

MOEFCC TURNED RECOMMENDATIONS OF THE CRZ COMMITTEE INTO A SERIES OF AMENDMENTS TO THE NOTIFICATION

NAMATI ENVIRONMENT JUSTICE (EJ)
PROGRAM TEAM

CENTRE FOR POLICY RESEARCH

In the last eighteen months, the Ministry of Environment, Forests and Climate Change (MoEFCC) issued eight amendments to the Coastal Regulation Zone (CRZ) Notification, 2011. Of these, four were issued as drafts seeking public comments. These amendments draw extensively from the “Report of the Committee to Review the issues relating to the Coastal Regulation Zone, 2011”. The report was drafted by a six-member committee set up in June 2014 and headed by Shailesh Nayak, the then Secretary, Ministry of Earth Sciences. While the report of this committee was never made public by the ministry on the grounds that the report was not approved, these amendments were put out.

Since 1991, the CRZ Notification has been the primary regulation for conservation of the coast and protection of coastal livelihoods (See Annexure 1 explaining these zones). The notification is implemented by demarcating coastal areas into different zones, regulating land use change in the zones and prescribing proactive conservation measures.

While the Ministry did not disclose the proceedings of the committee meetings and its report on the pretext that the report is yet to be accepted, a series of amendments continued to be pushed through. The Shailesh Nayak Committee completed its meetings with the states and Union Territories (UTs) in October 2014 and in early November 2014 the committee made a presentation before Prakash Javadekar, the Minister of Environment & Forests on concerns pertaining to CRZ. While the Committee submitted its report to the MoEFCC in January 2015, the first amendment to the CRZ Notification, 2011 came in as early as the end of November 2014. Since then the Ministry issued seven more amendments to the CRZ Notification. Our analysis reveals that all of these are linked to the preliminary and final set of issues identified and recommendations made by the Shailesh Nayak Committee.

Comparison of recent amendments to CRZ Notification and Shailesh Nayak Committee Report			
S.N.	Date of issue	Change introduced	Provision of the draft Notification/ Excerpt from the committee report
CZMP EXTENSION			
1	Final- 31.03.2015	Gave extension to Coastal Zone Management Plans (CZMP)	The committee appreciated the involvement of National Centre of Sustainable Coastal Management (NCSCM) in HTL demarcation. It suggested that CZMP be based only on the HTL thus demarcated. (For the last year and a half, the states have been waiting for NCSCM to complete demarcation of HTL to base their respective CZMPs on it).
2	Final- 23.03.2016	Gave extension to CZMP	
RELAXATIONS IN CRZ II AREAS			
3	Final- 04.02.2015	<p>Provided relaxation to hotels, resorts to be developed in CRZ II areas by doing away with:</p> <ol style="list-style-type: none"> 1. regulations pertaining to height and number of storeys of buildings; 2. restriction on building tourism resorts in the first 200 m from High Tide Line (HTL) and the area between the HTL and the 'hazard line' as demarcated in different states; 3. restrictions on extraction of sand (except for structural foundation and swimming pool). 	<p>Clause 7 B (1) of the Proposed Draft Notification prescribes regulations for CRZ II areas. In the section</p> <ol style="list-style-type: none"> 1. no height regulations suggested; 2. no restriction suggested for the first 200 m from the HTL, or till the Hazard line from HTL; 3. no restriction on extraction of sand in CRZ II areas stated
4	Draft- 31.03.2015 Final- 16.06.2015	Made existing town and city building norms applicable to buildings in CRZ II (earlier buildings in CRZ II areas were permitted as per the building norms as on 19.02.1991).	7 B (1) (b) of the Proposed Draft Notification: <i>"..buildings permitted(in CRZ II) on the landward side...shall be subject to local town and country planning regulations issued from time to time."</i>
RELAXATIONS RELATED TO RECLAMATION OF SEABED			
5	Draft-11.12.2014 Final-17.02.2015	Allowed memorials and monuments in CRZ IV areas	7 D (v) of the Proposed Draft Notification: "No reclamation of the sea bed except for other infrastructure required in larger public interest such as bridges, sealinks on stilts, roads, important national installations related to coastal security, tourism shall be accorded clearance by the respective authorities at the State/UT level. With regard to monuments/ memorials proposed by the state/UT Government recommended by the local CZMA to be approved by the MoEFCC on case to case basis..."
6	Draft- 25.06.2015 Final- 30.12.2015	Allowed reclamation in CRZ for roads (earlier reclamation was permitted only for roads on stilts).	

CLEARANCE PROCEDURES			
7	Final- 28.11.2014	<p>1. Clarified clearance procedures;</p> <p>2. Devolved powers to State Environment Impact Assessment Authority (SEIAA) to appraise projects not listed in the EIA Notification, 2006 (earlier MoEFCC was responsible to appraise projects not listed in the EIA Notification).</p>	<p>1. State Governments shared with the Committee that the clearance procedures are complicated.</p> <p>2. States also suggested that projects not listed in the EIA Notification should be dealt with by the respective state governments.</p> <p>(The committee had meetings with the officials of state governments in July, August and October, 2014).</p>
OTHER ISSUES			
8	Draft- 25.04.2016	<p>Proposes four changes-</p> <p>1. Made Environment Department responsible for project appraisals in absence of operational CZMA due to delay in reconstitution</p> <p>2. Allowed Sewage treatment plants in CRZ I of Greater Mumbai</p> <p>3. Allowed temporary shacks to remain erected during the months of June to August in Goa</p> <p>4. Permitted storage of acetic acid and mono ethylene glycol in CRZ (except CRZ I)</p>	<p>7(C)(e)(i) of the Proposed Draft Notification: "in the NDZ temporary tourism facilities such as...shack(s) can be taken up with the permission of the concerned local authorities."</p>