

**THE COASTAL REGULATION ZONE NOTIFICATION, 1991
CONSOLIDATED VERSION**

Annexure 2

[INCORPORATING AMENDMENTS UPTO 24TH JULY 2003]

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THE COASTAL REGULATION ZONE NOTIFICATION

¹MINISTRY OF ENVIRONMENT AND FORESTS (Department of Environment, Forests and Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991

S.O.114 (E). - Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No.944 (E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government:

Now, therefore in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ).

[***] See endnote i

²[Clause (i)]

¹ The original notification was published in The Gazette of India (Extraordinary), No. 105, Part II, Section 3(ii) dated February 20, 1991.

² Inserted by amendment S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

³ [For the purposes of this notification, the High Tide Line means the line on the land up to which the highest water line reaches during the spring tide. The High Tide Line shall be demarcated uniformly in all parts of the country by the demarcating authority or authorities so authorised by the Central Government, in accordance with the general guidelines issued in this regard]

⁴[***] See endnote ii

⁵[(ii) 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 in writing while preparing the Coastal Zone Management Plans provided that this distance shall not be less than 100 meters or the width of the creek, river or backwaters, which ever is less. The distance up to which development along rivers, creeks and backwaters is to be regulated shall be governed by the distance up to which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt). For the purpose of this notification, the salinity measurements shall be made during the driest period of the year and the distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans.;

2. Prohibited Activities:

The following activities are declared as prohibited within the Coastal Regulation Zone, namely:

[***] See endnote iii

⁶[(i) setting up of new industries and expansion of existing industries, except

(a) those directly related to water front or directly needing foreshore facilities ⁷[*]

(b) Projects of Department of Atomic Energy,] ⁸[and]

³ Earlier provisions replaced by S.O 1122(E) dated 29th December 1998 vide Gazette of India (Extra) No. 849.

⁴ The earlier 'Note' was omitted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁶ The earlier clauses were substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

⁷ The word 'and' was deleted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁸ the word 'and' was inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁹[(c) Non-polluting industries in the field of information technology and other service industries in the Coastal Regulation Zone of Special Economic Zones (SEZ)]

¹⁰[provided that (a) facilities for generating power by non conventional energy sources and setting up of desalination plants may be permitted within the said zone in areas not classified as CRZ-I (i); and (b) construction of airstrips in the said zone in areas not classified as CRZ-I (i) may also be permitted in the Islands of Lakshadweep and Andaman & Nicobar by Government of India in the Ministry of Environment & Forests.]

(ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment & Forests. No. S.O. 594(E) dated 28th July, 1989, S.O. 966(E) dated 27th November, 1989 and GSR 1037(E) dated 5th December, 1989;

¹¹[except transfer of hazardous substances from ships to ports, terminals and refineries and vice versa, in the port areas:]

[***] See endnote iv

¹²[Provided that, facilities for receipt and storage of petroleum products and Liquefied Natural Gas as specified in Annexure III appended to this notification and facilities for regasification of Liquefied Natural Gas, may be permitted within the said Zone in areas not classified as CRZ-I (I), subject to the implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated by the Government of India in the Ministry of Environment and Forests]

⁹ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

¹⁰ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

¹¹ Inserted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

¹² Substituted by S.O 329 (E) dated 12th April 2001, vide Gazette of India (Extra) No. 237

(iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);

¹³[Provided that existing fish processing units for modernisation purposes may utilise twenty five per cent additional plinth area required for additional equipment and pollution control measures only subject to existing Floor Space Index/Floor Area Ratio norms and subject to the condition that the additional plinth area shall not be towards seaward side of existing unit and also subject to the approval of State Pollution Control Board or Pollution Control Committee]

[***] See endnote v

¹⁴[(iv) setting up and expansion of units / mechanisms for disposal of wastes and effluents, except facilities required for –

- (a) discharging treated effluents into water course with the approval under the Water (Prevention and Control of Pollution) Act, 1974;
- (b) storm water drains;
- (c) treatment of wastes and effluents arising from hotels and beach resorts located in Coastal Regulation Zone areas other than Coastal Regulation Zone –I and disposal of the treated wastes and effluents;
- (d) treatment of domestic or municipal sewage in the Union territories of the Andaman and Nicobar Islands and Lakshadweep and disposal of the treated effluents;]

(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;

(vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;

(vii) dumping of ash or any wastes from thermal power stations;

¹³ Inserted by S. O. No. 494 (E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

¹⁴ Substituted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563.

[***] See endnote vi

¹⁵[(viii) Land reclamation, bunding or disturbing the natural course of sea water except those required for conservation or modernisation or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of waterways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge;

provided that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible,]

(ix) Mining of sands, rocks and other substrata materials, ¹⁶[except (a) those rare minerals not available outside the CRZ areas and (b) exploration and extraction of Oil and Natural Gas,]

[***] See endnote vii

¹⁷[Provided that in the Union territory of the Andaman and Nicobar Islands, mining of sand may be permitted by a committee constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of – (1) the Chief Secretary Andaman & Nicobar Administration; (2) Secretary, Department of Environment; (3) Secretary, Department of Water Resources; and (4) Secretary, Andaman Public Works Department:

Provided further that the Committee may permit mining of sand upto 44,102 cu.m. for construction purposes on a case to case basis, for the period on and from the 1st day of April, 2003 to the 31st day of March, 2004 from sites selected, *inter-alia*, based on rate of replenishment or deposition of sand:

¹⁵ Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

¹⁶ Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

¹⁷ Substituted by S.O.635 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 496.

