	9
Project Appraisals	9	7	5	3	24
Violations & Compliance					0
Conservation					0
TOTAL AGENDA ITEMS	16	7	6	4	33

STATE	GOA							
YEAR	2010					2013		
DATE	15.01.2010	03.03.2010	31.05.2010	25.08.2010	16.12.2010	09.01.2013, 15.01.2013	24.01.2013	14.02.2013
Matters Discussed								
Procedural		1	3	1	3			1
CZMP								
Project Appraisals	7	1	5	7	13	3	1	1
Violations & Compliance		1	1		22	3	2	
Conservation								
TOTAL AGENDA ITEMS	7	3	9	8	38	6	3	2

STATE	GOA (continued)								
YEAR	2013								
DATE	13.03.2013	21.03.2013	03.04.2013	24.05.2013	06.06.2013	12.06.2013	20.06.2013	25.06.2013	11.07.2013
Matters Discussed									
Procedural				1		3	4	5	4
CZMP						1		2	
Project Appraisals	2	1	3	1	3	3	4	2	2
Violations & Compliance	2	1	1				1	2	1
Conservation									
TOTAL AGENDA ITEMS	4	2	4	2	3	7	9	11	7

STATE	GOA (continued)								
YEAR	2013								
DATE	27.08.2013	07.09.2013	13.09.2013	03.10.2013	05.10.2013	15.10.2013	01.11.2013	17.12.2013	
Matters Discussed									TOTAL
Procedural	2	1	1				1	2	33
CZMP									3
Project Appraisals	1	2	1			4	3	4	74
Violations & Compliance		1	1	1	1	2	1	3	47
Conservation								2	2
TOTAL AGENDA ITEMS	3	4	3	1	1	6	5	11	159

STATE	GUJARAT					
YEAR	2010	2013				
DATE	10.03.2010	01.01.2013	02.04.2013	11.06.2013	21.11.2013	
Matters Discussed						TOTAL
Procedural		1		1		2
CZMP						0
Project Appraisals	1	9	5	5	20	40
Violations & Compliance	6	1	1	1		9
Conservation						0
TOTAL AGENDA ITEMS	7	11	6	7	20	51

STATE	KARNATAKA				
YEAR	2010		2013		
DATE	16.04.2010	30.10.2010	26.08.2013	03.09.2013	
Matters Discussed					TOTAL
Procedural	1	1	1	2	5
CZMP	1			2	3
Project Appraisals	19	15	26	18	78
Violations & Compliance	1				1
Conservation					0
TOTAL AGENDA ITEMS	22	16	27	22	87

STATE	KERALA							
YEAR	2010							
DATE	20.03.2010	31.05.2010	10.06.2010	23.07.2010	31.08.2010	25.09.2010	30.10.2010	04.12.2010
Matters Discussed								
Procedural	1	1	1	3	3	1	3	2
CZMP								
Project Appraisals	11	14		9	1	12	11	5
Violations & Compliance		2		2	1	1		1
Conservation								
TOTAL AGENDA ITEMS	12	17	1	14	5	14	14	8

STATE	KERALA (continued)								
YEAR	2013								
DATE	15.04.2013	06.05.2013	20.05.2013	24.06.2013	27.07.2013	04.09.2013	27.11.2013	20.12.2013	
Matters Discussed									TOTAL
Procedural	1	1		6	2	1	5	4	35
CZMP		1					1		2
Project Appraisals	21	29	1	29	16		55	29	243
Violations & Compliance	1	2		1	2		6	6	25
Conservation									0
TOTAL AGENDA ITEMS	23	33	1	36	20	1	67	39	305

STATE	MAHARASHTRA*								
YEAR	2013								
DATE	05.01.2013	11.02.2013	26.04.2013	10.06.2013	06.08.2013	30.08.2013, 31.08.2013	12.09.2013, 13.09.2013	27.11.2013	
Matters Discussed									TOTAL
Procedural	2			3		3	1	2	11
CZMP				1	2	4	1	2	10
Project Appraisals	41	3	44	42	15	21	31	32	229
Violations & Compliance	1	2	2	3	3	1	2	4	18
Conservation									0
TOTAL AGENDA ITEMS	44	5	46	49	20	29	35	40	268

*Meetings' minutes from 2010 were not available.

STATE	ODISHA					
YEAR	2010					2013
DATE	04.03.2010	12.04.2010	27.08.2010	03.12.2010	15.04.2013	
Matters Discussed						TOTAL
Procedural		2		1	2	5
CZMP					1	1
Project Appraisals	4	4	6	37	9	60
Violations & Compliance						0
Conservation					1	1
TOTAL AGENDA ITEMS	4	6	6	38	13	67

STATE	TAMIL NADU							
YEAR	2010							
DATE	29.01.2010	24.02.2010	13.04.2010	28.05.2010	30.08.2010	01.11.2010	30.12.2010	
Matters Discussed								
Procedural	1	1	2	4	3		1	
CZMP				2				
Project Appraisals	10	5	5	10	10	8	5	
Violations & Compliance								
Conservation								
TOTAL AGENDA ITEMS	11	6	7	16	13	8	6	

STATE	TAMIL NADU (continued)					
YEAR	2013					
DATE	20.02.2013	07.06.2013	12.08.2013	09.10.2013	18.12.2013	
Matters Discussed						TOTAL
Procedural	3	3	3	1	1	23
CZMP			2		2	6
Project Appraisals	6	5	7	13	7	91
Violations & Compliance	1		1			2
Conservation						0
TOTAL AGENDA ITEMS	10	8	13	14	10	122

STATE	WEST BENGAL				
YEAR	2010	2013			
DATE	24.12.2010	23.04.2013	29.05.2013	08.08.2013	
Matters Discussed					TOTAL
Procedural	1			1	2
CZMP	1	1			2
Project Appraisals	3	2	2	2	9
Violations & Compliance	2				2
Conservation					0
TOTAL AGENDA ITEMS	7	3	2	3	15

ANNEXURE 10

NATIONAL GREEN TRIBUNAL AND COASTAL ZONE MANAGEMENT AUTHORITIES

Any order issued under the CRZ Notification can be taken before India's National Green Tribunal (NGT) seeking redressal. This can either be in the form of an appeal or an application seeking intervention on a substantial question related to the environment.¹ This includes CRZ approvals granted or rejected by the MoEF, SCZMAs or notices and directions issued by them. India's NGT has heard a range of matters related to the CRZ Notification and has passed orders and judgments that have had a bearing on the functioning of the CZMAs. In this section we are attempting to highlight a few of these cases where observations have been made on procedures adopted by CZMAs, approvals have been upheld or revoked or CZMAs have been questioned for their actions.

