

**MINUTES OF THE 20th MEETING OF THE NATIONAL COASTAL ZONE
MANAGEMENT AUTHORITY (NCZMA) HELD ON 11th NOVEMBER,
2010 IN ROOM NO. 403, MINISTRY OF ENVIRONMENT AND
FORESTS, NEW DELHI**

The 20th Meeting of the National Coastal Zone Management Authority (NCZMA) was held on 11th November, 2010 in the Ministry of Environment and Forests. The meeting was chaired by Shri Vijai Sharma, Chairperson, NCZMA and Secretary, MoEF.

The Chairman welcomed the Members of the NCZMA to the third meeting after its reconstitution. He stressed that as decided in the previous meetings, area wise reclassification proposals should be considered instead of individual separate proposals for individual plots.

Agenda Item No. 1: Confirmation of the minutes of the previous meeting held on 22.01.2010.

The minutes of the 19th meeting of NCZMA held on 22nd January, 2010 were confirmed.

Agenda Item No. 2: Action Taken on the minutes of the previous meeting.

Director (BB) informed that during the 19th meeting of NCZMA, the performances of three SCZMAs namely Andhra Pradesh, Maharashtra and Tamil Nadu were reviewed. Performance of the remaining SCZMAs would be reviewed in the next meetings of NCZMA. He further informed that all the reclassification proposals were referred back to the concerned SCZMAs to submit the area wise proposals, instead of individual proposals for individual plots. The proposals should also include the ground truthing report/site verification, justification for reclassification, details of violations, court cases, if any, and conformity with other rules and regulations along with recommendations of SCZMA, etc.

The suggestions given by the members in the last meeting regarding reclassification proposals, monitoring of the coastal areas with respect to the implementation of CRZ Notification 1991 and the directions issued by the Ministry from time to time should also be looked into, while reviewing the functioning of the SCZMAs and reclassification proposals.

Agenda item No. 3. Issues/reclassification proposals received from SCZMA's.

It was informed that there are about 9 reclassification proposals received through MCZMA from Maharashtra and most of them are individual proposals, except the reclassification and revision proposal of Panvel area. The Authority decided to take up only the reclassification

and revision proposal of Panvel area. The other proposals were deferred and MCZMA was advised to re-examine the remaining proposals on “area” basis and re-submit them after ground truthing/verification and justification etc.

3.1 Reclassification of CRZ areas in Panvel, Navi Mumbai, Maharashtra

Member Secretary, MCZMA made a presentation and informed that the CZMP of Maharashtra was approved by MoEF in 1996 and as per its condition, CZMP of Navi Mumbai was sent to MoEF for approval in 1998. However it was not approved. The CZMP has now been prepared on the scale of 1: 4000 through the Institute of Remote Sensing (IRS), Anna University, one of the authorized agencies. As per the map, the CRZ I(i) area has been increased from 468.59 ha to 692.77 ha (10.15%), CRZ II area has been increased from 105.04 ha to 138.35 ha. (1.32%) and CRZ – III has been reduced from 12.22 ha to 9.82 ha. (0.2%). The total area is increased from 1615 ha to 1769.21 ha. This is due to increase in the area of mangroves, water body. The earlier CZMP was on the scale of 1: 25,000 where as the present plan is on the scale of 1: 4000.

It was suggested that HTL at a particular point has not been connected in the map and so the CRZ boundary should be drawn by arc method instead of drawing parallel line to HTL.

After deliberations, the Authority noted that because of refinement in the scale and ground truthing, there will always be a possibility of increase/decrease in the CRZ areas, hence the Authority recommended the approval of the revised CZMP of Panvel area with the condition that necessary corrections shall be incorporated while transferring the HTL on field.

Agenda Item No.4: Any other item with the permission of the Chairman

4.1 Adarsh Cooperative Housing Society, Mumbai

- I. Permission was sought from the Chairman to table the matter relating to erection of a structure by Adarsh Cooperative Housing Society, Colaba, Mumbai matter which is a serious violation of the CRZ Notification, 1991. The Chairman elicited the opinion of all the Members and thereafter permitted the taking up of the matter.
- II. The Authority was informed regarding the issues relating to the above violation. The Chairperson, Maharashtra Coastal Zone Management Authority (MCZMA) who is also the Secretary, Environment Department, the Principal Secretary, Urban Development Department, the Principal Secretary, Revenue

Department as also Secretaries from MMRDA and BMC were available to assist the Authority.