Provided also that the permission as may be granted under this subparagraph for mining of sand shall be based on mining plans and shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, birds nesting sites and protected areas.;

(x) harvesting or drawal of ground water and construction of mechanisms therefore within 200 m of HTL: in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture agriculture and fisheries;

[***] See endnote viii

¹⁸[Provided that drawal of ground water is permitted, where no other source of water is available and when done manually through ordinary wells or hand pumps, for drinking and domestic purposes, in the zone between 50 to 200 m from High Tide Line in case of seas, bays and estuaries and within 200 m or the CRZ, whichever is less, from High Tide Line in case of rivers, creeks and backwaters subject to such restrictions, as may be deemed necessary, in areas affected by sea water intrusion, that may be imposed by an authority designated by State Government/Union Territory Administration.]

¹⁹[(xi) construction activities in ²⁰[CRZ-I] except as specified in Annexure I of this notification]

(xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and

(xiii) dressing or altering of sand dunes, hills, natural features including landscape changes for beautification, recreational and other such purposes, except as permissible under this Notification.

¹⁸ Substituted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

¹⁹ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237 .

²⁰ The earlier words ' ecologically sensitive areas' were replaced in amendment S.O 329(E) dated 12th April 2001.

3. Regulation of Permissible Activities:

All other activities, except those prohibited in para 2 above, will be regulated as under:

(1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities.

²¹[The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities, and the decision shall be conveyed within thirty days thereafter.]

(2) The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely:

²²[(i) Construction activities related to projects of ²³[Department of Atomic Energy or] Defence requirements for which foreshore facilities are essential such as slipways, jetties, wharves, quays; except for classified operational component of defence projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements, except in very special cases and hence shall not normally be permitted in the CRZ)]

²⁴[(ia) the clearance granted shall be valid for a period of five years for the commencement of the construction or operation.;

[***] See endnote ix

²⁵[(ii) operational constructions for ports, harbours and light houses and construction activities of jetties, wharves, quays, slip ways, pipelines and conveying system including transmission lines, provided that, environmental clearance in case of constructions or modernization or expansion of jetties and wharves in the Union territory of Lakshadweep for providing

²¹ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

²² Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

²³ Inserted by S.O 329(E) dated 12th April 2001.

²⁴ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

²⁵ Substituted by S.O.636 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 497.

embarkation and disembarkation facilities shall be on the basis of a report of scientific study conducted by the Central Government or any agency authorized or recognized by it suggesting environmental safeguard measures required to be taken for minimizing damage to corals and associated biodiversity.]

²⁶[(ii)a. Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;]

(iii) Thermal power plants (only foreshore facilities for transport of raw materials facilities for in-take of cooling water and outfall for discharge of treated waste water / cooling water); and

²⁷[(iii a) Housing schemes in CRZ area as specified in sub-paragraph (2) of paragraph 6;

(iii b) Mining of rare minerals;

(iii c) Specified activities/facilities in SEZ subject to one time approval by the Government of India in the Ministry of Environment and Forests to such activities based on the Master Plan of SEZ, spatial distribution of projects to be located in CRZ and such other information as may be required for the purpose.]

²⁸[(iii d) facilities for generating power by non conventional energy sources, desalination plants and weather radars;

(iii e) airstrips and associated facilities in Lakshadweep and Andaman and Nicobar Islands.]

[***] See endnote x

²⁹[(iv) Demolition or reconstruction of -

(i) buildings of archaeological or historical importance

(ii) heritage buildings; and

(iii) buildings under public use.

²⁶ Inserted by S.O 730 (E) dated 4th August 2000, vide Gazette of India (Extra) No. 521.

²⁷ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

²⁸ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

²⁹ Substituted by S.O 460(E) dated 22nd April 2003, vide Gazette of India (Extra) No. 376.

Explanation: - For the purpose of this clause iv, 'public use' shall include use for purposes of worship, education, medical care and cultural activities.

(v) All other activities with investment of five crore rupees or more:

Provided that activities involving investment of less than five crore rupees shall be regulated by the concerned authorities at the State or Union territory level in accordance with the provision of sub-paragraph (2) of paragraph 6 of Annexure-I of this notification.]

(3) (i) The coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures-I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;

(ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3 (2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexures-I and II of the Notification; and

(iii) In the interim period till the Coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administrations shall ensure adherence to these regulations and violations, if any, shall be subject to the provisions of the Environment (Protection) Act, 1986.

4. Procedure for monitoring and enforcement:

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

³⁰ Signed

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ANNEXURE-I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone:

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide ³¹[Line on the] landward side are classified into four categories, namely:

³²[Category I (CRZ-I):]

(i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historical/heritage areas, areas rich in genetic-diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.