I. CZMPs AND ZONING

Reconciling CRZ classifications within approved CZMPs: In 2012, Appeals Number 13, 14, 19 and 20 of 2012 related to Maharashtra were jointly heard by the NGT.² A reading of the judgment dated October 17, 2012 indicates that the cases relate to proposals for rehabilitation of slum dwellers in new building projects in Mumbai, Maharashtra. Two proposals, related to Maya Nagar Cooperative Housing Society and Durgamata Cooperative Housing Society, were rejected by the MoEF and the National Coastal Zone Management Authority (NCZMA) after being recommended by the Maharashtra CZMA (MCZMA) on May 14, 2009. The NGT's decision went in favour of the interpretation by the MCZMA regarding the CRZ classification of the proposed building plots.

As discussed in Chapter 2, the CZMP for Maharashtra (under the CRZ Notification, 1991) was approved by the MoEF on September 27, 1996. This CZMP mentioned that parks, playgrounds, regional parks, general green zones and other non-buildable areas, which were categorised as CRZ II in the CZMP, would be treated as CRZ III. According to the NGT, the proposals in question were not accepted by the MoEF on the grounds that it would result in the reclassification of the plots from CRZ III to CRZ II. When the developers appealed to the NCZMA, the NCZMA too declined permission. Both the MoEF and NCZMA held that the plots in question were reserved for "garden" in the development plan under the CRZ Notification, 1991. It was apparently because of this that both denied permission to the project, thinking that it would result in the reclassification of a CRZ III area into a CRZ II area. To avoid "hurdles for 'socially important projects'", the NCZMA further asked the MCZMA to consider such issues in the updated CZMP to be prepared under CRZ, Notification, 2011.

According to the judgment dated October 17, 2012, the NGT concluded that no gardens existed on the plot even prior to 1991. The area was covered by hutments. It was stated that the plots were treated as gardens only because of the CRZ Notification, 1991, and that what did not exist in reality was assumed to be in existence with retrospective effect.

The NGT observed that "...the NCZMA and MoEF ought to have properly exercised the discretion by harmonious interpretation of CRZ Notification, 1991 and subsequent Notification, 1992³ as well as the purpose of classification under the CRZ Notification, 1991." The NGT recommended that the proposals be once again considered for approval, directing the MoEF to restore the earlier representation of the appellants and to take a fresh decision in the light of the observations. It went on to state that it would be within the discretion of the "competent authority" to take any decision backed by reasons.

¹ In April 2010, the National Green Tribunal (NGT) Act was passed with the idea of creating a special redressal mechanism for "... effective and expeditious disposal of cases relating to environmental protection and conservation of forest and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.". However, the NGT began hearing matters substantially only from mid 2011 after the NGT rules were gazetted in April 2011.

² Appeals 13 and 19 were filed by M/s Hubtown Limited (formerly known as Akruiti City Limited) and Maya Nagar Achanak CHS, through its Secretary, Vilas Patel, while Appeals 14 and 20 were filed by M/s Hubtown Limited (formerly known as Akruiti City Limited) and Durgamata Cooperative Housing Society Limited.

³ "...subsequent Notification, 1992..." refers to a Notification dated June 3, 1992 issued by the Urban Development Department, State of Maharashtra, under Section 31(1) of the Monopolies and Restrictive Trade Practices (MRTP) Act, which recognised the fact that the slums were in existence in the areas which were not designated as residential areas. The NGT had observed that this Notification appeared to have previously been ignored by the NCZMA.

II. ENFORCEMENT PROCEDURES FOR CZMA_s

There have been a range of cases where the enforcement actions of the CZMA_s have been challenged before the NGT. In different cases, the NGT, using its jurisdiction, has either upheld the action of the CZMA or held it accountable for a wrong decision. In one such instance the validity of interdepartmental coordination between a Pollution Control Board and the CZMA came under scrutiny. In the various final orders or judgments the NGT made several observations on how the CZMA_s should carry out the enforcement functions. This is evident in one of the cases discussed later which upheld the applicant's complaint that a show cause notice should be issued as a matter of procedure before any demolition order.

Old versus new constructions and applicability of CRZ Notification: M/s Riva Beach Resort Private Limited had petitioned against the Goa CZMA's order (dated June 22, 2012) that directed demolition of seven of its structures on survey number 273/3 in Mandrem village, Pernem taluka, Goa. The Resort owners (in Appeal Number 40 of 2012) claimed that the building structures were in existence prior to 1982 and therefore the CRZ Notification, 1991 was not applicable. The GCZMA, on the other hand, had held that all seven structures were newly constructed for commercial purpose.

The NGT stated that given the absence of any authenticated entries in the register of *Mundkars* [under the The Goa, Daman and Diu *Mundkars* (Protection from Eviction) Act, 1975 and Rules, 1977, *Mundkars*⁴ are provided protection], it was difficult to conclude that the houses existed on survey number 273/3 prior to the CRZ Notification of 1991. According to the Tribunal, M/s Riva Beach Resort Private Limited had not discharged the burden of proof and had merely produced some of the tax receipts without producing any record regarding identities of such properties that could be matched with the disputed seven structures.

The NGT upheld the CZMA's contention and also recorded that all the seven structures come within the No Development Zone (NDZ). While the resort owner's contentions were recorded as 'vague' and 'unsubstantiated by any tangible material', the judgment held that the CZMA's decision could not be characterised as illegal and or improper. The case was dismissed with the direction that properties be identified and specified by the GCZMA through the government authority, i.e. Directorate of Settlement and Land Records (DSLRL).

