

Minutes of the 21st Meeting of the National Coastal Zone Management Authority (NCZMA) held on 19th April, 2011 in the Ministry of Environment and Forests, New Delhi

At the outset, Shri Trishyarakshit Chatterjee, Secretary, Environment and Forests and the Chairman of the National Coastal Zone Management Authority (NCZMA) welcomed the Members and participants to the 1st Meeting of the reconstituted NCZMA which was notified on 8th February, 2011. He informed the Authority that he has invited Shri J.M.Mauskar, Special Secretary, MoEF as a special invitee and other officials of IA Division to assist the Authority in its proceedings.

Before initiating the proceedings, Chairman, NCZMA requested the Members and participants (list enclosed) to introduce themselves and then requested Dr. Nalini Bhat, Adviser, MoEF and Member Secretary, NCZMA to take forward the meeting.

The Member Secretary informed that there are two typographic errors in the Notification regarding constitution of the Authority requiring minor amendment. The proposed amendments, therefore, are to replace the word "Organization" by "Department" at S. No. 3 and add the word "Former" at S.No. 9 before the word "Vice Chancellor".

Agenda Item No. 1 : Confirmation of the Minutes of the previous meeting held on 11th November, 2010

Member Secretary, NCZMA informed the Authority that the previous meeting was held on 11th November, 2010 and the Minutes of this meeting were circulated to the Members. In absence of any views/comments received, the Minutes of the 20th meeting of the NCZMA were confirmed.

Agenda Item No. 2 : Action taken on Minutes of the previous meeting

Member Secretary, NCZMA informed that in the previous meeting, various reclassification proposals from the States of Andhra Pradesh and Maharashtra were considered and it was decided that the reclassification proposals should be considered on the basis of the area approach instead of individual proposals/plots. And as such the proposals were referred back to the State Coastal Zone Management Authorities (SCZMAs).

The reclassification of the CRZ areas in Panvel, Navi Mumbai, Maharashtra was recommended for approval with the condition that necessary corrections shall be incorporated while transferring the HTL on field. The recommendations of NCZMA were accepted by MoEF and the approval has been communicated to the Government of Maharashtra.

Under any other matter with the permission of the Chairman, the proposal relating to violation by M/s Adarsh Cooperative Housing Society (ACHS), Colaba, Mumbai was considered and as recommended by NCZMA, show cause notice was issued to ACHS under Section 5 of the Environment (Protection) Act, 1986 for removal of the unauthorized structure erected by M/s ACHS in CRZ area. After following due procedure, final order was issued on 14th January, 2011 directing M/s ACHS to remove the unauthorized structure. The matter is now pending in the Hon'ble High Court of Bombay.

Agenda Item No. 3 : Review of the compliances of the decisions of the NCZMA by SCZMAs and action taken on the violations under Section 5 of the Environment(Protection) Act, 1986

Chairman, NCZMA informed the Authority that MoEF had issued directions under Section 5 of the Environment (Protection)Act, 1986 on 25th January, 2011 regarding identification of violations under the Coastal Regulation Zone (CRZ) Notification, 2011 and initiation of action thereupon. As per the directions, all the States/UTs CZMAs were required to identify the violations of Coastal Regulation Zone (CRZ) Notification, 1991 within a period of four months and initiate action under the E(P) Act, 1986 on the identified violations within four months thereafter. It was also directed that the State/UT CZMAs should upload the relevant details of these identified violations and action taken on the violations on their websites which would be updated regularly. He further requested the State Governments to inform the Authority about the follow up action taken on these directions.

Andhra Pradesh

Shri Anjaneyalu, Deputy Director, Department of Environment, Forests, Science and Technology, Government of Andhra Pradesh informed that prima facie, there are no major violations other than in Visakhapatnam district and that they have not initiated a formal process as per the directions given in January, 2011. The AP SCZMA have not acquired, so far, the satellite imaginaries to identify such violations and that the details on violations have not been uploaded on the website.