- III. The Chairman requested Chairperson, MCZMA to brief the Authority regarding the matter and the action taken so far. The Chairperson, MCZMA informed that the said structure (building) of M/s Adarsh Cooperative Housing Society had been constructed in violation of CRZ Notification, 1991, since no permission had been obtained under the CRZ Notification 1991 from the competent Authority nor did MSCZMA ever consider this Project. Further, the said structure had violated CRZ norms by utilizing higher Floor Space Index (FSI) than that stipulated in the CRZ Notification, 1991. She also informed that based on a complaint received from the National Alliance of People's Movement a direction under Section 5 has been issued on 3rd November, 2009. Lastly, the Chairperson, MCZMA explained that the conclusion of the Deputy Secretary, Urban Development Department, to the effect that the MoEF letter of 11/3/2003 amounted to a "No Objection Certificate" to the project, was clearly wrong.
- IV. The position with regard to the amendment to the CRZ Notification, 1991 dated 21st May, 2002, because of which MSCZMA thought that the powers for clearance of housing project were vested in MoEF during March 2003, was discussed. It was clarified that as on 11th March, 2003 the amendment of MoEF dated 9th July, 1997 was in vogue, which delegated the power to the State Government and Authorities for according clearances to the projects under the CRZ Notification. Hence the Ministry's letter of 11.03.2003 is in order.
- V. The Chairman invited Shri T. C. Benjamin, Principal Secretary, Urban Development Department to brief the Authority. Shri Benjamin informed that the land area for Adarsh Cooperative Housing Society (the Society) in BBR Block, No.6 admeasuring 3758.82mts² was fenced and was in physical position of the local military Authority. On 21st September, 1999 an application was filed by the Society for allotment of land for welfare of serving and retired personnel of Defence. On 18th January, 2003 the Revenue Department issued a Letter of Intent, in which one of the conditions imposed was to obtain the requisite clearance of MoEF. However, it is clear from records that this clearance has not been obtained by the Society from MoEF or from the MCZMA. Initially in 2000 the housing project was meant for nineteen civilian members and thirty one Defence members. In 2004 it was increased to seventy one members and in 2005 additional twenty nine were added thereby finally the membership became one hundred two members. The building has been provided electricity, water after occupation certificate issued by MMRDA. Shri Benjamin clarified that the proposal by UD Department in 2002/2003 sent to the Ministry was for the change of land use and no proposal pertaining to the

housing project of the Society was ever sent to MoEF. He also informed that for reckoning FSI, the said plot of the Society included a revenue plot and also a plot belonging to BEST. The FSI had been increased by adding on the plot belonging to BEST and as on today the FSI utilized was 1.77 against the norm of 1.33, which is another violation of the Coastal Regulation Zone Notification, 1991, which cannot be rectified.

VI. The Chairman requested Shri Kunte, Principal Secretary, Revenue Development Department, Government of Maharashtra to briefly state his views. Shri Kunte also clarified that the permission for change of land use was sought by the UD Department vide their letter dated 10th April, 2002. He said that there was a clear misinterpretation of the response given by MoEF dated 11th March, 2003 by the Deputy Secretary, Urban Development Department since this response clearly stated that the proposed construction may be taken up as per the Coastal Regulation Zone Notification, 1991, which meant that the proposal could be placed before MCZMA which at that point of time had all the powers to sanction the constructions projects in the Coastal Regulation Zone. He said that when the Society approached the Planning Authority (BMC/MMRDA) for permission for the buildings in 2005, 2007 and 2008 this aspect of getting the CRZ clearance from MCZMA/MoEF was overlooked. He concluded that building of Society had the following serious lacunae:-

- (i) Permission of the competent Authority under the Coastal Regulation Zone Notification had not been taken.
- (ii) The FSI allowed for the building exceeded the prescribed FSI for development in the CRZ.

