

Aesthetics Of Coastal Regulation Zone-2011, Notification And Challenges

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Abstract: 'The enactment of the Coastal Regulation Zone (CRZ) Notification of 1991 in India certainly set the beginning of the states involved in the Conservation of our coasts. The purpose of enactment of CRZ-1991 Notification was to protect and conserve the coasts and the Sea. This aforesaid CRZ-1991 Notification was welcomed by the coastal communities, people's groups and conservationists, but this legislation create a furor among other stakeholders of industries, industrial aquaculturists and tourism and hotel lobbies. Start from financial gain of industrialist, land developers affects the security and future of millions of traditional fishing families by generating physical and ecological displacement. More recently the global demand for fish products attracted industrial aquaculturists to invest in coastal aquaculture, their looking for short term financial gain, rather than long term ecological sustainable use, contributed to the degradation of coastal ecosystems. The culture of marine shrimp in India and in other developing nations has had a divesting impact on the ecology of coastal areas, displaced local actors from the management of common property resources and fomented social unrest. There is a growing evidence that the benefits and costs of marine aquaculture are not evenly distributed within rural communities particularly dishonesty was done for women.'

IMPLEMENTATION OF CRZ-1991, NOTIFICATION

The enactment of the CRZone-1991, Notification, was done with the comprehensive aim of protection and conservation of our coastal environment, but this Notification, had not been implemented or enforced and not respected by the States having coastal areas for several years,

INDIAN COUNCIL FOR ENVIROLEGAL ACTION VS. UNION OF INDIA

In this case a non profit organization working for the protection of environment filed a public interest litigation with taking plea that, the Coastal Regulation Zone-1991, Notification, had not been implemented or enforced for several years after being enactment of this and due to the non implementation of this Notification, development activities within the coastal areas remained unregulated, thus allowing further environmental degradation.

The plea taken by the Union of India in this case is that, they had practical difficulties in implementing this aforesaid Notification.

The Hon'ble Supreme Court held that, 'Even though, laws have been passed for the protection of environment, the enforcement of the same has been tardy, to say the least. With the governmental authorities not showing any concern with the enforcement of the said Acts and with the development taking place for personal gains at the expense of environment and with disregard of the mandatory provisions of law (Para-47).

The enactment of the Coastal Regulation Zone-1991, Notification, in India certainly set the beginning of the state involvement in the conservation of our coasts. The purpose of enactment of this Notification was, to provide comprehensive measures for the protection and conservation of our coastal environment.

This CRZ-1991, Notification was welcomed by the coastal communities, people's group and conservationists, but this legislation create a furor among the stakeholders of

industries, industrial aquaculturists and tourism & hotel lobbies.

Short term financial gain of industrialist and of land developers, affects the security and future of millions of traditional fishing families by generating physical and ecological displacement.

More recently the global demand for fish and fish products attracted industrialist aquaculturists to invest in coastal aquaculture, therein looking for short term financial gain, rather than long term ecological sustainable use, contributed to the degradation of coastal ecosystems.

The cultured organisms are raised in a variety of aquatic milieus ranging from fresh water ponds to brackish water lagoons and the coastal sea, at a different scales of operation from small home-stead ponds, cages in flowing fresh water, impounded brackish lagoons and large scale industrial operations covering several hundred hectares artificially in sea and fresh water, it caught up in the entire east and west coasts of the country.

The culture of marine shrimp in India and in other developing nations has had a devastating impact on the ecology of coastal areas and displaced local inhabitants and their activities and disempowered local actions from the management of common property resources and formatted social unrest.

VIOLATION AND LAKE OF THE CRZ-1991, NOTIFICATION

Like other legislations this Notification also have some deficiencies, but violations of this legislation are more rather than others.

The Coastal Regulation Zone-1991, Notification, covers the entire Indian coast line and stipulated rules and regulations uniformly. While the coast line of India is highly diverse in terms of Biodiversity, Hydrodynamic conditions, Demographic patterns, Natural resources, Geomorphological and Geological features. In year-1990 super cyclone had caused massive destruction along the coast of Orissa and its impact was felt several kilometers. On 6th December-2004, Tsunami was one of the most serious and unexpected natural catastrophes, which caused major destruction to the life and property located along the coast of Andaman and Nicobar, Tamilnadu, Pondicherry and Kerala.