In response to the above submissions made by APSCZMA, the Chairman suggested that the directions issued by MoEF may be first placed before the SCZMA and that in the next meeting the details may be placed before this Authority for review. He also suggested that the APSCZMA should certify the violations and the action initiated on such violations.

Karnataka

It was informed to the Authority that Karnataka has a coast line of 320 kms. covering three districts. The directions issued by MoEF were placed before the KSCZMA and in the first round till 14th March, 2011 about 46 cases of violations were identified and necessary directions have been issued to 16 cases so far. The KSCZMA would continue to identify and review the cases of violation of CRZ Notification, 1991 and would come up with further details in the next meeting of NCZMA.

Maharashtra

The Chairperson and Member Secretary, Maharashtra SCZMA made detailed presentation on the follow up action initiated with regard to various directions issued by MoEF subsequent to the issuance of the CRZ Notification, 2011. It was informed to the Authority that the State has five coastal districts covering about 1142 villages. The Revenue Department and local authorities have been directed by MCZMA to identify Koliwad, open spaces etc. in compliance with the CRZ Notification, 2011. The

directions issued by MoEF under Section 5 of the Environment (Protection) Act, 1986 were placed before MCZMA for identification of violation which the State Government has classified into various categories. The MCZMA has a dedicated website in which all the details such as Agenda, Minutes, violations, RTI Application including the responses are regularly uploaded.

The Chairperson, MCZMA indicated that while it would be possible to complete identification of violations in non-metropolitan areas could be completed in the stipulated time, but for the other stretches, a time upto December, 2011 would be required. The matter was discussed and the Authority felt that the decision regarding further extension for identification of violations could be taken once the quantitative details are available.

The NCZMA appreciated the transparency brought in the functioning of MCZMA through dedicated and elaborate website and observed that the other States may like to see the model adopted by Maharashtra while designing/redesigning the website.

Tamil Nadu

Shri Sekar, Incharge, Member Secretary, TNCZMA indicated that the State has about 1076 kms. of coastline covering 13 districts under CRZ and the district level committees have been constituted for implementation of the CRZ regulations. The directions issued by MoEF have been placed before the TNSCZMA and a format has also been evolved for collection and compilation. However, reports from district level are yet to come in and TNSCZMA would review the same.

Orissa

The representative of Orissa indicated that they have not yet placed the directions of MoEF before the Orissa SCZMA and requested for a time of about 12 months for completion of the exercise on identification of violations.

West Bengal

The representative of West Bengal informed that a dedicated website exists for placing the information in public domain for issues relating to CRZ Notification, 1991. It was also brought out that there are about 2 - 3 pockets of violation. It was further indicated that field survey has been initiated for identification of violations.

Goa

The detailed discussion on the steps initiated by Goa SCZMA on the directions of MoEF could not be taken up and was deferred for the next meeting.

Concluding the discussions on the follow up on the directions issued for identification of violation, the Authority decided that :

- In the next meeting of NCZMA the discussions would be initiated beginning with States of Gujarat and Kerala who were not present during this meeting;
- All the CZMAs of States and Union Territories would submit before the next meeting steps initiated to comply with the directions, quantitative analysis and follow up action;
- To review the steps initiated for ensuring transparency in uploading of the cases of violations, actions initiated, time frame etc;

Agenda Item No. 4 : Issues/Reclassification proposals received from Coastal Zone Management Authorities

The proposals on reclassification were received from Andhra Pradesh and Maharashtra.

Andhra Pradesh

4.1. Reclassification from CRZ-III to CRZ-II in Sy. Nos. 49/2C2, 49/2C3 and 49/2C4 of Chinnawaltari locality of greater Visakhapatnam Municipal Corporation.

Shri Anjaneyulu, Deputy Director, Department of Environment, Forest, Science and Technology made a brief presentation on the reclassification of the above stretch from CRZ-III to CRZ-II. It was informed that the surrounding areas had been developed as CRZ-II and only a small patch which is categorized as CRZ-III in the approved CZMP of September, 1996 is required to be reclassified to CRZ-II as per the recommendation of the Committee headed by the Chief Secretary of GoAP. The Authority noted that APCZMA has not submitted the copy of the Report of the Committee headed by the Chief Secretary.

