

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 11th January, 2002.

S.O. 51(E).- The following draft notification further to amend the notification of the Government of India in the Ministry of Environment and Forests number S.O. 114(E), dated, the 19th February, 1991, which the Central Government proposes to make in exercise of the powers conferred by sections 3 and 6 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (c) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, is hereby published for information of all persons likely to be affected thereby, and notice is hereby given that the said draft notification shall be taken into consideration after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the public.

Any person desirous of making any suggestion or objection in respect of the said draft notification may forward the same for consideration of the Central Government within the period so specified to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.

Draft Notification

Whereas by notification of the Government of India in the Ministry of Environment and Forests number S.O.114(E), dated, the 19th February, 1991 (hereinafter referred to as the said notification), the Central Government declared Coastal Stretches as Coastal Regulation Zone (in short 'the said zone') and restrictions were imposed on setting up and expansion of industries, operations and processes in the said Zone;

-2-

And, whereas, it has been brought to the notice of the Central Government that difficulties are being faced by the inhabitants of the areas falling within the said zone and there is a need for infrastructural facilities in these areas;

And, whereas, the Central Government after consultations with the State Governments is of the opinion that the said notification requires amendment to permit construction of dwelling units and development of infrastructural facilities for the local inhabitants, housing schemes of Urban Development Authorities which had been approved prior to 19th February, 1991, facilities and activities including setting up of non polluting industries in the field of information technology and other service industries in the Special Economic Zones, and salt harvesting by solar evaporation of sea water in the said zone;

And, whereas, the Central Government is also of the opinion that a time limit of 90 days from receipt of requisite documents and data may be prescribed for completing the assessment and 30 days thereafter for conveying the decision in respect of projects/activities to be located in the said zone;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 and section 6 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following amendments further to amend the said notification, namely:-

In the said notification, -

1. in paragraph 1, in sub-paragraph (3), -

- i. the lines beginning with "For the purposes of this notification" and ending with "general guidelines issued in this regard", shall be numbered as clause (I) thereof;

-3-

- ii. after clause (I) as so numbered, for the existing Note and the entries relating thereto, the following clauses shall be substituted, namely:-

I. The distance from the High Tide Line shall apply to both sides in

the case of rivers, creeks and backwaters and may be modified on a case to case basis for reasons to be recorded while preparing the Coastal Zone Management Plans. However, this distance shall not be less than 100 metres or the width of the creek, river or backwater whichever is less. The distance up to which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance upto which the tidal effect of sea is experienced in rivers, creeks or backwaters, as the case may be, and shall be clearly identified in the Coastal Zone Management Plans.

II. The distance mentioned in clause (II) above, may be reduced to 50

metres or the width of the rivers, creeks and backwaters, whichever is less, for specified stretches, by the Central Government or an authority designated by it, for permitting construction of dwelling units for local inhabitants if the following conditions are satisfied, namely:-

- i. the area is not classified as CRZ-I(i);
- ii. the availability of ground water is assured by the concerned authority in the State/Union territory and proper facilities for treatment and disposal of waste water and sewage are certified by the concerned local authority;
- iii. the proposed construction is not used for any commercial activity; and

-4-

iv. at least one of the following conditions is fulfilled :-

- a. the area is classified as (CRZ-II);
- b. the density of population, as per the 1991 census, in the Panchayat/Ward area is not less than four hundred persons per square kilometre;
- c. the built-up area in the Panchayat/Ward is already one-third or more of the total area of the Panchayat/Ward;
- d. the coastal land is a barrier island, sand bar or spit sandwiched between the sea or bay and rivers, creeks and backwaters or between rivers, creeks and backwaters provided that the average width of the barrier island, sand bar or spit is less than 1000 metres;
- e. It is an area with an elevation of more than 10 metres from the Mean Sea Level at any point within 100 metres of the inland tidal water body.

Note : The term local inhabitant used in this clause and elsewhere in the notification shall be construed as a person or his descendants who have been inhabiting in the area prior to 19th February, 1991. ";

2. In the said notification, in paragraph 2, -

- i. in sub-paragraph (i) the following shall be inserted at the end, namely:-

"and (c) non polluting industries in the field of information technology and other service industries in the CRZ of Special Economic Zones".

-5-

- ii. for sub-paragraph (ix), the following shall be substituted, namely:-

"Mining of sands, rocks and other sub-strata materials, except (a)

those rare minerals as prescribed under the Atomic Energy Act, 1962 viz., ilmenite, rutile, zircon, leucosene and monazite and minerals garnet and sillimanite occurring in close association thereto, subject to EIA studies and subject to mining plan being approved by the Atomic Minerals Directorate for Exploration & Research, and (b) exploration and extraction of oil and natural gas".