

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 12th April, 2001

S.O. 329 (E) - Whereas by the 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 (CRZ) and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

And whereas objections raised by the petitioner in the High Court of Delhi in civil writ petition No.4198/98-relating to delegation of powers have been duly considered by the Central Government;

And whereas issues relating to delegation of powers have been examined by the Central Government in the Ministry of Environment and Forests;

And whereas the Central Government has also considered the requirement of projects relating to Department of Atomic Energy and pipelines, conveying system including transmission lines and other facilities essential for activities permissible under the notification in the CRZ areas;

And whereas the Central Government deems it necessary to harmonise the existing provisions of the notification;

And whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to amend the said notification;

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

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

(a) those directly related to water front or directly needing foreshore facilities and (b) Projects of Department of Atomic Energy;"

(2) in sub-paragraph (ii), for the existing proviso, the following shall be substituted, namely:-

"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 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 such 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;"

(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 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 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:

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

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

"(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;"

5. for sub-paragraph (xi), the following shall be substituted, namely:-

"construction activities in CRZ -1 except as specified in Annexure -I of this notification;"

3. in paragraph 3, in sub-paragraph 2,-

1. for sub-clause (i), the following sub-clause shall be substituted, namely:-

"(i) Construction activities related to projects of 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);";

2. for sub-clause (ii), the following sub-clause shall be substituted, namely:-

"(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;"; 407-44

3. in sub-clause (ii) existing provisos shall be omitted.

3. in Annexure-1, in paragraph 6, in sub-paragraph (2)-

1. Under heading CRZ-1, the following shall-'be substituted, namely:-

"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-1. Between the LTL and the HTL, activities as 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, West Bengal, on a case to case basis, by the West Bengal State Coastal Zone Management Authority".

3. In Annexure-III

(1) in the heading, for the words "Port Areas", the words "Coastal Regulation Zone except CRZ I- (i)" shall be substituted.

1. after item (xiii), the following shall be inserted at the end, namely:-

"(xiv) Liquefied Natural Gas (LNG)"

6. 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,

(F. No. H- 11011/6/97-IA-III)

Dr. V. Rajagopalan

Joint Secretary to the Government of India

Foot Note - The principal notification was published in the Gazette of India vide number S.O. 114(E), dated, the 19^h February, 1991 and subsequently amended vide:-

- i. S.O. 595 (E) dated 18th August, 1994
- ii. S.O. 73 (E) dated 31th January, 1997
- iii. S.O. 494 (E) dated 9th July, 1997
- iv. S.O. 334 (E) dated 20th April, 1998
- V. S.O. 873 (E) dated 30th September, 1998
- vi. S.O. 1122 (E) dated 29th December, 1998
- vii. S.O. 730 (E) dated 4th August, 2000
- viii. S.O. 900 (E) dated 29th September 2000.