

# Coastal Regulation Zone Planning : Issues to be looked into

Presentation by  
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at

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# Issues

- Environmental protection of 720 km of coastal line.
- Coastal metropolitan cities like Mumbai, Navi Mumbai, Raigad and Thane with their own unique environmental, social and political entanglements.
- Problems related to development as CRZ Regulations restrict development.
- Vast tract of **Agricultural land** in Thane and Raigad district has become waste land due to non maintenance of protecting bunds, leading to loss of livelihood to farmers, illegal use of land and encroachment leading to more pollution load on coastal waters

# Difficulties in implementation

- Unclear mandate specifying the role and delegation of power of different agencies.
- Inadequate communication and coordination among parties.
- Insufficient in field implementation.
- Lack of institutional capacity and training.

# Urban Development

- Mumbai, Navi Mumbai, Thane, Vasai, Virar, Kalyan Dombivali, Uran, Raigad, Ratnagiri, etc. etc.
- Tremendous pressure of development due to increase in population which has resulted in demand for housing.
- The only available areas today are within the CRZ areas.
- There has been continuous migration to cities. This has resulted in unauthorized hutments all along the coast.

# CRZ – Impediment in Slum Rehabilitation

- State Govt. has introduced the scheme of Slum Rehabilitation for socio environmental development considering the need of poor and needy people. The slums are mostly located in CRZ - I, i.e., over or very close to mangroves and tidal mudflats **so also in CRZ II and CRZ III areas**
- The only piece of available land required to relocate these slums is in CRZ (this is a more specific case of the island city of Mumbai)

## CRZ Demarcation: (problems in field implementation)

- The original demarcation of HTL was done on 1:25000 map of scale. The development plans by the various Municipal bodies are on 1:4000 and in some cases 1:2500 scale.
- This has also created lot of ambiguity as transformation from 1:25000 to higher scale is neither permissible nor technically proper.
- The transfer of the HTL line from 1:25000 to 1:4000, in some cases, was done by the municipal authorities leading to litigation – since this authority (of delineating the HTL) has been vested with just **Seven** (SAC, NIO, NIOT, CESS, IRS, Inst of Wetland, National Hydrographic office Dehradun) Agencies according to the MoEF.
- **Often demarcation line of HTL of the same site varies from each of the agency: needs an uniform methodology to carry out demarcation which will reduce the errors**

## CRZ Demarcation: (problems in ground implementation)

- There are quite a few applications received by the State Coastal Zone Management Authority requesting for fresh survey on 1:4000 scale from agencies approved by the MoEF.
- It will not be out of place to mention that the methodology followed by each of these five agencies in demarcating the HTL differs.
- Out of the 7 agencies only 3 -4 agencies are actively carrying out the surveys, leading to considerable delay in preparation of maps

## CRZ Demarcation: (problems in ground implementation)

- It may also be pointed out that the charges/fees levied by these agencies vary and is also not affordable by small stake holders as well as by the State agency.
  - The MoEF vide letter dated 27/9/1996 had directed the State Govt. to prepare the map on 1:25000 scale through satellite imagery for the purpose of delineating the HTL.
  - However, MoEF approved few more agencies to demarcate HTL and LTL vide letter dated 8/1/1999. The guidelines specified to these agencies stipulate that the HTL should now be demarcated on a scale that matches the available cadastral survey.

## Clash with prevalent DC – Rules:

The MoEF approved the CZMP for Maharashtra vide letter No.J-17011/8/95-IA-III dated 27<sup>th</sup> Sept.1996 with certain conditions in Para A general conditions (i), (v), (vii), (xiii), xvi) Para B-(18).

- The amendment to the notification at para 1(ii) on 12th April, 2001 provides as under :

Where approval granted to the CZMP dated 27<sup>th</sup> Sept.1996 at para (18) specified the CRZ in respect of creeks, rivers and back-water, i.e. 150 m maximum only the width of the river, creek or back water is more than 350 m.

## Clash with prevalent DC – Rules:

- These conditions mean in the CZMP dated 27/9/96 at Sr. No.(13) para A (General conditions) that all mangroves with an area of 1000 sq. m or more would be classified as CRZ-I with a buffer zone of at least 50 m.
- This inconsistency or anomaly has not been removed while amending the notification.
- This condition would mean that for approx. 50X20 m (1000 sq. m) of mangroves about 15000 sq. m of buffer zone will have to be kept. This is totally impracticable in urban areas.