After detailed discussion, it was decided that APCZMA shall submit the details (i) Extracts of the Minutes of the meeting/ recommendations of the Committee headed by the Chief Secretary, GoAP along with other supporting documents (ii) Approved land use plan of HUDA of the proposed stretch/blocks

(iii) **Conformity of the proposal with the CRZ Notification of 2011** and deferred further consideration of the project till such time.

4.2 Reclassification of the area for setting up of laboratories by NIO, Visakhapatnam

This is also a proposal for reclassification of the area from CRZ-III to CRZ-II. The Authority noted that some of the activities proposed in the project do not require foreshore facilities and that they should be shifted outside CRZ areas. The Authority was informed that some representations have been received against this project and that the SCZMA and the NIO need to address them for clarifying the facts.

Concluding the discussion, it was decided that the consideration of the proposal may be deferred and NIO should revise the proposal for shifting non-operational activities outside CRZ as well as address the issues raised in the representations.

Maharashtra

4.3 Deletion of plot bearing CTZ No. 195(pt) of Village Andheri, Mumbai from M/s Vaidehi Akash Pvt. Ltd.

4.4 Demarcation of HTL and delineation of CRZ Boundary along and across the Plot bearing Nos. D/23, D/23A, D/24, D/25, D/30, D/31, D/32, D/45, D/46, D/47 and D/48 of CTS No. 1A(pt) of Village Pahadi Goregaon at Goregaon (West), Mumbai.

4.5 Reclassification of property at S.No. H.S. 3/1, 3/2, 11, 117, 2/1, 4, 5, 6/1, 7, 9, 10 in Dighode Village, Taluka Uran District Raigad from CRZ-I to CRZ-III from Gem Distri Park and Logistics Ltd. (Area : 62.5 acres).

4.6 Demarcation of HTL & CRZ boundary of plot bearing Survey No. 275(pt) & CTS No. 657A & 1295 of Village Kanjur, District Mumbai Suburban.

4.7 Demarcation of property bearing CTS No. 657-D, 657-C of Village Kanjur, 'S' Ward, Kanjur Marg (East), Mumbai

4.8 Demarcation of HTL, LTL & deletion of CRZ-I at Villages Chulane, Girij, Gas, Diwanman & Achole, Taluka Vasai, District Thane (Area : about 622 ha.).

4.9 Resurvey of land bearing S. No. 2 to 53 and others in Village Ranjnoli, Taluka Bhiwandi and correction in CRZ map accordingly (by M/s Ecohomes Construction Pvt. Ltd.)

4.10 Deletion of land reserved for Bhiwandi Textile Park (by M/s Yogi Realty Pvt. Ltd.) from CRZ classification, change in the map accordingly & request for resurvey.

4.11 Delineation of and survey of agricultural land at Village Dhokawade, Taluk Alibarg, District Raigad, Mumbai.

4.12 Reclassification of area along Kundalika River near Revdanda

The above referred proposals from Maharashtra were for reclassification of various stretches. As was discussed in earlier NCZMA meetings, the reclassifications are based on area approach rather than individual plots. Brief presentation was made covering these proposals.

Considering that the proposals for reclassifications are still being submitted by various SCZMAs, the Members felt that as the new CRZ Notification, 2011 has been issued by MoEF, it would be desirable to consider such cases in light of the new

Notification and that the Ministry may not like to encourage the reclassification of CRZ areas, which were approved in September, 1996.

Chairman, NCZMA expressed that there is a danger of regularization of violations through such reclassifications and that we may freeze the CZMPs as approved in 1996 and the Coastal States should initiate the exercise of preparation of CZMPs as per the CRZ Notification, 2011. The Special Secretary, however, indicated that it may be necessary to consider cases where there is error apparent on record.

Court Cases

Following two Court cases were discussed as per the directions of Hon'ble High Courts :

4.13 Consideration of Petition against the order of the Kerala Coastal Zone Management Authority as per the order of Hon'ble High Court, Kerala in Writ Petition No. 31146/2010.

