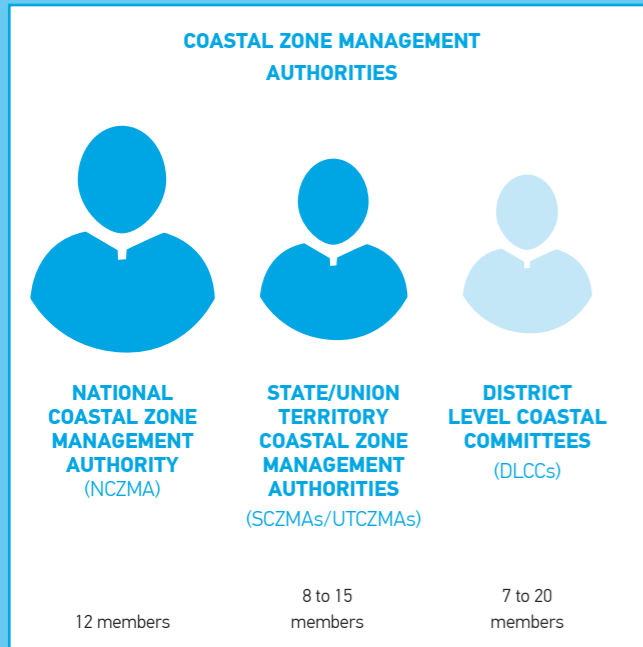


CRZ REPORT CARD

INSTITUTIONAL ARRANGEMENTS



CRZ: Coastal Regulation Zone

CZMP: Coastal Zone Management Plan

ON PAPER

NCZMA is "...for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in coastal areas...". The NCZMA largely plays a coordinating role, overseeing the procedural and technical implementation of the law.

NCZMA is mostly made up of ex-officio members from government departments. Representation from NGOs, academic institutions and coastal management and planning institutions is also seen.

IN PRACTICE

FREQUENCY OF MATTERS DISCUSSED IN NCZMA'S MEETINGS
From a total of 157 agenda items compiled from all available minutes of NCZMA's meetings between January 2003 and June 2013.

73 RECLASSIFICATION
32 CZMP
21 MISCELLANEOUS
12 VIOLATIONS
6 PROJECT APPRAISALS
6 CONSERVATION
6 PROCEDURAL
1 REVIEW OF SCZMA FUNCTIONING

"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."
V. Vivekanandan, Ex-member, March 2012

Project appraisals rarely reach the NCZMA

AP: Andhra Pradesh | GJ: Gujarat | KA: Karnataka | KL: Kerala | MH: Maharashtra

ON PAPER

The functions and powers of SCZMAs are:

- examination of proposals for change in CRZ areas
- review and verification of and taking action on violations
- identification of ESAs and CVCAs and erosion prone areas (except TN and KL)
- recommendations on projects proposed in the CRZ

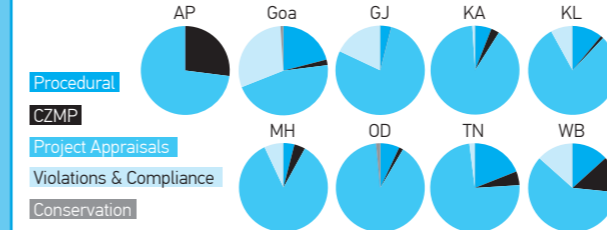
SCZMAs are to include 1 NGO representative, 4 experts and 5-6 ex-officio members from the various departments.

IN PRACTICE

While representation of ex-officio members exceeds the recommended number, representation from NGOs and experts is less than what is recommended.

In 2002, each SCZMA received ₹ 5 lakhs from MoEF. SCZMAs levy a project processing fee.
GJ, OD and WB also receive ICZMP funds (see page 8).

FREQUENCY OF MATTERS DISCUSSED IN SCZMAs' MEETINGS*



The frequency is calculated in % in relation to the total number of agenda items in SCZMAs' meetings.
*As per all available minutes of SCZMAs' meetings from 2010 and 2013.

OD: Odisha | TN: Tamil Nadu | WB: West Bengal ESAs: Ecologically Sensitive Areas

ON PAPER

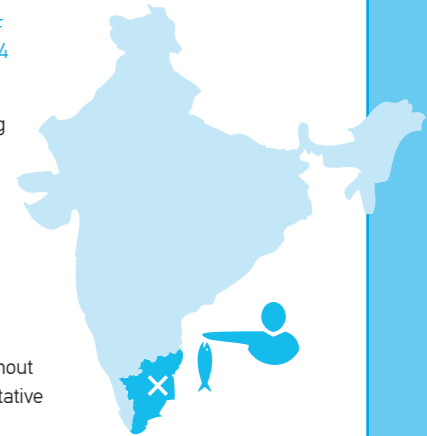
Clause 6 (c) of CRZ 2011, states that the State and Union Territory CZMAs can constitute DLCCs to 'assist' them in the task of enforcing and monitoring the Notification.