Procedure for CZMA_s to identify violations: The NGT judgment for Application Number 49 of 2012 (M/s Sesa Goa Limited and Anr vs. State of Goa and Ors)⁵ observed that the CRZ Notification, 1991 did not provide any procedure to take action against violators or directions on the manner in which the CZMA could proceed if it found that any activity was undertaken in violation of the Notification. The judgment dated April 11, 2013 outlined the following procedure for the Goa CZMA to follow in all its cases with immediate effect, while exercising its power in terms of the Notifications of 1991 and/or 2011:

- The GCZMA would serve a show cause notice that describes in detail all the activities on part of the applicant(s) that made it liable for action being taken against it on the basis of the Notification.
- The applicant(s) would then have to submit its reply along with relevant supporting documents, within the timeframe given in the show cause notice.
- The GCZMA should share all case records (complaints, documents, etc.) with the applicant.
- If the case records are voluminous, making it difficult to provide copies, the GCZMA should allow the applicant(s) to inspect the documents and supply copies (if there are requests for any) at the latter's expense. If in a particular instance the issue can be better resolved by physical inspection of the site, then the GCZMA should arrange for site inspection, and present the inspection report to the affected party. The inspection will be done directly by the Authority or through a senior officer.
- The affected party should be provided a fair chance to put forth its case before the GCZMA.
- Post this, the GCZMA must pass a reasoned order.

⁴ According to the The Goa, Daman and Diu *Mundkars* (Protection from Eviction) Act, 1975 and Rules, 1977 'Mundkar' means a person who, with the consent of the bhatkar or the person acting or purporting to act on behalf of the bhatkar, lawfully resides with a fixed habitation in a dwelling house with or without obligation to render any services to the bhatkar. The law also provides four exclusions to the above instance, in case the person- pays rent to the bhatkar for the occupation of the house; is a domestic servant or a chowkidar who is paid wages and who resides in any portion of his employer's residence; is a person employed in a mill, factory, mine, workshop or a commercial establishment and is residing in the premises belonging to the owner or person in charge for the purposes of employment; is a person residing in the whole or part of a house as a care taker.

⁵ 'Anr' signifies another and 'Ors' signifies others.

Legality of inter departmental coordination and reasons for revocation: In Appeal 22 of 2012, an individual, Joseph Coutinho, had challenged the revocation of consent to operate issued to him by the Goa State Pollution Control Board (GSPCB) for the operation of a guest house. The grievance was that even though the consent had been issued by GSPCB, it had been revoked prior to its expiry in October 2014, without giving any reason. This meant that Coutinho would need to stop all business activities. The revocation directions of GSPCB referred to communication from the Goa CZMA. The GCZMA had informed the GSPCB that it had issued a show cause notice dated September 13, 2011 to Coutinho, and requested the GSPCB keep the consent to operate in abeyance till the time the notice was decided upon by the GCZMA.

The NGT observed that the GSPCB neither gave a notice to the Appellant, nor an opportunity of being heard as required by the law. Therefore the directions of the GSPCB were “arbitrary” and “unlawful”, and therefore liable to be set aside. In its judgment, the NGT stated that the impugned direction was “a glaring example of the gross violation of the principles of natural justice”. It pointed out that a mere complaint against the Appellant could not by itself vest the GCZMA with the authority to write to the GSPCB to keep the consent to operate in abeyance. Neither could the GSPCB issue such directions, revoking or cancelling the consent to operate, based only on the GCZMA’s communication. The NGT held that if there was a violation of the CRZ Notification, there was nothing preventing the GCZMA from directly taking action. Instead the Authority chose to communicate to the GSPCB rather than proceeding on its own accord, which was held by the NGT as illegal. As per the NGT’s final order on September 6, 2012, the directions of the GSPCB were set aside and both the GSPCB and the GCZMA were asked to pay a cost of ₹ 10,000 each to the Appellant.

Demolition of structure by the CZMA without issuing show cause notice: In 2012, Uttam Bhisso Shetgaonkar filed an appeal challenging (Appeal Number 41 of 2012) a demolition order of the Goa CZMA without the issuance of a show cause notice. During the course of the hearing, the NGT held that the GCZMA should have issued a show cause notice before the demolition order. However, the NGT also said that the GCZMA may go ahead and execute its order for demolishing the construction of the hotel which it held as illegal, provided there was no existing residential accommodation or structure. In the same order, the NGT asked Shetgaonkar to file necessary documents related to the site so that the nature of the construction could be determined. Subsequently an order dated August 7, 2012, said that the hotel may be demolished if there is no residential accommodation/structure. In the final order dated November 27, 2012, the NGT directed the GCZMA to issue a fresh notice to the applicant and his advocate (by both registered post and email) and grant a personal hearing to Shetgaonkar and to allow no adjournment. If the applicant did not comply with the scheduled time of hearing before the GCZMA, the stay or the interim relief given to Shetgaonkar against the demolition would be deemed as being vacated. Post this order, the Appeal was disposed.

No action following show cause notices: An application (Number 49 of 2013) was filed by Goa Foundation against the Goa CZMA citing action to be taken against various constructions in the No Development Zone (NDZ) in Morjim and Mandrem villages in Goa. The intervention of the NGT was sought to seek demolition of constructions that had been taking place despite notices having been issued. During the course of the case, the GCZMA admitted that these constructions were in the NDZ and/or had breached the law. The GCZMA also stated that it had issued show cause notices and had directed demolition as well. However, the orders had not been implemented as of September 2013. The NGT directed the GCZMA to issue notices to all defaulters within a week from September 11, 2013, and to pass an order in accordance with the law within four weeks thereafter, after completing all due processes. The Member Secretary of the GCZMA was held personally liable for carrying out these directions.