(ii) Area between the Low Tide Line and the High Tide Line.

Category-II (CRZ-II):

The areas that have already been developed upto or close to the shoreline. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains:

Category III (CRZ-III):

³⁰ Original notification S.O.114 (E) signed [N.K-15019/1/84-IA-III (Vol.II)] R.Rajamani, Secretary

³¹ The original words '...Line of the...' were replaced by '...Line on the...' in S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

³² The original words 'Category I(CRZ-T)' was changed to 'Category I (CRZ -I)' by S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV):

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands except those designated as CRZ-I, CRZ-II or CRZ-III.

Norms for Regulation of Activities:

6(2) The development or construction activities in different categories of CRZ areas shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms:

CRZ-I

[***] See endnote xi

No new construction shall be permitted in CRZ I ³³[except (a) Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines ³⁴[*(c) facilities that are essential for activities permissible under CRZ I,]

³⁵[(d) operational construction of jetties, wharves or construction, development or modernization of jetties and wharves in the Union territory of Lakshadweep for providing embarkation or disembarkation facilities on the basis of a scientific study report conducted by the Central Government or any agency authorized or recognized by it suggesting environmental safeguard measures required to be taken for minimizing damage to corals and associated bio-diversity; and (e)] ³⁶[

³³ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

³⁴ The word 'and' was deleted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

³⁵ Amendment S.O.636 (E) dated 30th May 2003 vide Gazette of India (Extra) No. 497, deleted the word 'and (d)' and inserted this clause.

³⁶ Substituted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563. The amended clause appears to be wrongly numbered as (e), not taking into consideration the earlier amendment S.O.636 (E) dated 30th May 2003.

[*] (d) ³⁷[installation of weather radar for monitoring of cyclone movement and prediction by Indian Meteorological Department] and (e) construction of trans-harbour sea-links]

[***] See endnote xii

³⁸[Between the LTL and HTL, activities are specified under paragraph 2 (xii) may be permitted.

In addition, between LTL and HTL in areas, which are not ecologically sensitive and important, the following may be permitted;

- (a) Exploration and extraction of Natural Gas,
- (b) Activities as specified under proviso of ³⁹[sub paragraphs (i) and (ii)] of paragraph 2, ⁴⁰[*]
- (c) ⁴¹[Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Bio-sphere reserve area of West Bengal, on a case to case basis,] ⁴²[by the West Bengal State Coastal Zone Management Authority] ⁴³[*]

⁴⁴[(d) salt harvesting by solar evaporation of sea water.]

⁴⁵[(e) desalination plants, ⁴⁶[*] (f) storage of non hazardous cargo such as edible oil, fertilizers and food grain within notified ports;]

⁴⁷[(g) construction of trans-harbour sea links]

CRZ-II

[***] See endnote xiii

⁴⁸[(i) Buildings shall be permitted only on the landward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures

³⁷ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No 906.

³⁸ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

³⁹ Substituted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁴⁰ The word 'and' was deleted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁴¹ Inserted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

⁴² Substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

⁴³ The word 'and' was deleted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁴⁴ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁴⁵ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁴⁶ The word 'and' was deleted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563.

⁴⁷ Inserted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563.

⁴⁸ Substituted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio:

Provided that no permission for construction of buildings shall be given on landward side of any new roads ⁴⁹[(except roads approved in the Coastal Zone Management Plan)] which are constructed on the seaward side of an existing road;]

⁵⁰[Provided further that the above restrictions on construction, based on existing roads/authorised structures, roads proposed in the approved Coastal Zone Management Plans, new roads shall not apply to the housing schemes of State Urban Development Authorities implemented in phases for which construction activity was commenced prior to 19th February, 1991 in at least one phase and all relevant approvals from State/Local Authorities were obtained prior to 19th February, 1991; in all such cases specific approval of the Ministry of Environment and Forests would be necessary on a case to case basis.]

⁵¹[(ia) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mention in para 2 (ii).

(ib) desalination plants

(ic) storage of non hazardous cargo such as edible oil, fertilizers and food grain in notified ports.

(id) facilities for generating power by non conventional energy sources.

(ie) construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar.]

(ii) Reconstruction of the authorised buildings to be permitted ⁵²[subject to the] existing FSI/FAR norms and without change in the existing use.

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

⁴⁹ Substituted by S. O. No. 735(E) dated 21st October 1997, vide Gazette of India (Extra) No. 592

⁵⁰ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No 470

⁵¹ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No 906

⁵² The words ‘...subject with the...’ was changed to ‘.... subject to the....’ by S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

CRZ-III

[***] See endnote xiv

(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'⁵³[provided that such area does not fall within any notified port limits or any notified Special Economic Zone]. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities⁵⁴[***].

However, the following⁵⁵[uses/activities] may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, playfields, forestry,⁵⁶[projects relating to the Department of Atomic Energy],⁵⁷[mining of rare minerals] and salt manufacture from sea water⁵⁸[facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii), facilities for generating power by non conventional energy sources, desalination plants, weather radars and construction of and construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar]

⁵⁹[(ia) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.]

