

### **Comparative Analysis between CRZ Notification 2011, Shailesh Nayak Committee Report and Draft CRZ Notification 2018**

After the alarms of an MCRZ Notification in March 2017, on April 18 this year, the MoEFCC came up with the new draft CRZ Notification 2018, however without the prefix 'Marine' to it. While the changes in the Nomenclature have been dropped, the changes that have huge implications on coastal ecology and livelihoods have made it from the MCRZ 2017 to CRZ 2018. Many of the changes draw from the CRZ review carried out by a committee headed by Shailesh Nayak, the erstwhile director of Ministry of Earth Sciences, nearly four years ago. This Shailesh Nayak Committee consulted the State Governments, which requested for a series of relaxations in implementation of the notification. Many of these relaxations were subsequently suggested by the committee and have been adopted through a series of amendments to CRZ 2011. (*For details see CPR spotlight series on CRZ*) This new draft CRZ 2018 incorporates those amendments and recommendations of the Shailesh Nayak Committee. While doing so, this draft often times have slipped through other dilutions as well. Below is a comparison of the current CRZ Notification 2011, recommendations of Shailesh Nayak Committee, draft CRZ Notification 2018 and implications of the changes.

<b>CRZ Notification, 2011 (with amendments till March 2018)</b>	<b>Recommendations of Shailesh Nayak Committee</b>	<b>Draft CRZ Notification, 2018</b>	<b>Implications of the changes</b>
<i>HTL Demarcation</i>			
Authorises seven agencies to carry out tidal demarcation that is used as a reference line to demarcate the area under the jurisdiction of CRZ.	Recognises NCSCM's role in carrying out tidal demarcation	Authorises National Centre for Sustainable Coastal Management (NCSCM) to carry out tidal demarcation for the Indian coastline	This implies that only NCSCM and no other agency can carry out tidal demarcation that is used as a reference line to demarcate the area under the jurisdiction of CRZ.
<i>CRZ Limits &amp; Zonation</i>			
Notifies area between 500m line and hazard line <sup>1</sup> on the landward side of the HTL as CRZ	Considers the area between 500m line and hazard line as Hazard management Zone. The Zone to have hazard management	Limits CRZ to first 500m of land from HTL and not till the hazard line (in case the hazard line falls beyond the 500m line)	It means that development can be unregulated in the area that falls beyond 500m from the coast but is hazard-prone.

<sup>1</sup> CRZ 2011 states "the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes."

	measures.		
Notifies land area till 100m or width of the water body, whichever is less along the tidal-influenced water bodies as CRZ (as NDZ)	Maintains land area till 100m from HTL or width of the water body, whichever is less along the tidal-influenced water bodies as CRZ (as NDZ)	Notifies land area till 50m or width of the water body, whichever is less around the tidal-influenced water bodies as CRZ (as NDZ).	It is a reduction in No Development Zone from initial 100m to 50m.
'Bays' are considered 'tidal influenced water bodies'	Suggests removal of 'Bays' from the definition of tidal influenced water bodies	'Bays' has been retained.	This change, although suggested by the Shailesh Nayak Committee, has been not been incorporated in CRZ 2018.
Demarcates 500 metres (50 metres, for islands in backwaters of Kerala) from the HTL on offshore islands on landward side of sea as CRZ	Suggests maintenance of CRZ in all mainland and offshore islands.  Suggests that in case of mainland islands, 10m from the HTL to be kept as NDZ	For islands in coastal backwaters and along the mainland coast, 20 m from HTL on landward side is CRZ.	It is reduction in CRZ for islands from 500 metres to 20 metres
<b>CRZ I</b> constitutes areas that are ecologically sensitive and the area falling between high tide line (HTL) and low tide line (LTL)	No change suggested	Divides CRZ I ('Environmentally most critical area') into two: -CRZ-IA: ecologically sensitive areas such as salt marshes, sand dunes, mangrove areas of over 1000 sqm. -CRZ-IB: area between high tide line (HTL) and low tide line (LTL)	Certain activities that were prohibited in the entire CRZ I have now been permitted selectively in CRZ IA and CRZ IB (For details, see below: <i>Permissions, prohibitions and restrictions</i> ).