CRZ 2011 stipulates that DLCCs should include at least 3 representatives from local traditional coastal communities. In addition to this, constitution orders issued by states include District Collectors and representatives from fisheries and other departments in DLCCs.

IN PRACTICE

STATUS OF CONSTITUTION OF DLCCs AS OF DECEMBER 2014

- KA, TN, MH: Existing and functioning
 - OD, GJ, KL and WB: Constitution orders issued by the state
 - AP and Goa: Constitution orders not issued by the states
- TN is the only state without any fisherfolk representative in the DLCCs



CVCAs: Critically Vulnerable Coastal Areas

INSTITUTIONAL INTERACTIONS BETWEEN MOEF, NCZMA & SCZMAs



MoEF is the approving body for certain project proposals and CZMPs. It also issues instructions, guidelines and orders to SCZMAs.



NCZMA coordinates and checks the quality of SCZMAs' activities.

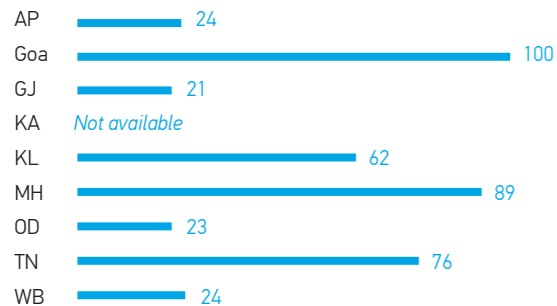


NCZMA examines requests for change in zonation and revisions to CZMPs as received from SCZMAs.



NCZMA provides a platform to the SCZMAs to voice their difficulties or challenges. It also offers support required to carry out duties in an efficient and effective manner.

TOTAL NUMBER OF SCZMA MEETINGS SINCE THEIR CONSTITUTION (1998) TILL MARCH 2014



DISCUSSION POINTS: NCZMA

REPRESENTATION OF COASTAL COMMUNITIES & ALL STATES

An organisation of small scale artisanal fishworkers present in the 2011 NCZMA composition was removed from the 2012 composition.

KL, TN and MH are the only states which have a representation in NCZMA.

DISCUSSION POINTS: SCZMAs

REPRESENTATION OF COASTAL & SUBJECT EXPERTS

Out of 10 members, AP SCZMA has only 2 from coastal areas. In GJ, only 1 member out of 15 is from a coastal area.

The majority of SCZMA members are ex-officio members, leaving little room for subject experts.

MINUTES OF MEETINGS & TRANSPARENCY

Most agenda items in the minutes of SCZMA meetings are concerned with project appraisals and violations. These provide information on the proponent, complainant, location, CRZ zone and the decision taken.

USE OF PROCESSING FEE

OD uses the fee to pay an honorarium to non-members.

KL uses it for retaining a legal counsel, among other things.

MH refers to it as 'Coastal Conservation Fund'.

SCZMAs have little representation from coastal areas and subject experts.

There are no guidelines in place for using processing fees, so each SCZMA uses it differently.

DISCUSSION POINTS: DLCCs
ROLE IN DECISION MAKING

	DLCC Constitution Orders*	Minutes of SCZMAs' Meetings
Coordination for CZMP preparation	GJ, MH, KA and WB	KA and TN
Project appraisals		KA and TN
Violations		
Cognisance and verification	GJ, MH, KA, TN and WB	
Taking action	GJ, MH, TN and WB	
Conservation	GJ, MH, KA, TN and WB	

*KL and OD do not list functions

USE OF SCZMA WEBSITES

GJ, MH and WB SCZMAs provide information on DLCCs on their websites.

GJ, MH and WB SCZMAs allow for the public to register their complaints, suggestions and grievances through a form. Grievances tracking is not available.

AP, Goa and TN did not have independent websites till December 2014.

As of December 2014, 3 out of 9 states did not have websites. However, even the websites that do exist lack useful information.

PUBLIC ACCESSIBILITY TO SCZMA

GJ SCZMA observes weekly 'Open Days' for the general public to place their grievances before the Authority.

Most SCZMAs' offices are in the respective state capital.

States with non-coastal cities as capitals do not hold special meetings in coastal areas, making it harder for coastal people to participate.

Largely, public accessibility to SCZMAs is possible only through their websites.

ON PAPER

INTEGRATED COASTAL ZONE MANAGEMENT PROJECT (ICZMP)

In 2010, ICZMP was piloted in three states (GJ, OD and WB) by the MoEF in collaboration with the World Bank. These three states are expected to routinely provide input to and interact with NCZMA through any of the following means:

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

IN PRACTICE

PERFORMANCE OF ICZMP STATES**

	GJ	OD	WB
DLCC constitution order issued	✓	✓	✓
Website	✓	✓	✓
On the Website			
Minutes of meetings	✓	✓	✓
List of project approvals			
CZMP		✓	✓
List of violations			

** Financial support from World Bank (in million USD): GJ-74.1, OD-49.3 & WB-75

CRZ REPORT CARD

ZONING & CLASSIFICATION OF COASTAL AREAS

WHAT IS CZMP?