VII. After the above submissions made by Chairperson, MCZMA, Secretary, Urban Development Department and Secretary, Revenue, Government of Maharashtra, the Authority deliberated on the case. It was noted that this is a case of clear violation of the E(P) Act and the CRZ regulations thereunder by the Society on two counts, namely, by not obtaining prior permission under the Coastal Regulation Zone Notification, 1991 from the concerned Authorities and the use of higher FSI (1.77 against 1.33), in view of the additional FSI loaded from the adjoining plot of BEST, which plot has not been amalgamated with the Society's plot as on date. The Authority noted that while this case involved violation of the norms of Defence and security, service rules, propriety, providing true information of various factual data including income etc., and while there may be some dispute about original ownership/possession of the plot, the NCZMA was concerned only with the compliance under the E(P) Act and CRZ Notification thereunder, which is its basic

mandate. Accordingly, there was no option other than to remove forthwith the unauthorized structures constructed in violation of the Coastal Regulation Zone Notification, 1991 under the provisions of the E(P) Act. It was also observed that keeping this case in mind the State Coastal Zone Management Authority needed to be more proactive and vigilant about CRZ implementation and enhance the inter-Departmental coordination with utmost transparency to avoid such incidents in future.

The National Coastal Zone Management Authority felt that this was a blatant case of violation of CRZ Notification, 1991 and recommended that the unauthorized structure be removed from CRZ immediately under the provision of Environment (Protection) Act, 1986.

The Authority also directed that all State / UT Coastal Zone Management Authorities should be suitably requested about the need to be more proactive in future to guard the fragile Coastal Areas and guided by the Ministry about action desired in this regard.

4.2 Other Items:

Dr M. Baba suggested that the implication of the word “Authority” in the CRZ existing Notification could be made clearer in view of the variety of stakeholders and hence, this aspect may be taken care in the proposed CRZ Notification, 2010. Prof. Ramachandran said that the suggestions of the NCZMA Members on the draft CRZ, 2010 could be taken into account by the Ministry. Chairman requested all the members of the NCZMA to give their specific suggestions with regard to the draft CRZ Notification 2010 at the earliest.

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

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NATIONAL COASTAL ZONE MANAGEMENT AUTHORITY (NCZMA)
HELD ON 11th November 2010 IN ROOM NO. 403, MINISTRY OF
ENVIRONMENT AND FORESTS, NEW DELHI.**

List of participants :

1. Shri Vijai Sharma, Secretary,
Ministry of Environment and Forests,
Govt. of India, New Delhi. - Chairman
2. Prof. S. Ramachandran,
Former Vice Chancellor, University of Madras,
Chepauk, Chennai - 600 005. - Member
3. Dr. M. Baba,
Centre for Earth Science Studies,
Akkulam, Thiruvananthapuram-695031 - Member
4. Dr. A. Chabuey, Scientist,
National Institute of Oceanography,
Goa. - Member
5. Tmt B. Meena Kumari,
Deputy Director General(Fisheries),
Ministry of Agriculture,
New Delhi. - Representative
6. Dr. R.P. Mathur
Regional Director,
Central Ground Water Board,
New Delhi. - Representative

MoEF Officials:

9. Shri J.M. Mauskar,
Addl. Secretary,
Ministry of Environment and Forests,
Govt. of India, New Delhi.
10. Dr. Nalini Bhat,
Adviser,
Ministry of Environment and Forests
Govt. of India, New Delhi.
11. Shri Bharat Bhushan,
Director,

Ministry of Environment and Forests,
Govt. of India, New Delhi.

12. Dr. A Senthil Vel,
Additional Director,
Ministry of Environment and Forests,
Govt. of India, New Delhi.
13. Shri E. Thirunavukkarasu, Dy. Director,
Ministry of Environment and Forests,
Govt. of India, New Delhi.

Special Invitees:

14. Mr. T.C Benjamin, Principal Secretary,
Urban Development Department,
Govt. of Maharashtra
15. Mr. Sitaraman Kunte,
Principal Secretary,
Revenue Department,
Govt. of Maharashtra.
16. Smt. Valsa Nair,
Secretary, Environment Department,
Govt. of Maharashtra and
Chairman, MCZMA.
17. Dr. B.N. Patil,
Member Secretary, MCZMA,
Govt. of Maharashtra.