The Hon'ble High Court disposed the above mentioned Petition with a direction that the National Coastal Zone Management Authority should consider and pass order after affording an opportunity to all concerned as expeditiously as possible and within three months from the date of receipt of the copy of the judgement. The case relates to the order passed by KCZMA in September, 2010 finding that the Petitioner has constructed a building in No Development Zone in CRZ-III in violation of CRZ Notification.

The representative of KCZMA and the Petitioner were requested to attend the meeting of NCZMA. The representative of the Petitioner (Advocate Shri P.B. Sahasranaman) attended the meeting and requested that a time of three weeks may be given for appearing before the Authority. The representative of KCZMA, however, did not attend the meeting.

The Authority agreed to the request and decided to take up the case in the next meeting to be held in May, 2011.

4.14 Reconsideration of the Reclassification done from Dona Paula to Vainguinim Beach as CRZ-II based on the order of Hon'ble High Court of Bombay

The matter is arising out of the directives of the Hon'ble High Court of Bombay at Goa, Panjim in Writ Petition No. 519 of 2007 regarding reclassification of certain areas in the above indicated stretches. Member Secretary, GCZMA submitted during the meeting the background of the case and stand taken by the GCZMA. The Hon'ble High Court in its final order of 10th December, 2010 has observed that NCZMA should reconsider its decision of approving reclassification on the basis of the proposals contained in the communication of the second Respondent ie. Goa Coastal Zone Management Authority within a period of three months from the date on which an authenticated and certified copy of the order is placed before the Authority.

As the papers were made available during the meeting, the Authority decided to circulate complete documents to the Members and take up the matter in the next meeting as priority item.

In addition to the above discussions, the Authority also deliberated on the need to take a view on the reclassification proposals in the backdrop of the CRZ Notification, 2011 and decided that in the next meeting a policy view may be taken so that uniformity is maintained in consideration of such proposals.

Chairman observed that there is a need to have more frequent meetings of NCZMA and particularly to address the issues relating to legal matters. It was also felt that meeting should be attended preferably by the Chairman of the various SCZMAs. The next meeting of the NCZMA is fixed for 30th May, 2011 at 11.00 A.M. for the entire day to discuss all pending issues and to evolve a policy for consideration of future proposals.

The meeting ended with a vote of thanks to the Chair.

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List of participants

Ministry of Environment and Forests

1. Secretary (E&F), Chairman
2. J.M.Mauskar, Special Secretary
3. Dr. Nalini Bhat, Adviser and Member Secretary, NCZMA
4. Shri Bharat Bhushan, Director
5. Dr. A. Senthilvel, Director
6. Shri. E. Thirunavakkarasu, Deputy Director

Members of NCZMA

7. Prof. S. Ramachandran, VC, VELS University, Chennai
8. Dr. M. Baba, ED, Advanced Training Centre, Pune
9. Dr. Ramchandran Ramesh, IOM, Anna University, Chennai
10. Shri Morad Ahmad, Chief Town Planner, Goa
11. Dr. A. K. Choubey, Director, NIO, Goa
12. Dr. Ajay, Group Director, SAC, Ahmedabad
13. Shri V. Vivekanandan, South Indian Federation of Fishermen Societies, Trivandrum
14. Shri S. Bhattacharya, Scientist D, CGB, New Delhi

State Coastal Zone Management Authorities

15. Ms. Valsa Nair Singh, Chairperson, Maharashtra SCZMA
16. Dr. B. N. Patil, Member Secretary, Maharashtra SCZMA
17. Dr. T. Sekar, Tamil Nadu SCZMA
18. Shri V.K. Jha, Chairman, Goa SCZMA
19. Shri Michael D'Souza, MS, Goa SCZMA
20. Shri P. Anjaneyulu, Deputy Director, AP SCZMA
21. Dr. M.K.Balakrishnaiha, Karnataka SCZMA
22. Dr. K.S. Rajendra Kumar, WB SCZMA
23. Shri Bhagirathi Behera, Orissa SCZMA

Others

24. Shri P.B. Sahasranaman, Advocate, Kerala