The Coastal Zone Management Plan (CZMP) is a document that has different regulation zones classified and demarcated. SCZMAs use it to arrive at decisions on project proposals, to identify violations and regulate activities in the CRZ.

ON PAPER

CZMP SUBMISSION BEFORE 2011

As per the CRZ 1991, all coastal states and Union Territories were required to prepare CZMPs within one year from the date of the main Notification and submit them to the MoEF for approval.



IN PRACTICE

CZMP SUBMISSION BEFORE 2011

Till 1994, KL, KA, OD, TN, AP and Goa had not submitted their final Management Plans to the MoEF.

CZMP REVISIONS

CZMPs were revised between 1996 and 2011 for reasons such as:

- Classification done at the time of CZMP preparation was incorrect.
- Rapid urbanisation had impacted zoning.
- To meet the conditions put forth by the MoEF while approving the CZMP.

ON PAPER: CZMP SUBMISSION AFTER 2011



CRZ 2011, stipulates that state governments and Union Territories should submit their draft CZMPs along with their recommendations to the MoEF by January 2013.

IN PRACTICE: CZMP SUBMISSION AFTER 2011



No State Government or Union Territory could submit their draft CZMPs along with their recommendations to the MoEF by January 2013.

GUIDELINES FOR PREPARING CZMPs

CRZ 2011, Annexure I, provides specific guidelines for demarcation of High Tide Line (HTL) and Low Tide Line (LTL), preparation of CZM maps, local level maps and hazard mapping.

SCALE

CRZ 2011 specifies:

- HTL maps: 1:25,000.
- CZM maps: base maps of 1:25,000. 1:50,000 maps to be enlarged to 1:25,000, if 1:25,000 maps are not available.
- Local level CZM maps: village maps in 1:3,960 or the nearest scale to be used as base maps.

The CRZ Notification, 1991 did not provide any specifications regarding scale.

INTEGRATED COASTAL ZONE MANAGEMENT PROJECT (ICZMP)

ICZMP has been designed and implemented in GJ, OD and WB as a pilot by MoEF in collaboration with the World Bank.

The four components relevant to the discussion on CZMPs are:

- National Integrated Coastal Zone Management (ICZM) Capacity Building: Includes mapping and demarcation of the hazard lines and coastal sediment cells all along the coastline of India.
- ICZM Pilot in GJ: Includes preparation of an ICZM plan for the Gulf of Kutch.
- ICZM Pilot in OD: Includes preparation of an ICZM plan for the coastal stretches of Paradip-Dhamra and Gopalpur-Chilika.
- ICZM Pilot in WB: Details have not been chalked out as yet.

CURRENT STATUS: PREPARATION OF CZMPs UNDER CRZ 2011

State	Status	As of
AP	In progress	June 25, 2013
Goa	In progress	June 26, 2014
GJ	In progress (BISAG & SAC declined. NCSCM has been contacted.)	June 25, 2014
KA	Draft prepared. Public hearings are going on.	March 27, 2014
KL	Draft CZMP for Kochi, Thiruvananthapuram & Kollam districts prepared. Public hearings to start.	July 1, 2014
MH	In progress	June 25, 2013
OD	In progress	June 25, 2013
TN	Draft prepared. Public hearings are going on.	March 21, 2014
WB	In progress	June 25, 2013

BISAG: Bhaskaracharya Institute for Space Applications and Geo-Informatics
SAC: Space Application Centre
NCSCM: National Centre for Sustainable Coastal Management

Members of various SCZMAs who were interviewed as part of this study stated that the process of CZMP preparation is laborious and very extensive.

ROLE OF DLCCs IN CZMP PREPARATION

As per minutes of meetings, KA and TN SCZMAs have involved DLCCs and District Collectors in the process of public hearings. GJ, MH, KA and WB – DLCCs are to coordinate the preparation of CZMP.

ROLE OF LOCAL COMMUNITY IN CZMP PREPARATION



Guidelines for CZMP preparation in the 2011 Notification state that fish drying platforms and other infrastructure facilities for fishing and local communities should be indicated on cadastral maps. This requires involvement of local communities. The guidelines also mandate that public hearings on draft CZMPs be conducted.

ON PAPER

FUNDS ALLOCATED FOR CZMP PREPARATION

Neither the Notification nor the SCZMA appointment orders mention anything on how the expenditure for CZMP preparation is to be arranged.

IN PRACTICE

The SCZMAs have tried different funding options. For example:

- OD and TN SCZMAs mandated that project proponents get the HTL demarcated by authorised agencies at their own expense.
- AP SCZMA requested the Central Government to get it done.
- KA SCZMA had Karnataka Urban Infrastructure Development and Finance Corporation generate funds for transposing HTL and LTL onto local level maps.
- The Goa SCZMA asked both the State and the Central Government for assistance.

DIFFICULTIES FACED BY THE SCZMAs IN DEMARCATION

All the SCZMAs admitted that the task of HTL and LTL demarcation was time and cost intensive. The agencies that have been hired by different states for the demarcation of HTL and LTL have been taking much longer than what they initially envisaged.