<p>Notifies rural area in CRZ as <b>CRZ III</b>. Demarcates first 200m in from the HTL in CRZ III areas as No Development Zone (NDZ)</p>	<p>Suggests an NDZ of 50m for 'densely populated' (areas with population density of/over 2161 per sqkm) CRZ III areas and an NDZ of 200m in 'rural areas' (areas of density less than 2161 per sqkm) of CRZ III</p>	<p>Divides CRZ III (rural areas) into two:                      -CRZ-IIIA 'densely populated rural areas': areas with population density of/above 2161 per sqkm,                      -CRZ-IIIB 'other rural areas': areas with population density less than 2161 per sqkm.                      Provides an NDZ of 50m for CRZ-IIIA areas and an NDZ of 200m in CRZ IIIB</p>	<p>It is a reduction in No Development Zone for dense rural areas, which means these areas can be used for construction of tourism and entertainment projects and commercial activities.</p>
<p><b>CRZ IV</b> constitutes area between LTL and 12 nautical miles line and water area of the tidal influenced water body</p>	<p>No change suggested</p>	<p>Divides CRZ IV (water area) into two:                      -CRZ-IVA: area between LTL and 12 nautical miles line.                      -CRZ-IVB: area between LTL on two sides of the bank of a tidal influenced water body.</p>	<p><i>This division has been made to incorporate amendments made in the past to CRZ 2011, regarding permission granted for monuments, reclamation for roads, etc. in CRZ-IVA areas.</i></p>
<p><i>Permissions, prohibitions and restrictions</i></p>			
<p>Does not permit any kind of tourism activities in CRZ I areas.</p>	<p>Suggests that the government takes initiatives for promotion of eco-tourism in ecologically sensitive areas. (4.1 (B)) as these areas "offer great opportunity for promotion and development of eco-tourism" (4.2 pg 89 of 112). (Annex A b I. (ii)): Also suggests that in sand dunes, walkways, tents, etc.</p>	<p>Allows eco-tourism activities such as mangrove walks, nature trails, etc. in CRZ-IA in accordance with the eco-tourism plan. The plan will be a part of the CZMP.</p>	<p>These activities will increase tourism load on coastal areas. This will pose pressure on ecologically sensitive areas and compromise the role of these natural structures in hazard management.</p>

<p>Doesn't make distinction between salt marshes based on the biodiversity it supports. No mention of their conversion to saltpans.</p>	<p>Annex A IV (v): Suggests that certain salt marshes which have less biodiversity, identified by NCSCM and demarcated in CZMP can be considered for saltpan activities.</p>	<p>Certain salt marshes which have less biodiversity can be demarcated for salt pans</p>	<p>Salt marshes, which support unique biodiversity, especially avian population will be turned into commercial salt making areas. This change needs to be seen with the draft Wetland Rules issued by the MoEFCC in September 2017, which do not consider saltpans as wetlands anymore and thus deny them protection under the rules. This has opened up saltpans for construction of affordable homes. Both changes together will facilitate constructions on salt marshes.</p>
<p>No activity is permitted in sand dune and no mention of sand extraction from sandy beaches. <i>Through an amendment in October 2017, mining of atomic minerals was allowed in CRZ IB</i></p>	<p>Annex A b I (iii) &amp; II (ii): Suggests that mining of sand from sand dunes and beaches can be allowed for rare earth minerals with proper replenishment including tailings or other suitable sand.</p>	<p>Mining of sand in sand dunes and sandy beaches, otherwise prohibited, can be allowed for rare earth minerals</p>	<p>Beach areas and sand dunes, are ecologically sensitive areas will be opened up for mining.</p>
<p>Prohibits dressing or altering active sand dunes, hills, natural features, including landscape changes for beautification, recreation and other such purpose.</p>	<p>(4.2 pg 90 of 112): The report highlights that certain natural features in coastal and marine regions provide for increased scenic beauty.</p>	<p>Prohibits only dressing or altering active sand dunes. Landscape changes to hills and other natural features allowed.</p>	<p>These will benefit the tourism and real estate sectors</p>