## Clash with prevalent DC – Rules:

- Such small areas cannot be delineated on maps at a scale of 1: 25,000.
- It is also not specified as to what kind of activities can be permitted in this buffer zone and effectively it becomes a no-development zone (soft target for encroachers)
- The areas presently under such conditions, is a hot breeding ground for illegal activities and constructions, since no authority is vested with the responsibility and infrastructure to monitor these areas.

# Clash with prevalent DC – Rules:

- In CRZ-II areas the local authorities shall be given powers to decide development issues and grant of FSI, to modify the development control issue in respect of FSI density and change of user depending on local conditions.
- MoEF, GoI issued CRZ notification on 19/2/1991 and the CZMP was to be prepared within one year from the issuance of the notification. (Target never met)
- MoEF issued CRZ Notification 2011 and directed all the State Governments to prepare CZMP in 2 years, now 3 years have passed no CZMP in place even Draft CZMP's were also not published
- Due to this stakeholders are suffering as there is no clarity and authorities continue to implement the CRZ notification 1991 citing absence of new CZMP

## Clash with prevalent DC – Rules:

- Since no coastal State or even the MoEF had not taken any steps, a Writ Petition bearing No.664 of 1994 was filed in the Supreme Court of India.
- As a result of the orders of the Hon'ble Supreme Court, steps were taken by all concerned government agencies and the approval to the CZMP (conditional) was granted by MoEF on 27/9/1996 for Maharashtra **and on 19.01.2000 for Mumbai**
- Thus, in effect, the CRZ Notification 1991 became operational from **19.01.2000 for Mumbai**

## Clash with prevalent DC – Rules:

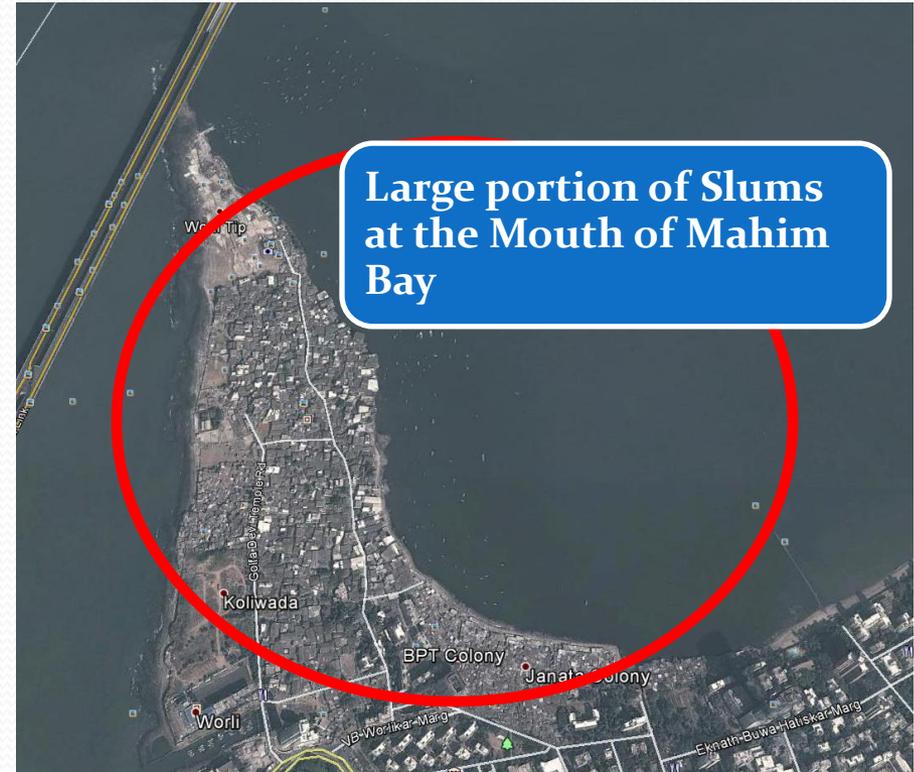
- The restriction imposed on development in CRZ-II areas i.e. to follow the FSI and town country planning regulation as on 19/2/1991 do not hold good in view of the fact that the conditional approval itself was granted on 27/9/1996 **and final approval on 19.01.2000**
- MoEF insistence on applying the provisions of this notification with effect from 19/2/1991 is therefore not practical. It would therefore be prudent to consider the norms prevailing as on **19.01.2000**
- Now new **CRZ** rules 2011 have come and have made the situation more complex: it says