III. OTHER OBSERVATIONS AND RECOMMENDATIONS ON CZMA FUNCTIONING: MEDIATION, QUORUM, DELEGATION

Mediating a conflict between the CZMA and a project proponent: The specific case of Rudresh Naik versus the Goa CZMA (Appeal Number 23 of 2012) presents a long set of hearings before the NGT in order to resolve a conflict between the Goa CZMA and the applicant, Rudresh Naik. The main issue relates to the permission sought by Naik for development of the land in Ponda taluka, for using it as a facility for periodical maintenance and repair of three vessels routinely used in organising boat cruises. On April 11, 2012, the GCZMA directed Naik to restore the area back to its original status and carry out plantation, within thirty days. This was the issue that Naik first brought before the NGT. An NGT judgment

indicates that although Naik had sought approval in 2009, it was never granted by the GCZMA. The judgment indicates that Naik had also filed a Writ Petition in the Bombay High Court on this particular issue. During pendency of these cases, the GCZMA had first issued a show cause notice and then an order restraining Naik from carrying on the construction of the slipway. This restraining order was also challenged before the High Court and the Court set aside the GCZMA's order on the ground that adequate opportunity was not granted to Naik before passing the order. In spite of this, the GCZMA went on to pass the order dated April 11, 2012, directing Naik to make good the geological loss. The first set of directions from the NGT directed Naik to deposit ₹ 1,00,000 with the GCZMA within a stated period. The GCZMA was to give Naik a proper hearing and decide on the case. Based on the decision of the GCZMA, the above sum would either need to be refunded or utilised for the restoration of the environment.

While the GCZMA encashed the cheque of ₹ 1,00,000, it did not fix any hearing to resolve the issue. Naik approached the NGT again, aggrieved by the inaction of the GCZMA (Application Number 172 of 2012).

In the final judgment, (Appeal Number 23 of 2012, dated December 18, 2012) the NGT observed that the dispute between the appellant and the GCZMA had been presented twice before the High Court and once before them. In its judgment it attempted to resolve the "controversy." On the basis of consent and agreement arrived at through the counsels of both parties, it was directed that Naik would deposit a further sum of ₹ 50,000 with the GCZMA. The GCZMA should close all the proceedings initiated prior to August 27, 2012, against Naik, in respect to the disputed lands. The earlier order dated April 11, 2012, initially challenged by Naik before the NGT, would be deemed to have been fully complied with. The GCZMA should utilise both the amounts deposited by Naik towards restoring the geological and ecological loss caused to the area, and also for the purpose of afforestation. If any other permission is pending it should be decided upon in its own merits.

Subsequently, while Naik deposited the additional sum, the GCZMA rejected the original proposal stating that though the construction of a marine slipway for dry docks was a permissible activity in the particular CRZ area, it would disturb the ecology since the area had a hilly terrain. As the case progressed before the NGT, it was observed that the Regional Plan of Goa (declared on March 4, 2011), placed by Naik before the GCZMA, did not indicate a hilly terrain at the disputed site. It was further observed that the permission for construction was obtained from the Captain of Ports, and both these documents were ignored by the GCZMA.

In the judgment given on May 16, 2013, the NGT set aside its earlier order dated January 29, 2013 and directed the GCZMA to expeditiously consider all the issues again and in accordance with law. The main issue here was that the area in question was under the jurisdiction of the Captain of Ports under the Indian Ports Act, 1908, and therefore the GCZMA did not have jurisdiction over the same. The GCZMA had to respond to this point and also provide a hearing to Naik and inform him if any further documents were required. Appeal 20 of 2013 was finally allowed with a cost of ₹ 25,000 to be paid to Naik by the GCZMA. At the time this chapter was written the deliberations to resolve the issue was still pending before the NGT.

Other than highlighting the arduous role that NGT played to resolve this single controversy, this case highlights the point that a public authority like a CZMA has to act in accordance with the law without any arbitrariness and bias for the future of CZMA functioning. The NGT also observed that the public authority needs to ensure that it does not generate avoidable litigation.

Can CZMAs, as delegated bodies, set up delegated subcommittees: Application Number 62 of 2012 (which was transferred from the High Court) and Appeal Number 75 of 2012 dealt with identical contentions. The appellants in both instances (M/s Sardesai Engineering Works and Anr and Shri. Gurudas Amerkar and Anr respectively) were aggrieved by decisions of the Goa CZMA taken based on the presence of five members of a delegated subcommittee. In both cases, the NGT stated that the GCZMA did not have the power to constitute any subcommittee. It further pointed out that the GCZMA received its powers through delegation from the CRZ Notification and Coastal Zone Management Plan (CZMP), to take action under Section 5 of the Environment (Protection) Act, 1986, and also against alleged violations.

Requirement of a quorum for CZMA decisions: Both Application Number 62 of 2012 (which was transferred from the High Court) and Appeal Number 75 of 2012, discussed previously, also dealt with another issue related to the requirement of a quorum for CZMA decisions. According to the NGT judgments, the Government Gazette dated April 19, 2010,⁶ stated that the Goa CZMA was to comprise of twelve members. The NGT judgment also cited the following rule (Rule XI) of the MoEF order: "The Authority shall ensure that at least 2/3 Members of the Authority are present during the meetings." The counsel

for the GCZMA argued that there was no quorum fixed under the MoEF order for CZMA meetings, and therefore, the GCZMA's decision (with regard to the applications above) is not "illegal" due to the issue of quorum. The NGT concluded that the quorum was essential and that at least eight members should be present during meetings for decisions to be valid. The NGT directed the GCZMA to reconsider the material relevant to each case and to take fresh decisions by following the Notification of the MoEF and securing the required quorum of the GCZMA members.

Complaints, dysfunctional CZMAs and reconstitution: Application Number 63 of 2012 before the NGT was transferred from the High Court. It was related to violations of the CRZ Notification in Goa, pointed out by Betty C. Alvares. The case relates to encroachments on beaches and illegal constructions made within the CRZ area. Some general issues related to the functioning of the CZMA were highlighted during the course of this case and in the orders. For instance, the order of May 3, 2013 recorded important submissions of the Goa CZMA. "Mr. V. Madhukar, Learned Counsel appearing for the GCZMA submits that there are large number (sic) of such complaints filed with the Authority but the existing mechanism is totally inadequate. He submits that the Authority could not conduct enquiries expeditiously because of lack of infrastructure, manpower and other practical reasons." Orders of May 22, 2013 and June 26, 2013 dealt with the issue of the term of the CZMA expiring and the reconstitution of a new Authority pending before the MoEF and Ministry of Law and Justice. As a result, there was no functional CZMA to take decisions, thereby causing a backlog of cases.