“Gujarat SCZMA has not been able to hire anyone to carry out the task as none of the agencies are willing to take it up.”

Hardik Shah, Member Secretary, Gujarat SCZMA, August 2013

ON PAPER

ZONING & CLASSIFICATION

The MoEF, in its orders constituting the SCZMAs (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 therefor”.

IN PRACTICE

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.

NCZMA's & MoEF's ROLE IN RECLASSIFICATION

NCZMA decides on the reclassification proposals, after going through the ground verification reports, court cases and cases of violation.

Post 2011, MoEF, on the recommendation of the NCZMA, froze the CZMP of 1996 and stopped entertaining reclassification requests.

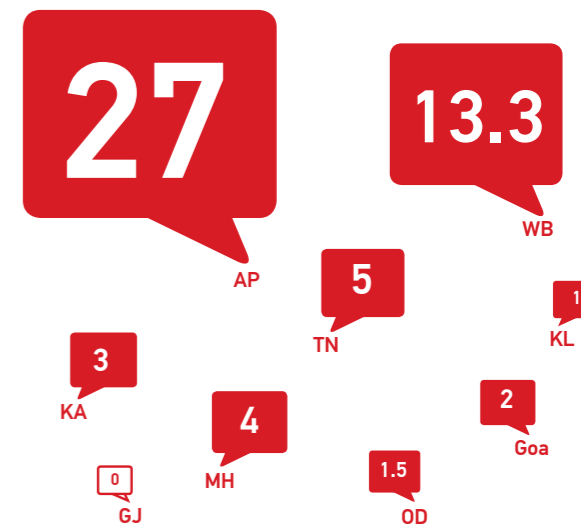
Post 2011, while the Notification that was to be implemented was new, the CZMP (and the CRZ maps) were still the ones that were approved in 1996.

DIFFICULTIES FACED BY THE SCZMAs WHILE WORKING WITH APPROVED CZMPs

- Difference of scale between the approved CZMP maps and the revenue maps.
- Mismatch between the CZMP zoning and the conditions on the ground.
- New Notification but old CZMP.

As per the minutes of the OD SCZMA meeting in January 2005, the Member Secretary pointed out that CRZ maps have been prepared on a scale of 1:25,000, whereas revenue maps are on the scale of 1:2,000 (approximately). Whenever a project comes up in the CRZ, the plot number and Khata number of the revenue records have to be indicated on the CRZ maps, which is not possible.

FREQUENCY OF MATTERS CONCERNING CZMPs*



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

*As per all available minutes of SCZMAs' meetings from 2010 and 2013.

CRZ REPORT CARD

PROJECT APPRAISALS



DECISION-MAKERS FOR PROJECTS PROPOSED IN CRZ ZONES
 SCZMAs have been assigned the general task of examining all projects proposed to come up in the CRZ. Within 60 days, SCZMAs are required to send the proposals with their recommendations to specific committees as mentioned below.

Projects listed in the Environment Impact Assessment (EIA) Notification, 2006

- Projects attracting Schedule A of EIA are referred to Expert Appraisal Committee (EAC) and then to MoEF by EAC.
- Projects attracting Schedule B of EIA are referred to State/Union Territory Expert Appraisal Committee (SEAC) and then to State Environment Impact Assessment Authority (SEIAA) by SEAC.

Construction projects in CRZ II

- Construction projects > 20,000 sq m will be referred to SEIAA.
- Construction projects < 20,000 sq m will be approved by state and Union Territory planning authorities.

All other projects not listed in the EIA Notification, 2006 but listed in the CRZ Notification, 2011 will be sent to MoEF.

ON PAPER

PROCESS FOR EXAMINATION OF PROJECT PROPOSALS BY SCZMAs

The SCZMAs should examine project documents, Rapid EIA reports and CRZ maps [against the Coastal Zone Management Plan (CZMP)] and forward the proposal further.

IN PRACTICE

Meeting agenda-notes are shared prior to the meeting. These include a list of projects to be considered at the time of the meeting, violations and any inspection or site visit report.

OD – Project proponents are invited to present their proposals. Site visits are not mandatory.

TN – The SCZMA involves District Level Coastal Committees (DLCCs) in scrutinising the projects and in conducting site visits.

KA, AP, WB, MH & Goa – Project presentations and site visits done as and when required by the panchayats.

KL – Small scale projects reach the SCZMA via gram panchayats. Technical subcommittees are available for undertaking site visits.

GJ – Subcommittees are formed to examine proposals. Only if necessary, will projects be presented to the SCZMA (as decided in March 2012).

It is not known if project proposals with built-up area < 20,000 sq m come to the SCZMA after the concerned local planning authorities have examined them, or whether SCZMAs examine them first and then pass them on to the planning authorities.

AVERAGE NUMBER OF PROJECT PROPOSALS DISCUSSED IN ONE SCZMA MEETING



On an average, 15 projects (in which, at times, hundreds of small repair, reconstruction or individual housing needs are clubbed under one project head) are considered in a meeting lasting half a working day.