S. JAGANNATH VS, UNION OF INDIA

In this case the petitioner take plea that intensive and semi-

Intensive shrimp farming in the ecologically fragile coastal areas must be prohibited and not allowed, because these shrimp culture industries are not directly related to the water or directly needing foreshore facilities, while the representative of the shrimp industries forced on the fact that, shrimp industries are directly related to the waterfront and can not exist without foreshore facilities.

The Supreme Court held that, the shrimp farms do not need waterfront facilities directly, the apex court further held that the purpose of the Coastal Regulation Zone-1991, Notification, is to protect the fragile coastal areas and

activities, which caused environmental degradation can not be permitted and the Central Government was ordered to constitute an authority having all necessary powers to protect the issues regarding coastal areas specially, to deal with the situation created by the shrimp culture industry in the coastal States and Union Territories.

COASTAL REGULATION ZONE-2011, NOTIFICATION

After gaining experience from implementation of the Coastal Regulation Zone-1991, Notification, the Ministry of Environment and Forest is of the opinion that Coastal Regulation Zone-1991, Notification, need to be reviewed, to make approach to coastal environmental regulation, more holistic, to ensure protection of coastal ecological system, coastal waters and coastal areas, and to ensure effective protection of valuable coastal environmental resources; by finding of scientific principles and by developing infrastructure through constituting Coastal Zone Management Committees.

To review and make recommendations with regard to implementation of Coastal Regulation Zone-1991, Notification, in the light of findings and recommendations of all Coastal Zone Management Committees, Judicial pronouncements, representations and suggestions received from various Stakeholders and Non Government Organizations, regarding specific issues relating this Coastal Regulation Zone-1991, Notification and after receiving a resolute call for the proper and detailed implementation of the law regarding coastal zones from the Hon'ble Supreme Court of India, The Ministry of Environment and Forest vide its Notification, issues the Coastal Regulation Zone-2011, Notification to supersedes the former Coastal Regulation Zone-1991, Notification.

It is also noticeable that this Coastal Regulation Zone-1991, Notification was amended 25 times in 19 years period, and each time more relaxations were given to the entities, such as Department of Atomic Energy was allowed for all projects in these areas and builder lobbies was allowed for large housing projects in Mumbai, and sand mining in Andaman & Nicobar Island was carry on.

OBJECTS OF THE COASTAL REGULATION ZONE-2011, NOTIFICATION

The Coastal Regulation Zone-2011, Notification came into force with a view -

- ✓ To ensure Livelihood security to the fisher communities and other local communities, living in the coastal areas,
- ✓ To conserve and protect coastal stretches, its unique environment and its marine area,
- ✓ To promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to the global warming,
- ✓ To declare the coastal stretches of the country and the water area upto its territorial water limits, and
- ✓ With aim to, restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances.

To regulate and steer land use at the coast, the Coastal Regulation Zone-2011, Notification, establishes a three step regulatory approach-

- ✓ It normally prohibits and permits specific activities in the entire coastal regulation zone areas,
- ✓ It specifically prohibits and permits activities in the areas namely as CRZ-I, CRZ-II, CRZ-III, CRZ-IV, as well as two other specific zones,
- ✓ It provides both procedure of clearance of activities permissible under the notification and rules of the preparation of Coastal Zone Management Plans as well as for the enforcement of this CRZ-2011, Notification.

ACTIVITIES NORMALLY PROHIBITED IN THE COASTAL REGULATION ZONE-2011

The activities generally prohibited by this Coastal Regulation Zone-2011, Notification are reads as below-

✓ ESTABLISHMENT AND EXPANSIONS OF INDUSTRIES

Setting up of new industries and expansion of existing industries is banned, but directly waterfront related and foreshore facilities needed activates, such as Ports, Harbours, Jetties, Quays, Wharves, Erosion control measures, Breakwaters, Pipelines, Lighthouses, Navigational safety facilities and Coastal Police Stations, which needed foreshore facilities are permitted within the CRZ area. Projects of Atomic Energy Department, Establishment of Non-conventional energy projects and Desalination plants, Greenland Airport in Navi Mumbai only and reconstruction and repairing works of dwelling units for local communities, are permitted in the CRZ areas,