⁵³ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁴ Sentence deleted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁵ The earlier word 'uses' was replaced by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁶ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁵⁷ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁵⁸ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁵⁹ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁶⁰[(ib) the No Development Zone may be reduced to a minimum of 50 mts in the identified stretches of the Islands in the union Territory of Andaman and Nicobar Islands selected and declared by the Central Government for promotion of tourism, based on an integrated coastal zone management study conducted or commissioned by the Ministry of Environment and Forests;]

(ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests ⁶¹(MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

⁶²[(iia) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2(ii),

(iib) storage of non hazardous cargo such as edible oil, fertilizers and food grain in notified ports.

(iic) desalination plants

(iid) facilities for generating power by non conventional energy sources

(iie) construction of airstrips and associated facilities in the Island of Lakshadweep and Andaman & Nicobar.]

⁶³[(iif) construction and operation of jetties in the Union territory of Lakshadweep.]

(iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 per cent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors (ground floor plus one floor).

⁶⁴[Construction is allowed for permissible activities under the notification including facilities essential for such activities. An authority designated by State

⁶⁰ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁶¹ Inserted in S.O 190(E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

⁶² Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁶³ Inserted by S.O.636 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 497.

⁶⁴ Inserted by S. O. No. 494 (E) dated 9th July 1997, vide Gazette of India (Extra) No. 393.

Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for those panchayats the major part of which falls within CRZ if no other area is available for construction of such facilities.]

(iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

⁶⁵[(v) In notified SEZ, construction of non-polluting industries in the field of information technology and other service industries, desalination plants, beach resorts and related recreational facilities essential for promotion of SEZ as approved in its Master Plan by SEZ Authority may be permitted.]

CRZ-IV

Andaman & Nicobar Islands:

(i) No new construction of buildings shall be permitted within 200 metres of the HTL;

⁶⁶[except facilities for generating power by non conventional energy sources, desalination plants and construction of airstrips and associated facilities]

⁶⁷[(id) setting up of facilities for treatment of wastes and effluents arising from hotels and beach resorts as well as domestic sewage disposal of the treated wastes in areas other than Coastal Regulation Zone –I based on a detailed scientific study to assess the environmental impact thereof.;

⁶⁸[(id) The No Construction Zone may be reduced to a minimum of 50 mts in the identified stretches of the Islands in the Union Territory of Andaman and Nicobar Islands selected and declared by the Central Government for promotion of tourism, based on an integrated coastal zone management study conducted by the Ministry

⁶⁵ Inserted by S.O 550(E) dated 21st May 2002, vide Gazette of India (Extra) No. 470.

⁶⁶ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁶⁷ Inserted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563. The amended clause either appears to be wrongly numbered as (id) or this clause could pertain to the Lakshadweep.

⁶⁸ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654. This clause also appears to be wrongly numbered.

of Environment & Forests by itself or through any agency authorized by it in this behalf;]

(ii) The buildings between ⁶⁹[50] and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of constructions shall not exceed 9 metres;

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

⁷⁰[(iv)[***] See endnote xv

(a) Corals from the beaches and coastal waters shall not be used for construction and other purposes;

(b) sand may be used from the beaches and coastal waters, only for construction purpose upto the ⁷¹[31st day of March, 2004] [***] See endnote xvi and thereafter it shall not be used for construction and other purposes.]

(v) Dredging and underwater blasting in and around coral formations shall not be permitted; and

(vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands:

(i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island ⁷²[on the basis of integrated coastal zone management study] and with approval of the Ministry of Environment & Forests, keeping in view the land use

⁶⁹ The word '200' was replaced by the word '50' by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁷⁰ Substituted by S.O.73(E) dated 31st January 1997, vide Gazette of India (Extra) No. 63.

⁷¹ Substituted by S.O.635 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 496.

⁷² The words 'in consultation with the experts' were replaced by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

requirements for specific purposes vis-a-vis local conditions including hydrological aspects, erosion and ecological sensitivity:

⁷³[(ia)facilities for generating power by non conventional energy sources;
(ib)desalination plants;
(ic)construction of airstrips and associated facilities;]

⁷⁴[(id) operational construction of jetties and wharves or construction, development or modernization of jetties and wharves on the basis of a scientific study conducted by the Central Government or any agency authorized or recognized by it on a case to case basis suggesting environmental safeguard measures required to be taken for minimizing damage to corals and associated biodiversity.]

⁷⁵[(id) setting up of facilities for treatment of wastes and effluents arising from hotels and beach resorts as well as domestic sewage disposal of the treated wastes in areas other than Coastal Regulation Zone –I based on a detailed scientific study to assess the environmental impact thereof.;

(ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;

(iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

(iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;

(v) Dredging and underwater blasting in and around coral formations shall not be permitted; and

(vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment &

⁷³ Inserted by S.O 1100 (E) dated 19th October 2002, vide Gazette of India (Extra) No. 906.

⁷⁴ Inserted by S.O.636 (E) dated 30th May 2003, vide Gazette of India (Extra) No. 497.