SITE VISITS & THEIR ROLE IN DECISION MAKING

KL – A **technical committee** undertakes site visits. Sometimes Authority members also inspect projects.

KA – 4 **Regional Directors** (Environment) of the State Government are delegated to conduct site visits.

Goa – A 4 member **subcommittee** of the SCZMA conducts site visits before granting approvals.

TN – **District committees [District Coastal Zone Management Authorities (DCZMAs)]** constituted in 1998 conduct site visits.

OD, MH, WB, AP and GJ – **Authority members** conduct the visits.

As per minutes of SCZMAs' meetings between 1999 and March 2014:

Out of a total of 4,030 projects for which SCZMAs took decisions, site visits were conducted for 367 projects.

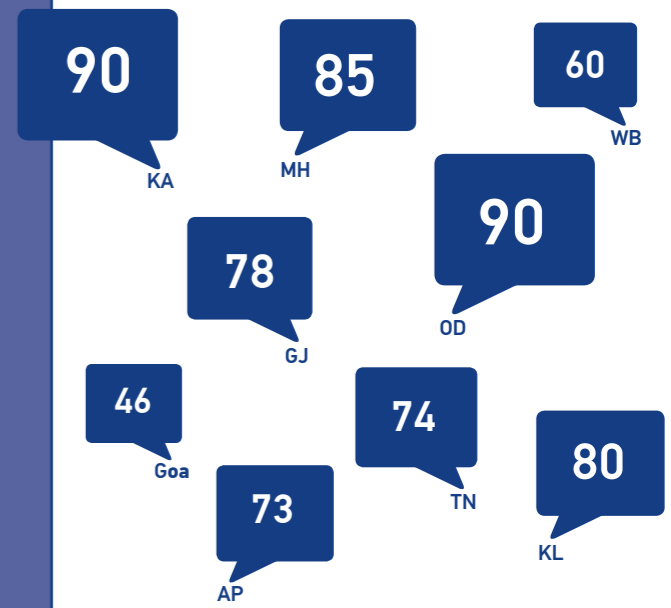
Proposals for which site visits were conducted make 8% of the total number of projects seen by the SCZMAs.

ROLE OF DLCCs

None of the states have listed the examination of project proposals as a function of DLCCs.

As per minutes of meetings, TN and KA are the only SCZMAs that seek recommendations from their DLCCs.

FREQUENCY OF MATTERS CONCERNING PROJECT APPRAISALS*



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

**As per all available minutes of SCZMAs' meetings from 2010 and 2013.*

RATE OF PROJECT CLEARANCE

93% GUJARAT (76)
86% TAMIL NADU (347)
85% ANDHRA PRADESH (228)
85% KARNATAKA (1310)
80% GOA (1297)
74% KERALA (571)
74% MAHARASHTRA (618)
71% WEST BENGAL (28)
70% ODISHA (178)

CLEARANCE RATE / STATE / TOTAL PROPOSALS RECEIVED

As discussed in the minutes of SCZMAs' meetings from 1999 (except KL: from 2000, KA: from 2009 and MH: from 2012) till March 2014.

DELEGATION OF POWERS

SCZMA	Delegated for	Delegated to
Goa	Repairs and reconstructions	Subcommittee
GJ	Matters referred by the MoEF	Chairman, SCZMA
KA	Repairs and reconstructions	RD (Environment)
KL	Matters forwarded by the HC	Chairman, SCZMA
MH	Minor repairs	LPA
TN	Constructions < 20,000 sq m	DCZMA (DLCC)
WB	All matters (till July 2005)	ED

KA, MH and TN delegate power to reduce hardships faced by the general public.

Goa and KL delegate power to lighten the workload.

GJ delegates power to avoid delay in responding to MoEF.

ON PAPER

POST-CLEARANCE MONITORING

CRZ Notification, 2011 stipulates:

- Half-yearly compliance reports which are filed by the project owners with the SCZMA to be uploaded on the SCZMAs' websites.
- Post-clearance monitoring be done on the basis of the compliance reports.

The CRZ Notification does not say anything else on monitoring protocol.

IN PRACTICE



None of the states had uploaded the half-yearly compliance reports received from the project proponents on their respective websites till December 2014.

Most of the Authorities do not pay much attention to monitoring the approved projects. There is no mechanism for regular, occasional or random site visits to be done post-clearance.

TN and AP Authorities have recorded concern in relation to compliance.

Goa SCZMA has taken measures for post-clearance monitoring. In December 2005, it engaged the regional office of the MoEF to do periodic monitoring of cleared projects.

KA SCZMA asked all the Regional Directors (Environment) to inspect 25% of the proposals for which NOC has been given and verify the conditions imposed.