✓ OIL STORAGE AND DISPOSAL OF HAZARDOUS SUBSTANCES

Manufacture or handling of Oil storage and disposal of hazardous substances is prohibited in CRZ areas, but transfer of hazardous substances from ships to ports, to terminals, or to refineries and vice versa, receiving and storage of Petroleum products and re gasification of Liquefied Natural Gas, is permitted,

✓ FISH PROCESSING UNITS

Setting up and expansion of fish processing units and warehouses are prohibited in the said CRZ areas, but hatchery and natural fish drying is permitted,

✓ LAND RECLAMATION

The activities regarding land reclamation, bunding and distributing, the natural course of sea water are prohibited, but setting up, construction, modernization and expansion of projects needing foreshore facilities, erosion controlling activities, maintenance or clearing waterways, channels and ports and prevention of sand bars, installation of tidal regulations, laying of storm water drains, prevention of

salinity ingress structures measure activities are permitted in these areas,

✓ DISPOSAL OF WATERS

Establishment and expansion of wastes and effluents disposal units and mechanisms are prohibited, but Discharged approved by the Water (Prevention and Control of Pollution), Act-1974, storm water drains and pumps structures and treatment of waste and effluents of Hotels, Beach Resorts and human settlements, located in CRZ area, other than CRZ-I area, is permitted,

✓ UNTREATED WASTE AND EFFLUENT DISCHARGE

Such type of matters discharging from industries, cities or towns or discharging from other human settlements is prohibited,

✓ DUMPING

For land filling purpose, the dumping of solid waste discharged from city or town, debris of construction and solid waste and fly ash discharged from industries, is prohibited, In this regard separate instructions, to prepare action plans were issued by the Ministry of Environment and Forest, to the State Governments and Union Territories Administrations and also for monitoring the activities described in para-3(v)(vi) & (vii),

✓ PORTS AND HARBOUR PROJECTS

Setting up, construction and expansion of ports and harbours are prohibited in high eroding stretches of the coast, but after consultation with State Governments and Union Territories concerned and following the principles of science and 'Environment Impact Assessment Notification-2006', the activities for defense purpose be permitted,

✓ RECLAMATION OF COMMERCIAL AFFAIRS

Opening of shopping, housing complexes, hotels and entertainment activities for commerce purpose are prohibited,

✓ MINING

All kinds of mining other than rare Earth minerals, if not available beyond the CRZ area, and exploration and exploitation of Oil and Natural Gas is prohibited in CRZ area,

✓ DRAWL OF GROUND WATER

Within the 200 metre of High Tide Line (HTL), the drawl of ground water and construction for this purpose, is prohibited, but for use of local communities and manually drawl through ordinary wells for drinking, horticulture, agriculture and for fisheries, is permitted within the 200 to 500 metre area from HTL, if no other source of water is available,

✓ CONSTRUCTION ACTIVITIES IN CRZ-I

All construction activities other than port and harbour projects are prohibited in Coastal Regulation Zone-I, area,

✓ DRESSING

Dressing and altering of sand dunes, hills and on Natural features and land scope changing for beautification, recreation and for other purpose is prohibited,

✓ PATROLLING AND VIGILANCE ACTIVITIES

Facilities required to Marine/ Coastal Police Stations for patrolling and vigilance purpose are prohibited,

ACTIVITIES NORMALLY PERMITTED IN COASTAL REGULATION ZONE-2011

Para-4 of this aforesaid notification, lays down those activities permitted, which are generally permitted, but not prohibited in para-3 of this Notification within CRZ areas. These permissible activities are reads as below-

LOW IMPACT OR LOW SCALE ACTIVITIES

The activities that are permitted and required clearance from the concerned State or Union Territory, are

- Projects needing waterfront and foreshore facilities,
- Specific housing construction schemes as specified in CRZ-I to CRZ-IV,
- (c) Various types of projects listed in this CRZ, Notification, that are also require clearance under the Environmental Impact Assessment-2006, Notification, and
- Special projects requiring prior hearing of the people affected by the alleged project