Regarding constitution of subcommittees to deal with pending cases: In the orders pertaining to Application Number 63 of 2012 regarding encroachments and illegal construction on beaches, the NGT acknowledged the heavy backlog of pending cases with the Goa CZMA. It directed the CZMA to take the step of constituting small committees/enquiry committees to expeditiously clear the backlog. As per an order dated July 26, 2013, the NGT noted 500 unattended complaints. It further advised that the small committees/enquiry committees with three members (by way of ad-interim appointments) may be constituted by the MoEF, comprising of retired District Judge/Civil Divisional Judge/Mamlatdar/any retired Officer of Directorate of Land and Survey Records. The NGT directed that such small committees/enquiry committees should only be assigned the work of conducting enquiries. The final decision should vest with the CZMA where it could independently deal with the enquiry reports and obtain clarifications, if necessary. While suggesting this, the NGT observed that the MoEF can also adopt other measures to deal with the pendency issue.

⁶ See http://www.egazette.nic.in/WriteReadData/2010/E_691_2011_010.pdf (while the judgment mentions April 19, 2010 as the date of the Gazette, the Gazette itself is dated April 9, 2010).

ANNEXURE 11

GUIDELINES/DIRECTIONS ISSUED BY THE MoEF TO THE SCZMAs

S. NO.	DATE	SUBJECT	DIRECTION DETAILS
1.	07.11.2008	Functioning of the SCZMAs	Recommendations on projects to be sent within 30 days of their receipt. In case SCZMAs are not in operation, due to being reconstituted, State Department of Environment to provide recommendations on projects. If the SCZMA takes more than 30 days in sending the recommendations, the project proponent is free to submit the proposal directly to the Ministry. The EAC will consider it in its meeting and the MS of the concerned SCZMA will be present with all the information on the project. List of projects received and their status to be uploaded on the SCZMAs' websites.
2.	14.12.2008 01.10.2010	Monitoring procedure	Committee to critically examine the issues related to monitoring (existing monitoring procedure and methodology) of ECs issued under EIA, 2006 and CRZ 1991. Tenure till December 31, 2010.
3.	25.11.2009	Selection of members	Directions on selection of members
4.	25.01.2011	Identification of violations	SCZMAs to identify violations in the next four months and take action in the subsequent four months.
5.	24.02.2011	Implementation of provisions of the CRZ Notification, 2011	All projects related to storm water drains, construction of structures for prevention of salinity ingress and installation of tidal regulators need to be assessed, based on the recommendations of the following listed institutions: i. Central Water and Power Research Station ii. IIT Chennai, IIT Bombay iii. Department of Erosion Directorate, Ministry of Water Resources iv. ICMAM v. NCSCM vi. National Institute of Technology, Surathkal
6.	24.02.2011	Implementation of provisions of the CRZ Notification, 2011	1. Issue directions to all municipal bodies, industrial units, ports, owners of properties, etc. not to discharge untreated effluents/dump solid waste in the coastal area. 2. A comprehensive plan for sewage treatment to be prepared within one year.
7.	24.02.2011	Implementation of provisions of the CRZ Notification, 2011	State governments and UTs to identify the area where natural fish drying can be permitted. Fisheries Department will carry out the task. SCZMAs will coordinate the activity and make public the details of such areas within a period of six months.
8.	24.02.2011	Need for public hearings	A public hearing is needed for A and B1 category projects and housing projects which involve group housing, slum redevelopment projects, and cessed/unsafe/dilapidated buildings' redevelopment projects
9.	24.02.2011	Implementation of provisions of the CRZ Notification, 2011	Hazard maps are being prepared under the ICZMP and will be made available to all the coastal states by end of 2012, and installation pillars and geocoding will be carried out between 2012-2015. Till such maps are prepared, there will be no reduction in the CRZ area.
10.	24.02.2011	Clarifications of the CRZ Notification, 2011	Schedule A projects - to MoEF Schedule B Projects - to SEIAA Not in EIA, only in CRZ - to MoEF
11.	<i>Pending</i>	ESA/CVCAs	Guidelines on identification and management of CVCAs and ESAs

ANNEXURE 12

A SAMPLE CRZ CLEARANCE LETTER ISSUED BY THE MoEF

**F.No.11-65/2012-IA-III
Government of India
Ministry of Environment & Forests
(IA.III Division)**

**Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.**

Dated: 19th July, 2013

**To
Metropolitan Commissioner,
Mumbai Metropolitan Region
Development Authority (MMRDA),
Bandra – Kurla Complex, Bandra (East),
Mumbai – 400 051, Maharashtra**

**Subject: CRZ Clearance for Mumbai Trans Harbour Sea Link (MTHL) by M/s
Mumbai Metropolitan Region Development Authority (MMRDA) -
Reg.**

This has reference to letter No: CRZ-2012/CR-52/TC-3 dated 15.06.2012 from Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) and your letters dated 14.02.2013 and 17.06.2013 seeking prior CRZ Clearance for the above project under the Coastal Regulation Zone (CRZ) Notification, 2011. The proposal has been appraised as per prescribed procedure in the light of provisions under Coastal Regulation Zone Notification, 2011 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, recommendation of State Coastal Zone Management Authority, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meeting held on 19th – 21st September, 2012.

2. It is interalia, noted that the proposal involves construction of 6 lanes Road Bridge across the Mumbai harbor. The proposed Mumbai Trans Harbour Link ('MTHL') which aims at facilitating decongestion of Mumbai by improving connectivity between the Island city and main land (Navi Mumbai) and development of Navi Mumbai Region was envisaged about 30 years back. The alignment was approved by Prime Minister's Office in 1984. The project involves the construction of a bridge across the Mumbai harbour between Sewri on the island city side (in the Mumbai Port Trust area) and Chirle on the Navi Mumbai side. The link is about 22 km long with a 16.5 km bridge across the sea and a 5.5 km long viaduct on the land. The exit and entry into the six lane freeway would be through interchanges at the end points and at the intermediate points on the Navi Mumbai side.

3. MTHL project received environmental clearance under the CRZ Notification, 1991 from MoEF on 11th March 2005. On receipt of the same, GoM through MSRDC Ltd had initiated the bidding process for construction of Sea Link but it could not be concluded. The validity of environmental clearance granted was for a period of five years for commencement of the construction or operation of the project. The proposed alignment passes through coastal regulation zone (CRZ).