## Clash with prevalent DC – Rules:

- Redevelopment is permitted for dangerous and dilapidated buildings as per prevailing FSI, later it was amended and restricted to FSI permissible as on date of new CRZ notification i.e.; 06.01.2011
- Again in the redevelopment scheme only those buildings which were declared dangerous/dilapidated prior to 06.01.2011 are entitled for the benefits of higher FSI
- Does MoEF mean, there won't be any new buildings become dangerous in future ie; after 2011 in CRZ area? Or this notification is only for the redevelopment of existing dangerous/dilapidated buildings? i.e.; as of 6.1.2011

# Clash with prevalent DC – Rules:

- Similarly, Slum Rehabilitation in CRZ areas is also allowed under CRZ 2011, However, the provisions of 51 % share of Govt. is hampering its development.
- There is no clarity as to what 51% comprises of and since 3 years of this notification the SRA Scheme in CRZ is non starter.
- The dichotomy is pollution of coast continue unabated due to existing slums. If those slums are properly developed, proper sanitation facility with sewer lines and STP will certainly reduce the pollution and improve the ambience of coastline than in the existing case.



# The STATE GOVERNMENT's attempts at modification of CZMP

- The State Govt. had approached all the concerned Central departments seeking relevant information for the purposes to modify the CZMP.
- There has been no response from the concerned authorities and therefore the State Govt. is unable to show above area as CRZ-I in the CZMP.
- There has been no response from the MoEF as and when the State Authority approaches it for guidance, or clarification on such important issues.

# The issues over an “Imaginary Line”:

- Ref: Letter from GOI, MoEF, No. J-17011/3/95-LA-III dt. 8<sup>th</sup> September 1998.
- The ambiguity of the statement and definition -- ‘imaginary line’ -- has severely impacted the legitimate development of a large number of land holdings.

# The Problem with Geomorphological Definitions:

- The term “width of the creek” and “bay” has not been defined or explained either in the notification or in the Environment (Protection) Act, 1986 or in the approval letter of CZMP. There has been no express provision to this effect. This is leading to restrictions in development and court cases
- The term “mouth of a creek” also needs to be properly defined.

# Waste disposal problems:

- The municipal solid waste dumping grounds in the coastal areas are mostly located in CRZ zones. Mostly unauthorised.
- It would be worthwhile if landfill sites are allowed in CRZ areas for scientific disposal of municipal solid waste except in CRZ-I.
- The waste processing plant should be permitted in CRZ-II areas otherwise the municipal authorities will continue dumping their solid waste on mangroves [CRZ - 1(i)] areas.

# Waste disposal problems:

- This has given rise to number of litigation in the State.
- There has to be some practical and specific consideration for notified urban areas considering the local needs.
- In Urban Mangroves, whether there is any beneficial eco-system?  
**What types of Mangroves and their Diversity? Any study carried out by MoEF? Whether they are indicators of pollution or they need polluted water to grow?**
- Whether additional mangroves like eco-system can be created away from coast to compensate for some of the losses due to absence of mangroves on coastline?
- What is the advantage and disadvantage of eco-system, mangroves on coast v/s misuse, illegal settlement, rehabilitation issues; also needs to be studied and quantified.

# The MCZMA: clarity of mandate-

- One of the mandates given to the state coastal authority is to examine projects coming up in CRZ areas. However, clearance is given by MoEF. In case of violation, SCZMA is asked to act. Why not MoEF?
- ICZMP not yet done for Maharashtra. How MoEF, NGO, Courts can help?
- The “concerned State authorities” means State UD or State Coastal Zone Management Authority. SCZMA is Central Authority under MoEF (section 3 of EPA)??!?
- Non-specialists aplenty
- Criteria for nomination of members on coastal zone authorities undefined.



**Thank you !**

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