⁷⁵ Inserted by S.O 725 (E) dated 24th June 2003, vide Gazette of India (Extra) No. 563. The amended clause appears to be wrongly numbered as (id), not taking into consideration the earlier amendment of clause (id) by S.O.636 (E) dated 30th May 2003.

Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

⁷⁶[***]

ANNEXURE-II

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST/VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of **CRZ-III** for temporary occupation of tourists/visitors shall be subject to the following conditions:

- (i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line

[***] See endnote xvii

- ⁷⁷[(ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (ib) no flattening of sand dunes shall be carried out;
- (ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines

⁷⁶ The earlier clauses were mistakenly repeated in the print of the original notification and were deleted in S.O 190 (E) dated 18th March 1991, vide Gazette of India (Extra) No. 170.

⁷⁷ Inserted by S.O. 595 (E) dated 16th August 1994 vide Gazette of India (Extra) No. 406 and retained by the Supreme Court in its order dated 18th April 1996, in WP (Civil) 664 of 1993 I.A 19 of 1995.

issued by the Central Government before granting such no objection certificate.]

⁷⁸[EXPLANATION:

Though no construction is allowed in the No Development Zone for the purposes of calculation of FSI, ⁷⁹[a private owner of land in the NDZ shall be entitled to take into account half of such land for the purpose of permissible-FSI in respect of the construction undertaken by him outside the NDZ].]

⁸⁰[Provided further that construction for the purpose of tourism development may be permitted beyond 50 mts on the landward side of the High Tide Line in the Union Territories of the Andaman and Nicobar Islands and Lakshadweep Islands based on integrated coastal zone management study conducted by the Ministry of environment & Forests by itself or through any agency authorized by it in this behalf;]

(ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. ⁸¹[Further, the total covered area of all the floors shall not be more than 50% of the plot size both in the Union Territory of Andaman and Nicobar Islands and the Union Territory of Lakshadweep Islands]. The open area shall be suitably landscaped with appropriate vegetal cover;

(iii) The construction shall be consistent with the surrounding landscape and local architectural style;

(iv) The overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);

(v) Ground water shall not be tapped within 200 m of the HTL; within the 200 metre - 500 metre zone it can be tapped only with the concurrence of the Central/State Ground Water Board;

⁷⁸ Inserted by S.O. 595 (E) dated 16th August 1994.

⁷⁹ The words ‘...the area of entire plot including the portion which falls within the no development zone shall be taken into account’ were changed by the Supreme Court in its order dated 18th April 1996, in WP (Civil) 664 of 1993 I.A 19 of 1995.

⁸⁰ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

⁸¹ Inserted by S.O.838 (E) dated 24th July 2003, vide Gazette of India (Extra) No. 654.

(vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;

(vii) The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;

(viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach:

(ix) To allow public access to the beach, atleast a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and

(x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation), Act, 1980 shall be obtained. The requirements of other Central and State Laws as applicable to the project shall be met with.

(xi) Approval of the State/Union Territory Tourism Department shall be obtained.

7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central/State Government/Union Territories) construction of beach resorts/hotels shall not be permitted.

⁸²[ANNEXURE-III

[See paragraph 2, sub-paragraph (ii)]

⁸² Inserted by S. O. No. 494(E) dated 9th July 1997, vide Gazette of India (Extra) No. 393

List of Petroleum Products Permitted for Storage in ⁸³[Coastal Regulation Zone except CRZ I – (I)]

- (i) Crude Oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor Spirit;
- (iv) Kerosene;
- (v) Aviation Fuel;
- (vi) High Speed Diesel;
- (vii) Lubricating Oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naptha;
- (xii) Furnace Oil;
- (xiii) Low Sulphur Heavy Stock.

⁸⁴[(xiv) Liquefied Natural Gas (LNG)]
]

⁸⁵[***]

⁸³ The words ' port areas' was substituted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237.

⁸⁴ Inserted by S.O 329(E) dated 12th April 2001, vide Gazette of India (Extra) No. 237

⁸⁵ Point 6 of S.O 329(E) dated 12th April 2001stated that 'environmental clearances accorded by the Ministry of Surface Transport from 9th July 1997 till the publication of this notification are valid. All proposals for environmental clearance pending with the Ministry of Surface Transport stand transferred to Ministry of Environment and Forests from the date of publication of this notification'.

ENDNOTES

ⁱ Clause as per original notification dated 19th February, 1991:

‘For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides. Note: - The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers creeks and backwaters may be modified on a case by case basis for reactions to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metre or the width of the creek, river or backwater whichever is less.’

Subsequent substitution of clause by amendment S.O. 595 (E) dated 16th August 1994:

‘For the purposes of this notification, the High Tide Line means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority so authorised by the Central Government in consultation with the Surveyor General of India.’

Corridenga S.O 690(E) changed the date of amendment S.O. 595 (E) dated 18th August 1994 to 16th August 1994.

ⁱⁱ Clause as per original notification 19th February, 1991:

‘NOTE: The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers creeks and backwaters may be modified on a case by case basis for reactions to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metres or the width of the creek, river or backwater whichever is less.’