<p>Doesn't permit storage of monoethylene glycol and acetic acid in CRZ.</p> <p><i>A draft amendment in April 2016 proposed to allow storage of monoethylene glycol and acetic acid in CRZ except in CRZ IA. This was taken back in the final amendment in May 2017.</i></p>	Not mentioned	Allows facilities for receipt and storage of monoethylene glycol and acetic acid in <b>CRZ IB</b>	<p>Waste treatment facilities, expansion of fish processing units, will mean less open inter-tidal spaces and therefore less protection against natural hazards.</p> <p>Storage of harmful chemicals increases the risk to this unique habitat in events of accidents.</p>
Prohibits expansion of fish processing units in <b>CRZ I</b>	Though the report suggests prohibition of expansion of fish processing units, it suggests that for modernization 25% of additional plinth area on the landward side can be utilized (only for additional equipment and pollution control), provided that FSI doesn't exceed the prevalent limit.	Allows expansion of fish processing units in <b>CRZ IB</b> in 25% additional plinth area, additional plinth (only for additional equipment and pollution control) to be constructed on landward side, FSI not to exceed the prevalent limit.	
Doesn't allow waste and effluent treatment in CRZ I	Suggests that waste treatment and disposal of treated wastes can take place in areas other than CRZ I	Allows facilities for treatment of waste and effluents and conveyance of treated effluents in CRZ-IB.	
Allows salt harvesting with solar evaporation in <b>CRZ I</b>	Not mentioned	Allows salt harvesting in <b>CRZ IB</b> without the requirement of use of "solar evaporation"	Implies that vacuum evaporation is allowed. Salt extracted through vacuum evaporation is generally used for commercial purposes such as hospitals, food industry, etc.

			It implies that saltpans that are generally located in inter-tidal areas can now be used not only by the involvement of traditional salt making communities such as Agris and Agariya but even by bigger, commercial entities.
<i>CRZ II</i>			
<p>Freezes town and country planning (TCP) norms and FSI and FAR for construction of buildings in <b>CRZ II</b> areas to 1991 level (the year when original CRZ Notification was passed)</p> <p>For reconstruction of buildings freezes FSI and FAR to 1991 level</p> <p><i>An amendment allowed construction of buildings according to TCP norms as modified from time to time except FSI and FAR, which will be as per 1991 level</i></p>	Suggests application of the prevailing town and country planning norms for construction and reconstruction of buildings in CRZ II areas. Doesn't comment on FSI and FAR	Applies the town and country planning norms as changed from time to time and according to FSI and FAR as on the date of this notification, for construction and reconstruction of buildings in CRZ II areas.	Besides weaving in the amendment the notification provides further relaxations. The requirement of leaving out of open space in a plot would be lifted. In simple terms, it means more built up area and less open space in the CRZ and therefore more pressure on the coasts.
Doesn't mention temporary tourism facilities	Not mentioned	Allows temporary tourism facilities on beaches subject to	Such facilities will again add to the pressure on the coast. If the

		tourism plan. Tourism plan will feature in the approved CZMP.	temporary structures last through the year, they may take on permanent features over time and will become quasi-permanent structures.
Stipulates that a comprehensive plan for treatment of sewage generating from the coastal towns and cities should be prepared in consultation with stakeholders including traditional coastal communities, traditional fisherfolk	It suggests that solid wastes in CRZ II should be managed according to SWM rules issued from time to time. No mention of sewage treatment plans, only suggests that untreated sewage should not be dumped on the coasts.	Doesn't require any specific plan, only seeks compliance with SWM rules. Under the SWM rules local authority is responsible for preparing a SWM plan for a municipal area/village	SWM rules do not suggest special measures for sewage treatment in coastal areas. It seems the change has been made only to reconcile the CRZ notification with SWM rules.
<i>CRZ III and NDZ</i>			
Allows construction of dwelling units for coastal communities after first 100 metres from HTL	Suggests construction of houses for local communities in CRZ III areas be allowed beyond the NDZ (50 or 200m from HTL)	Allows construction of houses for local communities in CRZ III areas beyond the NDZ (50 or 200m from HTL)	All this put together will not only open up coastal areas for more roads, more resorts, more hotels, more real estate projects and more people but these land use changes will take place closer to the sea now. It will bring more lives and property at stake in event of natural disasters, put more pressure on already crumbling facilities for management of waste, sewage disposal and arrangement of water and make coasts more vulnerable.
Prohibits construction of temporary tourism facilities in NDZ	Suggests construction of temporary tourism facilities be permitted in NDZ (limits them to 33% of total area in NDZ)	Allows construction of temporary tourism facilities in NDZ subject to tourism plan. Tourism plan will feature in the approved CZMP.	
Prohibits any tourism facilities in the NDZ. <i>An amendment had allowed temporary tourism facilities of</i>	Proposes construction of temporary tourism facilities in NDZ	Allows construction of temporary tourism facilities on seaward side of a highway and resorts/hotels on landward side of a highway in NDZ.	