The Eastern Freeway, which is a north-south 4 lane elevated road presently under construction, and the proposed Sewri-Worli East West connector would integrate with MTHL. From the interchange, the alignment will follow the approved alignment passing along Timber Depot Road and enter Sewri Mudflats and then continue towards the east and traverse over Sewri mudflats, pir-pau jetty, Thane Creek Channel, Panvel Creek Channel and the intertidal zone before turning south to enter the main land at Shivaji Nagar in Navi Mumbai. Vertical clearance of min 9.1m all along the length and maximum 25.2m for navigation purposes is proposed. The project will have Toll Plaza on land on Navi Mumbai side, Bridge Control Station and state of the art intelligent transport system. Casting yards are proposed at Sewri and Nhava outside the CRZ area. However, two temporary jetties will be constructed for movement of the materials.

4. Rapid EIA has been carried out as per the CRZ Notification, 2011. Mitigation measures are proposed to ameliorate the impacts due to the proposed construction and operation of the MTHL especially addressing the issues of mudflats/migratory birds. It is proposed to construct a temporary bridge in the mudflats for transportation of men and machinery at the execution site, thus minimizing the effect on the mudflats. The proposed alignment of MTHL passes through the Coastal Regulation Zone (CRZ) as per the Coastal Zone Management Plans (CZMP) of Mumbai and Navi Mumbai. Out of 22 km length of MTHL, 2.25km of length passes through the CRZ (2km in CRZ-I and 0.25km in CRZ-II). Since entire sea link is proposed on viaduct, area occupied by piers will be affected. Compensatory mangrove plantation in an area of 30 ha on the Nava side is proposed for loss of 0.1776 ha of mudflats/mangroves.

5. The project was considered by the MCZMA in its 73rd meeting held on 23rd April 2012 and MCZMA recommended it to the MoEF vide letter No: CRZ-2012/CR-52/TC-3 dated 15.06.2012.

6. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of CRZ Clearance for the project. Accordingly, the Ministry hereby accords necessary CRZ Clearance for the above project as per the provisions of Coastal Regulation Zone Notification, 2011, subject to strict compliance of the terms and conditions as follows:

7. SPECIFIC CONDITIONS:

- (i) As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted. Mangrove plantation in an area of 30 ha shall be carried out as committed against loss of 0.1776 ha of mudflats/mangroves. Permission from the High Court of Bombay shall be obtained with respect to mangrove cutting.
- (ii) Proponent shall provide lighting in consulting with the Bombay Natural History Society so as to minimise the likely impacts to the migratory birds.
- (iii) All the construction equipment's shall be provided with exhaust

silencers as committed.

- (iv) Noise containment barriers shall be provided on both sides of the bridge in mudflat areas (CRZ-IA) so as to minimise the likely impacts to the migratory birds as committed.
- (v) There shall be no dredging and reclamation for the project.
- (vi) Pre - stressed super structure shall be used in the mud flat area for construction as committed.
- (vii) The muck materials shall be analysed prior to dumping/ disposal in the identified locations with the approval of the competent authority to ensure that it do not cause any impact to the environment.
- (viii) Proponent informed that there is no fishing activity in the area since it is a navigation channel for the nearby ports. However, navigational channel is provided with 25m for ships and 9.1 m for fishing boats.
- (ix) All the recommendations of the MCZMA shall be strictly complied with.
- (x) There shall be no building construction beyond 20,000 sqm.
- (xi) There shall be no water drawal in CRZ area.
- (xii) There shall be no disposal of solid or liquid wastes on coastal area. Solid waste Management shall be as per Municipal Solid (Management and Handling) Rules, 2000.
- (xiii) Sewage shall be treated and the Treatment Facility shall be provided in accordance with the Coastal Regulation Zone Notification, 2011. The disposal of treated water shall conform to the regulations of State Pollution Control Board.
- (xiv) The project proponent shall set up a separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xv) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.

8. GENERAL CONDITIONS :

- (i) Full support shall be extended to the officers of this Ministry/Regional Office at Bhopal by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.
- (ii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Bhopal regarding the implementation of the stipulated conditions.

- (iii) Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.
- (iv) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with to the satisfaction of the Ministry.
- (v) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.
- (vi) The project proponents shall inform to the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (vii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made a received while processing the proposal.
- (viii) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.

9. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 1994, including the amendments and rules made thereafter.

10. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, and clearances under the Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

11. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bhopal.

12. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

13. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

14. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent on its website.

15. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

16. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

17. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

18. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

(Lalit Kapur)
Director (IA-III)

Copy to:

1. The Secretary, Department of Environment, Govt. of Maharashtra, Mantralaya, Mumbai – 400 032.
2. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 32.
3. The Chairman, Maharashtra Coastal Zone Management Authority, Room No.217 (Annexe), Mantralaya, Mumbai – 400 032.
4. The Chairman, Maharashtra Pollution Control Board, Kalpataru Points, 3rd & 4th floor, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai - 400 022.
5. The Chief Conservator of Forests, Ministry of Environment and Forests, Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link, Road No. 3, Ravishankar Nagar, Bhopal- 462016 (M.P.)
6. Guard File.
7. Monitoring Cell.

(Lalit Kapur)
Director (IA-III)

ANNEXURE 13
A SAMPLE NOC ISSUED BY AN SCZMA

GOVERNMENT OF KARNATAKA

No: FEE 172 CRZ 2012

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Date: 09.04.2014

From:

Secretary to Government,
(Ecology and Environment)
Forest, Ecology and Environment Department.

To:

Sri. B Hussain Saheb S/o Baikadi Hassan Saheb,
Paduthonse Village,
Hoode Post,
Udupi Taluk & District.

Sir,

Sub: - Request for NOC from Sri. B Hussain Saheb S/o Baikadi Hassan Saheb for reconstruction of residential house at Sy No.14/8A, Paduthonse village, Hoode post, Udupi Taluk & District for plinth area of 600 Sft - reg.

Ref: - 1. Letter No. RD(E)/NOC/05/2012-13 dated 05.06.2012 of Regional Director (Environment), Udupi District.
2. Letter No. nil, Dated 31.12.2013 of the applicant.
3. Proceedings of the Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 27th March 2014.