Subsequent substitution of the clause by amendment S.O. 595 (E) dated 16th August 1994:

‘NOTE: The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks and back waters and may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans. However, this distance shall not be less than 50 metres or the width of the creek, river or backwater whichever is less. The distance upto which development along rivers, creeks and back-waters is to be regulated shall be governed by the distance upto which the tidal effect of sea is experienced in rivers, creeks or back-waters, as the case may be, and should be clearly identified in the Coastal Zone Management Plans.’

The Supreme Court held the following clause inserted by S.O. 595 (E) dated 16th August 1994 to be illegal. After this order by the court the original clause was retained:

‘NOTE:- The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers creeks and backwaters may be modified on a case by case basis for reactions to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metres or the width of the creek, river or backwater whichever is less.’

iii Clause as per original notification dated 19th February, 1991:

The following activities are declared as prohibited within the Coastal Regulation Zone, namely:

‘setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities’.

S.O 329(E) dated 12th April 2001, replaced the above clause (see the text of the notification).

iv Clause as per original notification 19th February, 1991:

‘Provided that Government of India in the Ministry of Surface Transport, on a case to case basis, may permit storage of the petroleum products as specified in Annexure-III appended to this notification within the existing port limits of existing ports and harbours and in those areas of ports that have not been classified as CRZ-I subject to implementation of safety regulations including guidelines issued by Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas after ensuring proper location of site and availability of necessary equipment to meet the safety norms and the exigencies arising due to any accident or spillage’.

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

‘...Provided that Government of India in the Ministry of Surface Transport, on a case to case basis, may permit storage of the petroleum products as specified in Annexure-III appended to this notification within the existing port limits of existing ports and harbours and in those areas of ports that have not been classified as CRZ-I subject to implementation of safety regulations including guidelines issued by Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas after ensuring proper location of site and availability of necessary

equipment to meet the safety norms and the exigencies arising due to any accident or spillage.’

Subsequent substitution of clause by amendment S.O 730 (E) dated 4th August 2000:

‘Provided that, - (i) facilities for storage of the petroleum products as specified in Annexure-III appended to this notification, may be permitted within the said Zone in areas not classified as (CRZ-I) (i), subject to implementation of safety regulations including guidelines issued by the Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to such further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated,- (a) by the Government of India in the Ministry of Environment and Forests to facilities for storage that are wholly or partially outside the existing port limits of existing ports and to the dedicated storage facilities which form part of an integrated project irrespective of falling within or outside the port limits, and (b) by the Government of India in the Ministry of Environment and Forests or the Ministry of Surface Transport to facilities for storage that are within the existing port limits of existing ports. Explanation: For the purpose of facilities for storage, the port limits as notified till the notification of the Government of India in the Ministry of Environment and Forests number S.O.494 (E), dated, the 9th July, 1997 shall be applicable. (ii) facilities for receipt, storage and regasification of Liquefied Natural Gas may be permitted by the Government of India in the Ministry of Environment and Forests within the "Zone in areas not classified as (CRZ-I) (i), subject to implementation of safety regulations including guidelines issued by the Oil Safety Directorate in the Government of India, Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment and Forests and subject to such further terms and conditions for implementation of ameliorative and restorative measures in relation to the environment as may be stipulated.’

S.O 329(E) dated 12th April 2001, replaced the above clause (see the text of the notification).

^v Clause as per original notification 19th February, 1991:

‘(iv) setting up and expansion of units / mechanisms for disposal of wastes and effluents, except facilities required for discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;’

S.O 725 (E) dated 24th June 2003, replaced the above clause (see the text of the notification).

^{vi} Clause as per original notification 19th February, 1991:

‘(viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge.’

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

‘(viii) land reclamation, bunding or disturbing the natural course of sea water except those required for construction of ports, harbours, jetties, wharves; quays, slipways, bridges and sea-links and for other facilities that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge.’

S.O 329(E) dated 12th April 2001, replaced the above clause (see the text of the notification).

^{vii} Clause as per original notification 19th February, 1991:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas.’

Subsequent insertion of the following clause by amendment S.O.73 (E) dated 31st January 1997 (mistakenly marked as clause (x) instead of (ix)) to read:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas.

Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Department of Environment; Secretary, Department of Water Resources; and Secretary Public Works Department. Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period upto the 31st day of March, 1998. The quantity of sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of current year and 1997-98 annual plans. The permission of mining of

sand may be given on the basis of a mining plan from such sites and in such quantity which shall not have adverse impacts on the environment.’

Subsequent substitution of clause by amendment S.O.334 (E) dated 20th April 1998 to read:

(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas.

Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department, Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 1998**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly requirement of **1998-99** annual plan. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.’

Subsequent substitution of clause by amendment S.O.873(E) dated 30th September 1998 to read:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, **Public Works Department. The said Committee** may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the 30th day of September, 1999. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 1998-99 and 1999 – 2000 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.’

Subsequent substitution of clause by amendment S.O.998 (E) dated 29th September 1999 to read:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

"Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 2000**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 1999 – 2000 and 2000- 2001 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.’