JUSTIFICATIONS GIVEN BY SCZMAs WHILE EXAMINING PROJECTS IN THE CRZ AREAS (besides CRZ Notification)

- Project clearance in other more critical/sensitive areas
- Projects of 'Public Interest'
- Clarification from NCZMA/MoEF
- Reliance on precedence
- Test/pilot projects
- Opinions from external experts
- Recommendations of local bodies/DLCCs
- Projects cleared prior to the CZMP/CRZ Notification, 1991
- Livelihood considerations
- Disaster mitigation and response

CHALLENGES WHILE EXAMINING PROJECT PROPOSALS

Delayed/no reply from MoEF or line departments: E.g.- KL SCZMA, in its 4th meeting, sought clarification from MoEF on installation of bitumen handling facilities. CRZ Notification, 1991 does not say anything on bitumen handling. No reply was received from the MoEF till the 13th meeting and the Authority decided it may issue clearance to the project.

Inconsistency in the CRZ maps: E.g.- Kozhikode Corporation (in KL) requested to construct a fuel retail outlet. As per the CZMP (1996), the site was in CRZ area, but as per the map prepared by Centre for Earth Science Studies (CESS) on request of Kozhikode Corporation, the proposed site was outside the area.

Varied interpretation of the Notification: Odisha SCZMA, on receiving a proposal for deepening the entrance channel of Paradip port, decided that the project was out of its purview as it was located entirely in the sea. However, the MoEF stated instead that CRZ consideration is desirable as the project involved dredging which may affect the CRZ area.

CHALLENGES TO POST-CLEARANCE MONITORING

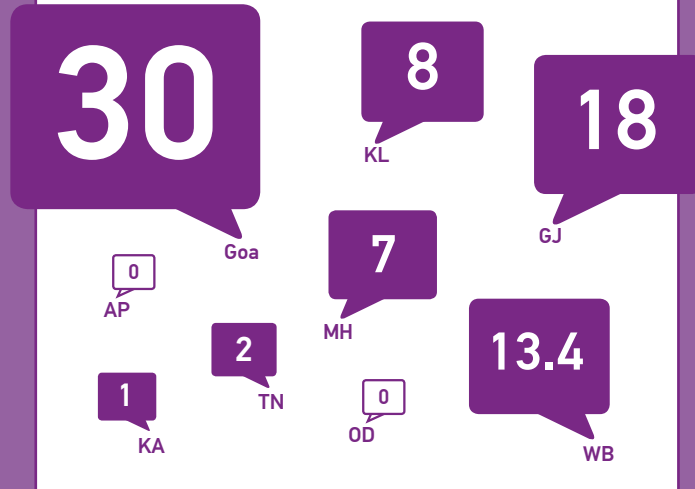
- Majority of projects are cleared
- Heavy workload
- Missing action on post-facto studies
- Lack of response from line departments
- Lack of resources such as manpower and funds
- Limited involvement of local communities
- Ambiguity in clearance conditions
- Defined role of local bodies/committees is missing
- Changing CZMPs and 'in process' demarcation of HTL and LTL
- No surprise site visits
- No monitoring protocol

MoEF, in 2010, in its draft paper on issues related to monitoring of projects: "Monitoring by SCZMAs does not meet the challenge involved keeping in view the magnitude of work."

CRZ REPORT CARD

ENFORCEMENT & COMPLIANCE

FREQUENCY OF MATTERS CONCERNING VIOLATIONS*



The frequency is calculated in % in relation to the total number of agenda items in SCZMA's meetings.

*As per all available minutes of SCZMA's meetings from 2010 and 2013.

ON PAPER

CRZ 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 levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this Notification, within their respective jurisdictions."

CRZ 2011, in clause 6 (a), grants powers to the NCZMA and State Coastal Zone Management Authorities (SCZMAs) to ensure implementation and enforcement of the Notification.

ON PAPER: ORDERS/DIRECTIONS ISSUED BY THE MOEF

MoEF, in its orders constituting SCZMAs in 1996, outlines tasks such as inquiry into alleged CRZ violations, review of cases involving violations and referral to NCZMA, filing complaints and taking action with respect to the violations identified.

In July 2011, the MoEF extended the deadline for identifying CRZ violations to October 31, 2011. While SCZMAs have uploaded or are in the process of uploading violations, no new directions have been issued by the MoEF regarding the matter.

The MoEF, in January 2011, directed all SCZMAs and Union Territory CZMAs (UTCZMAs) to identify violations within the next four months and take action in the subsequent four months. A list of violations was to be uploaded on the respective Authority's website. This task was linked with the preparation of Coastal Zone Management Plans in a manner that would prevent the regularisation of the violations.

DLCC's ROLE AS PER THE CONSTITUTION ORDERS

GJ, MH, WB and KA empower District Level Coastal Committees (DLCCs) to take cognisance of violations *suo moto* and on complaints and references. They also make the DLCCs responsible to verify violations.

GJ, WB and MH authorise them to take 'appropriate' steps, i.e.
 WB – to remove illegal structures
 GJ and MH – to remove illegal structures and levy penalties

KA's DLCCs are supposed to take action as per the directions of the KA SCZMA.

TN has made DLCCs responsible for monitoring and enforcement and given them powers to act on violations.

WB and MH assign DLCCs the task of monitoring compliance as per ECs accorded to projects.

IDENTIFICATION OF VIOLATIONS

Violations are reported by a member of the SCZMA, local bodies, district level committees (in case of TN), pollution control board, concerned individuals and NGOs, and sometimes by the MoEF.