<i>Goa to remain erected during the monsoon months.</i>		Resort/hotels would be permitted subject to the incorporation of tourism plan in the CZMP.	Besides these projects will come to occupy the spaces that are currently fishing grounds, fish drying areas or salt making plots and source of livelihood for many traditional communities and constitute fragile ecosystems such as sand dunes, coral reefs and inter tidal areas.
<i>Not mentioned</i>	4.2 C (e): suggests that local communities with houses in CRZ III should be allowed to take up tourism through home stay without changing the plinth area.	Homestays permitted in local communities' dwellings w/o changing the plinth area.	
<i>Not mentioned</i>	(3.12.4 Pg 82 of 112): The committee, on request of Govt. of Gujarat suggested that limestone reserves of Gulf of Kutch and Saurashtra should be studied by reputed institutes and based on their recommendations selective mining with appropriate safeguards should be allowed.	Allows selective mining of limestone in areas identified in the mining plan. It should ensure that it is adequately above the HTL, prevent saline water intrusion, pollution and coastal erosion.	
<i>Island areas</i>			
For backwater islands of Kerala, after 50 m from HTL on landward side, local dwellings can be constructed. For other islands local dwellings could come after first 100 m.	It suggests that CRZ should apply on all mainland and offshore islands (4.2 (3)). Addressing the request made by Karnataka, for mainland islands, the committee suggests an NDZ of 10 m and suggests that development activities can come up on landward side of NDZ.	Local dwellings can come after first 20 m from HTL for all islands.	Constructions closer to the sea could increase the vulnerability.
<b><i>Changes concerning CRZ Clearance</i></b>			
Validity of the CRZ clearance is five years.	Not mentioned	Omits the requirement of construction to begin in the	This extension of validity of CRZ clearance to seven years

<p><i>Through a draft amendment (dated 6<sup>th</sup> March 2018) the validity has been proposed to be extended to seven years provided construction commences in five years and is completed and operation commences in seven years of issuance of clearance.</i></p>		<p>first five years of the grant of clearance.</p>	<p>has been done to reconcile the CRZ appraisal process with the EC process, where validity increased a couple of years back. However, the change reduces the liability of the project proponent to initiate construction in the first five years. It may lead to more coastal areas demarcated and fenced off for certain projects, which lie unused for long periods at the cost of local communities.</p>
<p>Clearance procedure:  <u>Projects attracting EIA:</u>                  Project A: MoEFCC after CZMA recommendations                  Project B: SEIAA after CZMA recommendations</p> <p><u>Projects not attracting EIA:</u>                  Projects below threshold for requirement of EC: by local planning authority after CZMA's recommendations</p> <p>Other projects: SEIAA after CZMA's recommendations</p>	<p>It suggests:</p> <p>All CRZ II clearances for permissible activities should come through municipalities without referring those to CZMAs.</p> <p>All CRZ III clearances for permissible activities should come through local bodies without referring those to CZMAs.</p> <p>Activities that attract EIA 2006 should be governed by SEIAA/MoEFCC without referring those to CZMAs.</p>	<p>Clearance procedure:  <u>Projects falling partially or fully in CRZ I and IV:</u> MoEFCC after CZMA's recommendations.</p> <p><u>Projects falling fully in CRZ II and III:</u> same procedure as earlier</p> <p>Self dwellings of 300 sqm: local planning authority. No need for CZMA's recommendations</p>	<p>It implies that all decisions related projects in CRZ I and CRZ IV would be taken by the MoEFCC. SEIAA's authority to grant clearances to certain projects in these zones has been taken away.</p> <p>The change also means that local dwellings can be granted approval without the involvement of CZMAs. In the past there have been several cases of local bodies' role in emergence of illegal constructions in Goa (<i>see CZMA report</i>). This change may cause</p>

	<p><u>Activities that do not attract EIA 2006:</u></p> <p>CRZ IV clearances should be governed by the concerned state govt. without referring those to CZMAs.</p> <p>CZMAs should be responsible for monitoring and enforcement of CRZ Notification. They should also focus on conservation. Therefore mangrove removal in CRZ I should be allowed only after CZMA's approval. It states Annex B (vii): All development activities in CRZ I will be governed by the concerned bodies including those indicated in the draft notification proposed by the committee.</p>		<p>an increase in such cases.</p>
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In addition the new CRZ notification is deficient on following:

*Lifting of special protections*

It lifts special protections, which are there in CRZ 2011 for safeguarding the concerns of local coastal communities of Mumbai and Goa. These protections are:

Mumbai:

-*Koliwad*s i.e. fishing villages falling in CRZ II should be notified as CRZ III. This was done to restrict construction and reconstruction of buildings in *koliwad*s to a lower floor space index compared to what was permitted under schemes for slum redevelopment, urban renewal and cluster redevelopment. In 2016, the Slum Redevelopment Authority declared part of Worli *koliwada* as a “slum area”. The residents feared that in the name of slum redevelopment they would be rehabilitated in multi-storey buildings and the space thus saved would be made available for commercial real estate projects<sup>2</sup>.

Goa:

-Fishing related foreshore facilities to be permitted by Panchayat  
-Mapping of *Khazans*, their management plan and protection of mangroves around them. No development is allowed in *Khazans*

There are some stipulations in CRZ 2011 that ensure transparency, possibility of oversight and audits in execution of schemes for redevelopment of slums and dilapidated buildings of Mumbai. These have been removed from the current draft. These are:

- 51% stakes in joint ventures for SRA projects to be held by the state government.
- Applicability of RTI ACT to all redevelopment and SRA projects, possibility of audits by CAG, *suo-moto* disclosure of details of SRA schemes including eligible slum dwellers, projects to be taken up only after public consultation, constitution of a high level oversight committee by government of Maharashtra, Etc.

*Notification subject to revision of CZMP*

The new CRZ notification also states that until the CZMPs are revised/updated as per this notification, provisions of this notification will not come in force. Till then CZMPs approved under CRZ 2011 will be used for appraisal and CRZ clearance to projects. Latest deadline for submission of CZMPs with the MoEFCC is 30<sup>th</sup> April 2018 and by 31<sup>st</sup> July 2018 the MoEFCC is supposed to approve these. Only Lakshadweep has submitted its CZMP with the MoEFCC so far. Tamil Nadu, Karnataka, West Bengal and Kerala have conducted public hearings since the beginning of this year. There have been reports that the maps are inaccessible to fisherfolk because either they are not in regional language or they are not in cadastral map scale. In some cases, public hearings have happened without the involvement of local coastal communities. Goa and many states have sought more time for completion of CZMP.

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<sup>2</sup> Wagh, S and Indonrewala, H. (2018, March 20). Circumventing the CRZ: unlocking Mumbai’s coastal real estate. Retrieved from: <https://thewire.in/environment/circumventing-the-crz-unlocking-mumbais-coastal-real-estate>

*Enforcement of CRZ Notification*

This new notification also allows state governments the authority to delegate the enforcement of notification to the level of District Magistrate. District level coastal committees (DLCC) are headed by the District Magistrates. It is not clear from this wording if through this change, enforcement powers can be delegated to the DLCCs as well. If the notification limits it only to the District Magistrate, implementation of the notification may continue to suffer. There have been instances in the past when some CZMAs have left the enforcement of notification to the District collector and they have not been able to do enough to ensure enforcement (*See CZMA Report for details*).

CZMAs, according to the current notification, though are empowered to ensure enforcement but have rarely been able to take action against violations. There are only a few examples when CZMAs have innovated to ensure implementation of the notification. The notification doesn't draw from the experience of CZMAs of implementing of the notification.

The role of DLCCs has also not been commented upon. They still continue to be there for 'assistance' in CRZ enforcement. No status update has been taken on DLCC's constitution and functioning. A status update could have helped in chalking out a more elaborate and robust role for DLCCs in enforcement, which would have added hands available for CRZ implementation and eased the burden of enforcement off the mere 10-12 members of CZMAs.

*Scope for further dilution*

In many places while allowing certain activities, a phrase "associated facilities" has been added, which means the list of permissible activities provided in the notification is not exhaustive and the phrase can be used to allow other unknown activities too. Similarly, while allowing erosion control measures, measures to avoid salt ingress, etc. the need for conducting special/EIA studies has been removed. This implies all this will now solely rely on the discretion of the body appraising an application. Terms such as 'strategic projects' and 'public utilities', which set the criteria for allowing activities that are otherwise prohibited in the coast, have not been defined. The CRZ notification 2011 had mandated the requirement of special/EIA studies for such projects. This requirement has been lifted in the draft CRZ 2018.