Subsequent substitution of clause by amendment S.O.990 (E) dated 29th September, 2000 to read:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

"Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 2001**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 2000- 2001 and 2001- 2002 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.’

Subsequent substitution of clause by amendment S.O 329(E) dated 12th April 2001 to read:

‘(ix) mining of sands, rocks and other substrata materials except (a) those rare minerals not available outside the CRZ areas and (b) exploration and extraction of Oil and Natural Gas.’ The earlier proviso was retained.

Subsequent substitution of clause by amendment S.O. 988(E) dated 3rd October 2001 to read:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. The said Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case to case basis, for a period up to the **30th day of September, 2002**. The quantity of the sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of half yearly **requirement of 2001- 2002 and 2002- 2003 annual plans**. The permission of mining of sand may be given on the basis of the mining plan for such sites in such quantity which shall not have adverse impacts on the environment.’

Subsequent substitution of clause by amendment S.O 52 (E) dated 16th January 2003 to read:

‘(ix) mining of sands, rocks and other substrata materials except those rare minerals not available outside the CRZ areas

Provided that in the Union Territory of the Andaman and Nicobar islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department.

Provided further that the committee may permit mining of sand upto 55,127cu.m. for construction purposes on a case to case basis, for the period on and from the 1st day of April, 2002 to the 31st day of March, 2003, from sites selected, inter-alia, based on rate of replenishment or deposition of sand:

Provided also that the permission as may be granted under this sub-paragraph for mining of sand shall be based on mining plans and stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, birds nesting sites and protected areas.’

S.O.635 (E) dated 30th May 2003, replaced the above clause (see the text of the notification).

^{viii} Clause as per original notification 19th February, 1991:

(x) harvesting or drawal of ground water and construction of mechanisms therefore within 200 m of HTL: in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture agriculture and fisheries;

The amendment S.O.73 (E) dated 31st January 1997 inserted the following proviso after 2(x) (mistakenly referred to as 2(ix) in the gazette amendment):

‘Provided that in the Union Territory of the Andaman and Nicobar Islands, drawal of ground water can be permitted from specific sites if no other source of water is available and when done manually through ordinary wells or hand pumps, with the approval of Secretary, Department of Environment, Andaman and Nicobar Administration on a case to case basis, within 50 to 200 m from High Tide Line for local inhabitants for drinking purposes only’

S. O. No. 494(E) dated 9th July 1997 replaced the above clause (see the text of the notification).

The petitioner in CWP 4198/97 [Para 21] submits that the delegation of the powers to designate an authority, by the Central Government to the State Government is ultravires the provisions of Section 3, 4 and 23 of the EP Act. The petitioner in CWP 4198/97 has prayed for the entire notification to be quashed. The case is still pending in the Delhi High Court.

^{ix} Clause as per original notification 19th February, 1991:

‘3(2) (ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways: Provided that for expansion or modernisation of existing ports and harbours including fishing harbours operational constructions for ports and harbours and construction of jetties, wharves, quays, slipways, Single Point Mooring and Single Buoy Mooring and for reclamation for facilities essential for operational requirements of ports and harbours in areas within the existing port limits, except the areas classified as category CRZ-I (i), shall require environmental clearance from Government of India in the Ministry of Surface Transport, which shall take decision on these activities on the basis of Environmental Impact Assessment Report:

Provided further that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible.’

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

‘(ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways:

Provided that for expansion or modernisation of existing ports and harbours including fishing harbours operational constructions for ports and harbours and construction of jetties, wharves, quays, slipways, Single Point Mooring and Single Buoy Mooring and for reclamation for facilities essential for operational requirements of ports and harbours in areas within the existing port limits, except the areas classified as category CRZ-I (i), shall require environmental clearance from Government of India in the Ministry of Surface Transport, which shall take decision on these activities on the basis of Environmental Impact Assessment Report:

Provided further that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible.’

Subsequent substitution of clause by amendment S.O 329(E) dated 12th April 2001: ‘(ii) Operational constructions for ports and harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways, pipelines, conveying systems including transmission lines.’

S.O.635 (E) dated 30th May 2003, replaced the above clause (see the text of the notification).

^x Clause as per original notification 19th February, 1991:

‘(iv) All other activities with investment exceeding rupees five crores.’

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

‘(iv) All other activities with investment exceeding rupees five crores except those activities which are to be regulated by the concerned authorities at the State/Union Territory level in accordance with the provisions of paragraph 6, sub-paragraph (2) of Annexure I of the notification.’

S.O 460(E) dated 22nd April 2003 replaced the above clause (see the text of the notification).

^{xi} Clause as per original notification 19th February, 1991:

‘No new construction shall be permitted within 500 metres of the High Tide Line. No construction activity, except as listed under 2(xii), will be permitted between the Low Tide Line and the High Tide Line.’