* * * * *

This has reference to the request for NOC from Sri. B Hussain Saheb S/o Baikadi Hassan Saheb for reconstruction of residential house at Sy No.14/8A, Paduthonse village, Hoode post, Udupi Taluk & District for plinth area of 600 Sft.

The proposal was re-considered in the Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 27th March 2014.

It was informed to the Authority that the Regional Director (Environment) has submitted RTC, survey map of the site, tax assessment extract for the period 88-89 & 2001-2002, sale deed copy of year 1964, approved CZMP map sheet and draft digitized map showing the proposed area. The Regional Director (Environment) has inspected and reported that the site comes under CRZ-IV and is 40 m away from the sea and 20 m away from the river. The Regional Director (Environment) has further reported that on field the area appears to be CRZ-III area, but on CZMP sheet (based on CRZ Notification 1991), the said area falls in CRZ-IV. The Plinth area of the proposed building is 600 Sq.ft

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As per para 8. CRZ-III A. (ii) under the norms for regulation of activities permissible in accordance with the CRZ Notification, 2011, no new construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing and for permissible activities including facilities essential for activities.

The KSCZMA reconsidered the above proposal and after deliberations decided to issue NOC under Para 8 CRZ-III A. (ii) of CRZ Notification, 2011 without exceeding existing Floor Space Index and existing plinth area without waiting for the hazard line demarcation from MoEF, GoI as this is a permitted activity under the said notification.

Accordingly the NOC is issued to the above proposal with the following conditions:

- (i) The reconstruction should not exceed existing Floor Space Index, existing plinth area and existing density.
- (ii) The activity shall be undertaken strictly in accordance with the provisions of CRZ Notification, 2011.
- (iii) The occupier should ensure that no waste gets into the nearest water body from the proposed residence.

The above NOC is issued under the provisions of CRZ Notification, 2011.

Yours faithfully,

Sd/-

(Dr. M.H. Balakrishnaiah)

Special Director (Technical Cell) and
Secretary, KSCZMA
Forest, Ecology & Environment Department

Copy to: Regional Director (Environment), Forest, Ecology & Environment Department, 1st Floor, C Block, Rajathadri, District Administrative Centre, Manipal-576104 for information.

ANNEXURE 14
SAMPLE STOP WORK ORDERS ISSUED BY THE ENVIRONMENT
DEPARTMENT, GOVERNMENT OF GUJARAT



H.K.DASH, IAS
PRINCIPAL SECRETARY

ENV-10-2013-09-E
GOVERNMENT OF GUJARAT
Forests & Environment Department
Block no. 14, 8th floor
Sachivalaya, Gandhinagar - 382 010
Gujarat, INDIA
Tel: (079) 232510510, 23251053
Fax: (079) 23252156

Email : secfed@gujarat.gov.in

Date: February 27 , 2013

Directions under section 5 of the Environment (Protection) Act, 1986.

Whereas the Ministry of Environment and Forests, Government of India has issued Coastal Regulation Zone (CRZ) Notification, 2011 under the provisions of the Environment (Protection) Act, 1986

AND Whereas the provisions of the CRZ Notification, 2011 are also applicable in the State of Gujarat

AND Whereas as per the CRZ Notification 2011 issued by the Ministry of Environment and Forests, Government of India, area between 500 Mtrs from the HTL and areas between HTL and LTL, and water area upto 12 nautical miles from the LTL are classified as CRZ area.

AND Whereas the areas within the CRZ are classified as CRZ-I(A), CRZI(B), CRZ-II, CRZ-III and CRZ-IV and various industrial and developmental activities are regulated within the CRZ area and prior permission of the competent Authority is a must for commencing any activity within the CRZ areas.

AND Whereas the Ministry of Environment and Forests, Government of India has constituted a Committee to inspect the site of M/S Adani Port and SEZ limited and to verify various representations received against the above said Unit.

AND Whereas during the site visit of Bhadreshwar area, local fishermen informed the Committee that M/S Silver Salt Works has started illegal construction of bunds in to the intertidal area and upto sea for development of salt pans, which would deteriorate the quality of ground water being utilized for drinking purpose . It would also affect the marine ecology of the area.

AND Whereas during site visit carried out by the Committee on 22.01.2013, and as per the report of GPCB , it was observed that a bund has been constructed by the Silver Salt Works for development salt pan in around 325 Acres of land

AND Whereas the developers/project proponents have not obtained any prior clearance , which is mandatory for commissioning of any construction activities in CRZ areas.

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NOW, in view of the above and the fact that a bund in the CRZ area has been constructed by the above lease holder, you are hereby directed to:

1. Stop carrying out any activity in and around the intertidal areas which are disturbing the natural flow of tidal waters, and commenced without obtaining prior clearance from the competent Authority and are in violation of the provision of the CRZ notification.
2. Stop the construction of bunds of any kind anywhere within CRZ areas of this region
3. Cancel all the leases granted for salt manufacturing in the CRZ-I(A) area without permission of Government of India and which is classified as Ecologically Sensitive Areas as per CRZ Notification.
4. Initiate legal action under Section 19 of the E(P)Act, 1986 against the Silver Salt Works located Bhadreshwar, Taluka: Mundra, Dist: Kutch, if deemed fit.
5. Report the action taken at your end.

Failing to comply with the directions issued hereinabove will attract the provisions of the Environment (Protection) Act, 1986.



(H.K.DASH)

To,

Shri A.J.Shah , IAS
Collector,
Collector Office, kutch
District: kutch.

Copy To:

1. M/s Silver Slat Works , At&Po. Bhadeshwar, Taluka Mundra, District Kutch. For information and removing the bund in CRZ area and take prior permission from the competent authority.
2. P.S to the Hon'ble Minister (Forests and Environment), Block No-1/8, New Sachivalaya, Gandhinagar – For kind information please.
- ✓ 3. P.S to the Hon'ble Minister of State (Forests and Environment), Block No-2 New Sachivalaya, Gandhinagar – For kind information please.
4. The Chief Secretary, Block No- 1, 3rd Floor, New Sachivalaya , Gandhinagar—For your kind information please.
5. Shri D.J.Pandian, IAS
Principal Secretary
Revenue Department
Block no-11/4, New Sachivalaya
Gandhinagar— for information and with a request to ask the concerned Coastal District Collectors to ensure that various provisions of the CRZ Notifications are complied with.