The number of cases of violations, as discussed in minutes of SCZMAs' meetings between 1999 and March 2014, vary from 680 in Goa to 12 in AP.

In March 2014, Goa SCZMA decided to create 'flying squads' in each district to monitor violations. TN constituted 'green squads' in 2004 to check CRZ violations.

VERIFICATION OF VIOLATIONS

KA SCZMA has directed the majority of complaints received to **Regional Directors** and asked them to take necessary action.

To establish a violation, KL SCZMA seeks opinions/reports from the concerned **gram panchayat** or other local bodies, which may have carried out a site inspection.

OD SCZMA's general practice has been to verify reported violations through the **District Collectors/Magistrates**. Further action is decided based on the report received from them.

Minutes of AP SCZMA's meetings show that the **Authority members** conduct site visits to verify violations.

TN SCZMA, it appears from meeting proceedings, has been trying out various routes through **various departments** to identify violations and take action on them.

WB SCZMA has mandated the **Digha Sankarpur Development Authority (DSDA)** to examine and take action on violations in the area under its jurisdiction.

In GJ, 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.

Goa SCZMA, on receiving reports of violations, issues show cause notices to the alleged violators and conducts site inspections and personal hearings through **subcommittees**.

MH SCZMA takes updates from **District Collectors** on violations.

ACTIONS TAKEN

Once the violation is verified, most SCZMAs direct the authorities responsible to take appropriate action.

"Appropriate action" is not defined.

Goa – Orders for disconnection of the electricity connection and water supply, and demolition of illegal structures

MH – Files FIRs with the police

COURTS' ROLE

The role of courts in the matters of non-compliance of the CRZ Notification has been significant. Cases have been filed by aggrieved individuals, NGOs and civil society members.

A large number of cases have been filed from KL and Goa. At times courts have taken up matters of violations *suo moto*.



ARBITRARY DELEGATION OF POWERS

Delegation of powers to District Collectors is seen in most states. However, states like TN, WB and MH have granted powers to DLCCs to verify violations.

As per the constitution orders for the DLCCs issued by the states, DLCCs are granted powers to not just verify, but even take action on violations.

WB and MH have made the Superintendent of Police a member of the DLCCs. By doing this, the DLCCs may be provided support to act on violations.



CHALLENGES TO ENFORCEMENT

Lack of resources: Many members from KL felt that they do not have staff for actual implementation and monitoring and that a larger network of people are required to ensure enforcement. Members said, **"We should have district-wise monitoring groups, along with the State Authority."**

Non-cooperation of line departments: Lack of support from line departments in taking action against violations is seen. At times, line departments and local bodies are themselves party to violations.

Violations not on the priority list of SCZMAs: Analysis of various minutes of SCZMAs' meetings reveal that most SCZMAs have not been regular or proactive in recording violations. The reasons for this could be manifold, such as those above, or others like political interference, limited support from state governments, etc.

LACK OF UNIFORM PROCEDURE

There is no consistency across SCZMAs in the process that is undertaken while addressing the issues of violations – they are not given similar verdicts. For example, while Goa SCZMA orders cutting of water and electricity supplies, GJ issues show cause notices and WB takes legal action against them. In response to an appeal (49 of 2012), the NGT laid down a procedure for Goa SCZMA to verify and take action against violations.

CRZ REPORT CARD

CONSERVATION

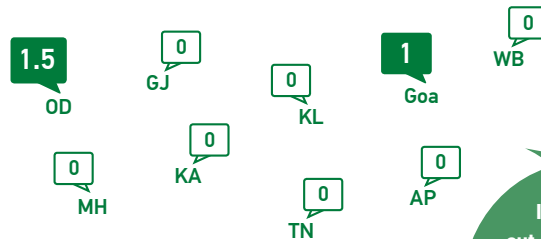
ON PAPER

CRZ Notification, 2011 says that the coastal stretches of the country are being declared as CRZ “... to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner...”.

Duties of the State Coastal Zone Management Authority (SCZMA) are: identification of ecologically sensitive areas (ESAs), areas highly vulnerable to soil erosion, economically important stretches and planning for their management.

IN PRACTICE

FREQUENCY OF MATTERS CONCERNING CONSERVATION*



The frequency is calculated in % in relation to the total number of agenda items in SCZMA's meetings.

*As per all available minutes of SCZMA's meetings from 2010 and 2013.

In 2012, 5 out of 12 SCZMA members interviewed said that conservation is not a function of the Authority.

ON PAPER

AREAS WITH SPECIAL CONSIDERATION: CRZ areas of Greater Mumbai, backwaters and backwater islands of KL and CRZ areas of Goa.

CVCAs: 12 identified Critically Vulnerable Coastal Areas (CVCAs) and other such areas to be managed with the involvement of local communities.

EIS: CRZ 1991 and 2011, do not talk about economically important stretches (EISs). This term was introduced in the appointment orders of the SCZMAs issued by the MoEF post 2011. The term has not been defined anywhere.