^{xii} Clause as inserted by amendment S. O. No. 494(E) dated 9th July 1997:

‘Provided that construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Biosphere reserve area,

West Bengal, may be permitted, on a case to case basis, by an authority designated by the State Government;’

Subsequent substitution of clause by amendment S.O 329(E) dated 12th April 2001: ‘No new construction shall be permitted in CRZ I except (a) Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines and (c) facilities that are essential for activities permissible under CRZ I, Between the LTL and HTL, activities are specified under paragraph 2 (xii) may be permitted. In addition, between LTL and HTL in areas, which are not ecologically sensitive and important, the following may be permitted;

(a) Exploration and extraction of Natural Gas, (b) activities as specified under proviso of sub paragraph (ii) of paragraph 2, and (c) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Bio-sphere reserve area of West Bengal, on a case to case basis, by the West Bengal State Coastal Zone Management Authority.’

^{xiii} Clause as per original notification 19th February, 1991:

‘Norms for Regulation of Activities. CRZ –II

(i) Buildings shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of FSI/FAR.’

^{xiv} Clause as per original notification 19th February, 1991:

‘Norms for Regulation of Activities. CRZ –III

(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI existing plinth area and existing density. However, the following uses may be permissible in this zone - agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from seawater.’

Subsequent substitution of clause by amendment S. O. No. 494(E) dated 9th July 1997:

‘(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. "No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing

plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants’

Subsequent substitution of clause by amendment S.O 550(E) dated 21st May 2002:

‘(i) The area upto 200 metres from the High Tide Line is to be earmarked as ‘No Development Zone’ “ provided that such area does not fall within any notified port limits or any notified Special Economic Zone”. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities. However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry, mining of rare minerals and salt manufacture from sea water.

(I a) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.’

The amendment S.O 550(E) dated 21st May 2002 deleted the earlier words ‘An authority designated by the State Government/Union Territory Administration may permit construction of facilities for water supply, drainage and sewerage for requirements of local inhabitants.’

Subsequent substitution of clause by amendment S.O 1100 (E) dated 19th October 2002:

‘(i)The area upto 200 metres from the High Tide Line is to be earmarked as ‘No Development Zone’ “ provided that such area does not fall within any notified port limits or any notified Special Economic Zone”. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities.

However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry, mining of rare minerals” and salt manufacture from sea water, facilities for receipt and

storage of petroleum products and liquefied natural gas as specified in Annexure-III appended to this notification and facilities for regasification of liquefied natural gas subject to the conditions as mentioned in para 2 (ii), facilities for generating power by non conventional energy sources, desalination plants, weather radars and construction of and construction of airstrips and associated facilities in the Islands of Lakshadweep and Andaman and Nicobar

(I a) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Provided that construction of units or ancillary thereto for domestic sewage treatment and disposal shall be permissible notwithstanding anything contained in sub-paragraph (iv) of paragraph 2 of this notification.

^{xv} Clause as per original notification 19th February, 1991:

(iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes:

^{xvi} Clause as per amendment S.O.73 (E) dated 31st January 1997:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 31st day of March, 1998 and thereafter it shall not be used for construction and other purposes.’

Subsequent substitution of clause by amendment S.O 334 (E) dated 20th April 1998:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 1998 and thereafter it shall not be used for construction and other purposes.’

Subsequent substitution of clause by amendment S.O 873(E) dated 30th September 1998:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 1999 and thereafter it shall not be used for construction and other purposes.’

Subsequent substitution of clause by amendment S.O. 998 (E) dated 29th September 1999:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 2000 and thereafter it shall not be used for construction and other purposes.’

Subsequent substitution of clause by amendment S.O. 900(E) dated 29th September 2000:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 2001 and thereafter it shall not be used for construction and other purposes.’

Subsequent substitution of clause by amendment S.O 988 (E) dated 3rd October 2001:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 30th day of September, 2002 and thereafter it shall not be used for construction and other purposes.’

Subsequent substitution of clause by amendment by S.O 52 (E) dated 16th January 2003:

‘(iv) (b) sand may be used from the beaches and coastal waters, only for construction purpose upto the 31st March, 200 and thereafter it shall not be used for construction and other purposes.’

S.O.635 (E) dated 30th May 2003 replaced the above clause (see the text of the notification).

^{xvii} Clause as per original notification 19th February 1991:

‘7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of **CRZ-III** for temporary occupation of tourists/visitors shall be subject to the following conditions:

(i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line;’

Subsequent substitution of clause by amendment S.O. 595 (E) dated 16th August 1994:

‘7(i) The project proponent shall not undertake any construction within 200 metres in the land-ward side from the High Tide Line and within the area between the Low Tide and High Tide Lines:

Provided that the Central Government may, after taking into account geographical features and overall Coastal Zone Management Plans, and for reasons to be recorded in writing, permit any construction subject to such conditions and restrictions as it may deem fit;

(ia) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

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- (ib) no flattening of sand dunes shall be carried out;
 - (ic) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
 - (id) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.'

The Supreme Court substituted some of the clauses of the above amendment in its order dated 18th April 1996, in WP (Civil) 664 of 1993 I.A 19 of 1995 quashing the 16th August 1994 amendment (see the text of the notification).