H.K.DASH, IAS
PRINCIPAL SECRETARY

ENV-10-2013-9-E
GOVERNMENT OF GUJARAT
Forests & Environment Department
Block no. 14, 8th floor
Sachivalaya, Gandhinagar - 382 010
Gujarat, INDIA
Tel: (079) 232510510, 23251053
Fax: (079) 23252156

Email : secfed@gujarat.gov.in

Date: February 27, 2013

Directions under section 5 of the Environment (Protection) Act, 1986.

Whereas the Ministry of Environment and Forests, Government of India has issued Coastal Regulation Zone (CRZ) Notification, 2011 under the provisions of the Environment (Protection) Act, 1986

AND Whereas the provisions of the CRZ Notification, 2011 are also applicable in the State of Gujarat

AND Whereas as per the CRZ Notification 2011 issued by the Ministry of Environment and Forests, Government of India, area between 500 Mtrs from the HTL and areas between HTL and LTL, and water area upto 12 nautical miles from the LTL are classified as CRZ area.

AND Whereas the areas within the CRZ are classified as CRZ-I(A), CRZI(B), CRZ-II, CRZ-III and CRZ-IV and various industrial and developmental activities are regulated within the CRZ area and prior permission of the competent Authority is a must for commencing any activity within the CRZ areas.

AND Whereas as per the CRZ Notification 2011, existing mangroves are required to be protected and it should not allowed to be damaged/destroyed, since these are classified as Ecologically Sensitive Areas

AND Whereas the Ministry of Environment and Forests, Government of India has constituted a Committee to inspect the site of M/S Adani Port and SEZ limited and to verify various representations received against the above said Unit.

AND Whereas during the site visit of Bardi Bunder, near Kukadsar Village, local fishermen informed the Committee that Shri Shamji Ahir has started illegal construction of bunds in to the sea, for development of salt pans, which would deteriorate the quality of ground water being utilized for drinking purpose. It would also affect the mangrove plantation carried out by agency in this area and other marine ecology of the area, as reported by the GPCB

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AND Whereas during site visit carried out by the committee on 22-01-2013, it was observed that a bund has been constructed in the intertidal area as well in to sea without obtaining CRZ Clearance from the competent authority as per provisions of CRZ Notification 2011.

AND Whereas M/s Adani Foundation has taken up mangrove plantation in 76 hectares. Due to construction of bunds, mangroves developed by M/s Adani. Foundation would be affected greatly, which ultimately result & in to damage the marine ecology of the area.

NOW, in view of the above and the fact that the mangrove habitats are being destroyed by the above lease holder, you are hereby directed to:

1. Stop carrying out any activity in and around the intertidal areas which are affecting the mangroves, blocking the creeks and disturbing the natural flow of tidal waters, and commenced without obtaining prior clearance from the competent Authority and are in violation of the provision of the CRZ notification.
2. Stop the construction of bunds of any kind anywhere within CRZ areas of this region
3. Cancel all the leases granted for salt manufacturing in the CRZ-I(A) area without permission from the Government of India which is classified as ecologically Sensitive areas as per CRZ Notification.
4. Initiate legal action under Section 19 of the E(P)Act, 1986 against Shri Shamjibhai Ahir, Near Bavadi Bandar, Kukadsar, Taluka:Mundra, Dist: Kutch, if deemed fit.
5. Report the action taken at your end.

Failing to comply with the directions issued hereinabove will attract the provisions of the Environment (Protection) Act, 1986.


(H.K.DASH)

To,

Shri A.J.Shah , IAS
Collector,
Collector Office, Kutch
District: Kutch.

Copy To:

- ✓ 1. P.S to the Hon'ble Minister (Forests and Environment), Block No-1/8, New Sachivalaya, Gandhinagar – For kind information please.
2. P.S to the Hon'ble Minister of State (Forests and Environment), Block No-2 New Sachivalaya, Gandhinagar – For kind information please.
3. The Chief Secretary, Block No- 1, 3rd Floor, New Sachivalaya , Gandhinagar—For your kind information please.
4. Shri D.J.Pandian, IAS,Principal Secretary, Revenue Department,Block no-11/4, New Sachivalaya Gandhinagar— for information and with a request to ask the concerned Coastal District Collectors to ensure that various provisions of the CRZ Notifications are complied with.

NOTES

Contents of the CD

1. Spreadsheets with data from meetings' minutes of the nine SCZMAs regarding project appraisals, violations and regularisations
2. A set of five report cards on the performance of CZMAs
3. A copy of this report, "CZMAs and Coastal Environments: Two Decades of Regulating Land Use Change on India's Coastline"

India's Environment (Protection) Act of 1986 (EPA) contains a clause, Section 3(2)(v) which gives power to the Central Government i.e. the Union Ministry of Environment and Forests to take all measures that it feels is necessary to protect and improve the quality of the environment and to prevent and control environmental pollution. Using this power, in 1991, the Central Government promulgated the Coastal Regulation Zone (CRZ) Notification, a legal instrument that regulates development on a sliver of space between the land and the sea and estuaries.

From its earliest forms to its most recent amendments, the legal text of the CRZ Notification has been debated between the public and the government as well as between states and the centre. Research papers and policy documents have also analysed the design and purpose of this Notification. However, the Coastal Zone Management Authority (CZMA), the single institution established for the implementation of the Notification at the Centre and every coastal state and Union Territory have not been studied upto now.

This study seeks to understand the official practice of coastal governance through these institutions, the National and the State/Union Territory CZMAs and the recently established District Level Coastal Committees (DLCCs). The study analyses the institutional arrangements for the implementation of the Notification, the CZMAs' partially standardised procedures for project approvals, their near impossible task of zoning the entire coastline and their nebulous effect on coastal conservation.

This report is an outcome of a three-year research study with interviews of present and ex-members of the CZMAs as well as a quantitative and qualitative analysis of over 350 officially recorded meeting minutes of the National CZMA and the CZMAs of the nine coastal states.