AREAS VULNERABLE TO EROSION: This term has been in the appointment orders of the SCZMAs issued by the MoEF since 1998.

IN PRACTICE

DISCUSSION IN SCZMA MEETINGS

SCZMA	ESA [CRZ I(A)]	CVCA	Areas vulnerable to erosion	EIS
AP			✓	
Goa	✓			
GJ	✓			✓
KA				
KL	✓		✓	✓
MH	✓			
OD	✓		✓	✓
WB	✓		✓	✓
TN				

AP: Andhra Pradesh | GJ: Gujarat | KA: Karnataka | KL: Kerala

ON PAPER

MoEF's ROLE

MoEF plans to create maps that will demarcate the boundaries of highly sensitive areas, sensitive areas and CVCAs in CRZ I areas.

MoEF, in consultation with concerned state governments and local communities, will develop guidelines for identification, planning, notification and implementation with regard to CVCAs.

IN PRACTICE

MoEF's ROLE

As of December 2014, MoEF has not issued guidelines for identification, planning, notification and implementation with regard to CVCAs.

In October 2012, MH SCZMA requested guidelines from MoEF regarding the preparation of management plans for Achra-Ratnagiri and Malvan-Sindhudurg at the earliest.

As per minutes of meetings, till March 2014, no reply was received from the MoEF.

MoEF has contracted National Centre for Sustainable Coastal Management (NCSCM) to develop a methodology for identification and management of CVCAs. NCSCM is conducting consultations with the stakeholders in the 12 sites suggested in the CRZ Notification, to ascertain their community dependence. Based on the ecological sensitivity and community dependence on these areas, it will create maps demarcating highly sensitive areas, sensitive areas and CVCAs.

MH: Maharashtra | OD: Odisha | TN: Tamil Nadu | WB: West Bengal

CONSERVATION CONCERNS WHILE GRANTING CRZ CLEARANCE TO PROJECTS



Sometimes, while granting clearance/ recommending projects, SCZMAs mention plantation of mangroves as a condition.

National Cyclone Risk Mitigation Project is being implemented by the National Disaster Management Authority since 2006 in six districts of OD and nine districts of AP.

GJ orders compensatory afforestation of mangroves, Goa asks for prehabilitation and compensatory afforestation, and MH directs project proponents to develop a green belt in proximity to mangrove areas.

PREVENTION OF EROSION DISCUSSED IN THE MEETINGS OF THE SCZMAs (till March 2014)

The problem of erosion has been discussed in the meetings of OD, AP and WB (states located on the eastern coast) SCZMAs, which are frequented by cyclones and are thus highly vulnerable to erosion.

This matter does not feature in the minutes of other SCZMAs' meetings.



DISCUSSION OF AWARENESS & CAPACITY BUILDING ACTIVITIES FOR COASTAL CONSERVATION IN SCZMA MEETINGS

TN SCZMA has organised training programmes for staff from the Survey Departments and Town and Country Planning Department in coastal districts, on marking of the HTL on village maps.

In October 2008, the OD SCZMA decided to organise a workshop in Bhubaneswar on coastal erosion in December 2008.

In December 2010, WB SCZMA decided to inform the gram panchayats and panchayat samitits about details of the CRZ Notification.

GJ SCZMA has conducted CRZ trainings for the District Collectors.

KA and AP SCZMA meetings do not discuss any such activities.

Differences in interpretation arise because there are no clear tasks that the SCZMAs are expected to perform.

WHAT IS CONSERVATION FOR SCZMAs?

When requested to list conservation activities, SCZMA members mention examination of project proposals, actions to prevent pollution, etc.

KL SCZMA members highlighted that the capacity building and awareness generation tasks are related to conservation.

WHY IS CONSERVATION NOT A PRIORITY FOR THE SCZMAs?

- Over 50% of the SCZMA members who were interviewed view the SCZMA as a regulatory body.
- SCZMAs are expected to examine a large number of project proposals and cases of violations.

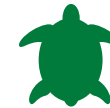
“ A lot of applications in one meeting affect... the functioning of the Authority.”
An OD SCZMA member in 2012

FOREST BIAS IN COASTAL CONSERVATION UNDER CRZ

Most of the conservation measures of the SCZMAs are focussed on mangroves.

Other ecosystems and habitats that are unique to coastal areas do not get considered as much. Ecosystems and habitats other than forests have hardly been cited by SCZMAs while deciding fate of projects.

V. Vivekanandan, Ex-member, NCZMA, pointed out in his interview in March 2012, that other ecosystems such as inter-tidal zones are yet to be given importance in conservation matters.



ACTIVITIES CARRIED OUT UNDER INTEGRATED COASTAL ZONE MANAGEMENT PROJECT (ICZMP)

The ICZMP has four components- one at the national level, and three pilots in the states of GJ, OD and WB.

Some of the activities include:

- Training district officials
- Identification of ESAs in GJ, TN and KL
- Evaluation of sea turtle nesting sites in GJ
- Study of migratory birds at Chilika lagoon in OD
- Assessment of the mangroves of Sundarbans in WB

