

Ministry of Environment and Forests
Notification III

S.O. 494(E), dated July 9, 1997, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 9th July, 1997, pp. 4-6 No.393 [No. H-11011/6/97-IA-III]

Whereas by the notification of the Government of India in the Ministry of Environment and Forests No. S.O. 114 (E), dated the 19th February, 1991 (hereinafter referred to as the said notification) Central Government declared Coastal Stretches as Coastal Regulation Zone (CRZ) and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

And whereas some State Governments have drawn attention of the Central Government to the difficulties being faced by the local people and also for construction of essential facilities in the coastal zone;

And whereas these issues have been examined by the Government of India in the Ministry of Environment and Forests and discussed with other concerned authorities;

And whereas the Central Government is of the opinion that the said notification should be amended;

And whereas sub-rule (4) of Rule 5 of the Environment (Protection) Rules, 1986 provides that, "Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3) of the said rules;

And whereas the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) sub-rule (3) of Rule 5 of the said rule for amending the said notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rules (3) and (4) of Rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the aforesaid notification.

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

(1) in sub-paragraph (ii) the following words and proviso shall be inserted at the end, namely:-

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

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";

(2) in sub-paragraph (iii) the following provision shall be inserted at the end, namely:-

"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";

(3) for sub-paragraph (viii) the following shall be substituted, namely:-

"(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.";

(4) in sub-paragraph (x), for the proviso the following proviso shall be substituted, namely:-

"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 200m or the CRZ, whichever is less, from High Tide Line in case of rivers, creeks and back waters 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".

3. In Paragraph 3, sub-paragraph (2), for clauses (ii) and (iv) the following shall be substituted, namely:-

"(ii) Operational constitutions 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 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 CBZ -I(i) , shall require environmental clearance from Government of India is 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";

"(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".

4. In Annexure I, in Paragraph 6, in sub-paragraph (2):-

(1) under heading CRZ-I the following proviso shall be inserted at the end, namely:-

"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 Bio-sphere reserve area, West Bengal, may be permitted, on a case to case basis, by an authority designated by the State Government";

(2) under heading CRZ-II, for item (i), the following shall be substituted, namely:-

"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 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 (except roads proposed in the approved Coastal Zone Management Plan) which are constructed on the seaward side of an existing road";

(3) under heading CRZ-III,-

(i) in item (i) for the words "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" the words "No construction shall be permitted within this zone except for repairs of existing authorised structure 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" shall be substituted.

(ii) in item (iii) at the end, the following words shall be inserted, namely:-

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

5. After Annexure II to the said notification the following Annexure III shall be inserted , namely:-

ANNEXURE III

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

List of Petroleum Products Permitted for Storage in Port Areas

- i. Crude Oil;
- ii. Liquified 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".

1. As amended by notification dated 18.8.1994

2. Amended to 50 metres by notification dated 16.8.1994. Restored to 100 metres by Supreme Court dated 18.4.1996

3. Introduced via amendment dated 16.8.1994.

4. Entire area of non-development zone allowed as per amending notification dated 16.8.1994. Modified by the Supreme Court order dated 18.4.1996 to 50% of non-development