✓ HIGH IMPACT OR HIGH SCALE ACTIVITIES

These activities are in principle allowed, but clearance from the Ministry of Environment and Forest is required, These activities are reads as below-

- ✓ Activities which are not listed in the Environmental Impact Assessment-2006, Notification,
- ✓ Construction activities related to projects of Atomic Energy Department and Defense purpose and foreshore facilities are essential for them, such as slipway, jetties, quays and wharves,
- ✓ Construction of Light houses,
- ✓ Laying of pipelines, conveying systems and transmission line
- ✓ Exploration and extraction of Oil and Natural Gas and all associated activities,
- ✓ Transport of raw materials requiring foreshore facilities, in take of cooling water and out fall of waste or hot water from thermal power plants,
- ✓ Mining of rare minerals as listed by Atomic Energy Department,

- ✓ Facility regarding non-conventional energy generating plants, desalination plants and facilities required for weather Radars, (i) Buildings of Archaeological, Historical heritage and public use buildings, such as worship, Education, Medical care and Cultural affairs.

CLASSIFICATION OF THE COASTAL REGULATION AREAS, PERMISSIONS AND RESTRICTION OF ACTIVITIES IN THESE AREAS

Rather than general restrictions and permissions applicable to the entire Coastal Regulation Zone, the Coastal Regulation Zone-2011, Notification, states area-specific regimes for the purpose of conservation and protection of the coastal areas and marine waters. The classification of this coastal regulation zone area and activities permissible and restricted in these classified CRZ area concerned are as below-

COASTAL REGULATION ZONE-I (CRZ-I) AREA

CRZ-I includes that area, which are Ecologically sensitive and having Geomorphologic features, which play most important role in maintaining the integrity of the coasts such as, Mangroves, Coral Reefs and associated Biodiversity, Sand dunes, Biologically active Mudflats, National parks, Marine parks, Sanctuaries, Reserve forest, Wild life habitats and other protected areas including Biosphere reserve, Salt marshes, Turtle nesting grounds, Horse shoe crabs habitat, Sea grass beds, Nesting ground of birds and Archaeological important areas and heritage sites. In addition CRZ-I, area also include the area between Low Tide Line (LTL) and High Tide Line (HTL).

NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE BY CRZ-2011, NOTIFICATION IN CRZ-I, AREA

The development or construction activities in CRZ-I area, shall be regulated by the Coastal Zone Management Authority concerned prohibiting the new construction in this alleged area, But projects of Atomic Energy Department and other major infrastructure projects for example- pipelines, transmission conveying systems, construction of transharbor sea link and roads and the Green field Airport (only for Navi Mumbai). Some other minor projects such as exploration and extraction of Natural Gas, construction of Dispensaries, Schools, Public rain shelters, Community Toilets, Bridges, Roads, Jetties, Water supply drainage, Sewage, Salt harvesting by solar evaporation of sea water, Desalination plants and storage of edible Oil, Fertilizers and food grain, which are non-hazardous, are permitted between the Low Tide Line (LTL) and High Tide Line (HTL) areas, which are not ecologically sensitive.

COASTAL REGULATION ZONE-II (CRZ-II), AREA

CRZ-II includes those areas, which have been developed up to or close to the shoreline. These area exist within municipal limits. It also substantially developed Urban area,

providing drainage, roads and other infrastructural facilities such as water supply and sewerage mains.

NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE BY CRZ-2011, NOTIFICATION IN CRZ-II, AREA

Construction and reconstruction of buildings on the landward side of the roads, obeying the existing norms of Floor Space Index or Floor Area Ratio and facilities for receipt and storage of Petroleum products, Liquefied Natural Gas, and Food grain, which are Non-hazardous in own nature and facilities for Desalination plants and non-conventional power generating sources are permitted.

COASTAL REGULATION ZONE-III (CRZ-III), AREA

CRZ-III include those areas, which are relatively undistributed and do not fall under either CRZ-I or CRZ-II area, It also includes rural and urban areas that are not substantially developed.

NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE BY CRZ-2011, NOTIFICATION IN CRZ-III, AREA

Regarding these areas this Coastal Regulation Zone-2011, Notification, establishes a concept of 'No Development Zone' within the area upto 200 metre from the High Tide Line (HTL) on the landward side, in the case of Seafront and 100 metre along Tidal influenced water Bodies or with of the creek. In these areas constructions are not permitted but repairs or reconstruction of existing authorized structures is permitted and construction and reconstruction of dwelling units of traditional Coastal Communities including fisherfolk is also permitted in this area. In this 'No Development Zone' Agriculture, Horticulture, Atomic energy department related projects, Mining of rare minerals, Manufacturing of slat from sea water, Storage of Petroleum products and LPG regasification and Construction of Non-conventional energy generating power plants, Desalination plants Weather Radars, Dispensaries, Schools, Rain Shelter, Water supply drainage, Community Toilets, Domestic sewage treatment and disposal units for local communities, fish drying yards, Green Airport in Navi Mumbai and other Public Entertainment places are permissible in these areas. These above noted activities and development of designated vacant plots into hotels or beaches resorts for tourists, construction and reconstruction of dwelling units within the ambit of traditional rights and customary usage are also permissible between 200 metre to 500 metre area,

COASTAL REGULATION ZONE-IV (CRZ-IV), AREA

CRZ-III include, the water area from the Low Tide Line (LTL) to Twelve Nautical Miles on the Seaward side as well as the water area of the tidal influenced water body from the Sea up to the influence of the tide.

NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE BY CRZ-2011, NOTIFICATION IN CRZ-IV, AREA

The activities impugning on the sea and on the tidal influenced bodies will be regulated as below- Untreated sewage effluents, ballast water, ship washes, fly ash or solid waste from all activities as well as discharged from aquaculture shall not be let off or dumped in this area. Coastal Town and Cities after consultation with Stakeholder, Traditional Coastal Communities and fishfolk are required to formulate sewage treatment plans and also implement them within a period of one year, But traditional fishing rights of local communities shall not be restricted.

OTHER COASTAL AREAS HAVING CRITICAL COASTAL ENVIRONMENT

This class includes those areas, which are ecologically sensitive. such as-

- ✓ Any CRZ area falls within the Municipal limits of Greater Mumbai,
- ✓ The CRZ area of Kerala, including both backwaters and backwater Islands,
- ✓ The CRZ area of Goa, and
- ✓ Critically vulnerable Coastal areas (CVCA), such as Sunderban region of West Bengal and other ecologically sensitive areas as identified under the Environment Protection Act-1986.
- ✓ To protect their critical coastal environment and to avoid the difficulties faced by the local communities, A special consideration has been produced by this Coastal Regulation Zone-2011, Notification.

NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE BY CRZ-2011, NOTIFICATION IN THESE AREAS

The Coastal Regulation Zone-2011, Notification produced separate guideline for these ecologically sensitive areas, These guidelines are reads as below-

NORMS FOR GREATER MUMBAI

The need to provide decent housing to the poor section of society, on account of the environmental issues, created due to discharge of untreated effluents and disposal of solid waste from these societies as well as on the issue of non-availability of sustainability of sustainable alternatives in these societies. Development activities such as construction of roads is permitted, if this construction does not affect the free flow of Tidal water. Mangrove area should be mapped and necessary measure shall be initiated to conserve and protect them. Solid waste disposal sites shall be identified out side the CRZ area. This aforesaid notification also enambled the State Government of Maharashtra, to implement Slum Rehabilitation Schemes in those area of Greater Mumbai in where, a large slum clusters above lac of families resides without having minimum essential living standards, such as drinking water, electricity, roads, drainage and community

toilets, because the slums came up in an unplanned and congested manner. The slums in the coastal area, are at the great risk in the event of cyclones, storm surges or Tsunami, in view of the difficulties in providing rescue, relief and evacuation. This notification also specified procedure regarding redevelopment or reconstruction of dilapidated, ceased and unsafe buildings located in these areas.

NORMS FOR KERALA

The principles laid down by the CRZ-2011, Notification covers all the Islands of the backwater of State of Kerala, these Islands shall have 50 metre width from High Tide Line on the landward side. Due to their unique coastal systems along with their space limitation, reconstruction and repair of existing dwelling units for local communities is permitted, but the new construction of the same is restricted. Beyond this 50 metre limit, these units may be constructed after the permission of Gram Panchyat and foreshore facilities for traditional fishing may be taken up within these Islands.

NORMS FOR GOA

Due to peculiar circumstances, past history and other developments of the State of Goa, the Government of Goa shall notify the fishing village after providing facilities required for the fishing and fishery allied activities. Activity on sand dune are prohibited and all activities in turtle areas are prohibited by this Coastal Regulation Zone-2011, Notification, to protect them.

NORMS FOR CRITICAL VULNERABLE COASTAL AREAS (CVCA)

The Coastal Regulation Zone-2011, Notification, declared the entire Sunderbans, Mangroves, in West Bengal, Gulf of Khambat, Gulf of Kutch in Gujrat, Malvan, Achana-Ratnagiri in Maharashtra, Karwar and Coondpur in Karnatka, Vembanad in Kerala, Gulf of Mannar in Tamilnadu, Bhaitar Karnika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh, as critical vulnerable coastal areas (CVCA). At the time of preparation of Integrated Management Plans for these above noted ecologically sensitive areas needs for the local communities, conservation and protection of their entities be taken into account.

PREPARATION OF COASTAL ZONE MANAGEMENT PLANS

The Coastal Regulation Zone-2011, Notification envisages preparation of Coastal Zone Management Plans (CZMPs), by all the coastal States. The State Government as well as Union Territories are required to prepare their Coastal Zones Management Plans, with the help of respected and experienced scientific Institutions or agencies and with consulting to Stakeholders for their respective coastal areas. Each Coastal Zone Management Plan shall be submitted to the concerned Coastal Zone Management Authority for approval,

Thereafter these Coastal Zone Management Plans shall be submitted to the Ministry of Environment and Forest Govt. of India, along with the recommendations, suggestions and objections received from Stakeholders on these plans concerned by the State Government or Union Territory concerned, within a period of six months.

ENFORCEMENT OF THIS COASTAL REGULATION ZONE-2011, NOTIFICATION

The Ministry of Environment and Forest Govt. of India, State Governments and Union Territory Administration, under the power conferred by the provisions of the Environment Protection Act-1986, through their National Coastal Zone Management Authority and State Coastal Zone Management Authorities, shall impede and enforce the provisions laid down by this Coastal Regulation Zone-2011, Notification. The composition, tenure and mandate of these authorities in terms of the Order passed by the Hon'ble Supreme Court of India, The responsibility of enforcing and monitoring of this CRZ-2011, Notification, is of the State or Union Territory Authorities and this responsibility requires a District Level Committee, chaired by the concerned District Magistrate. Dwelling units for traditional coastal communities, fisherfolk and tribals, permissible by the CRZ-2011, Notification as well as approved by the Coastal Zone Management Authorities concerned, shall not be regulated for any commercial activity and not be sold or transferred to non-traditional coastal community.

CHALLENGES

Although The Ministry of Environment and Forest Government of India, has done his all efforts to protect, preserve, promote and conserve its coastal ecology and marine environment from all possible threats by enacting this CRZ-2011, Notification, yet with every Sun rise new threats take birth, which challenge this legislations. Some of them are as below:

- ✓ Disposal of Radioactive wastes into the Sea;
- ✓ Leakage of Oil from Ship tankers and from jetties directly into the Sea;
- ✓ Warfare into the Sea;
- ✓ Melting of Glaciers and Sea level rise;
- ✓ Digging of wells for Oil and Natural Gas in the Sea;
- ✓ Laying of Pipelines, Cables and Train Tracks in the Sea;
- ✓ Deposition of mud into the Sea by the rivers;
- ✓ Setusamudram project ; and
- ✓ Tsunami, etc

REFERENCES

- [1] Coastal Regulation Zone-2011, Notification;
- [2] Coastal Regulation Zone-1991, Notification;
- [3] Indian Council for Envirolegal Action Vs Union of India, AIR-1996, SC- 1446,
- [4] S. Jagannath Vs Union of India, AIR-1997, SC- 811