

പതിനാലാം കേരള നിയമസഭ

14-ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നം. 29


28.01.2019-ൽ മറുപടിയ്ക്ക്

തീരദേശ മേഖല നിയന്ത്രണ വിജ്ഞാപനത്തിലെ വ്യവസ്ഥകൾ

<u>ചോദ്യം</u>	<u>മറുപടി</u>
<p>ശ്രീ.അൻവർ സാദത്ത്</p> <p>(എ) തീരദേശ മേഖല നിയന്ത്രണ വിജ്ഞാപനത്തിലെ വ്യവസ്ഥകൾ ഇളവ് ആവശ്യപ്പെട്ടുകൊണ്ട് എത്ര തവണ കേന്ദ്ര സർക്കാരിന് നിവേദനം സമർപ്പിച്ചിട്ടുണ്ട്; അതിന്റെ പകർപ്പുകൾ ലഭ്യമാക്കുമോ;</p> <p>(ബി) ഇത് സംബന്ധിച്ച് കേന്ദ്ര സർക്കാർ അനുകൂലമായ നടപടി എടുത്തിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ അതിന്റെ വിശദാംശങ്ങൾ വെളിപ്പെടുത്തുമോ;</p> <p>(സി) മുൻ സർക്കാർ ആവശ്യപ്പെട്ട ഇളവുകളിൽ നിന്ന് വ്യത്യസ്തമായി ഏതെങ്കിലും തരത്തിലുള്ള ആവശ്യങ്ങൾ കേന്ദ്ര സർക്കാരിന് മുന്നിൽ ഉന്നയിച്ചിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ അതിന്റെ വിശദാംശങ്ങളും പകർപ്പ് ലഭ്യമാക്കുമോ?</p>	<p>പിണറായി വിജയൻ (മുഖ്യമന്ത്രി)</p> <p>2011 ജനുവരി 6ന് തീരദേശ നിയന്ത്രണ വിജ്ഞാപനം- 2011 കേന്ദ്ര വനം പരിസ്ഥിതി മന്ത്രാലയം പുറപ്പെടുവിച്ചു. തീരദേശ പരിപാലന നിയമം നടപ്പിലാക്കുമ്പോൾ ഉണ്ടാകുന്ന പ്രശ്നങ്ങളെക്കുറിച്ച് പഠിക്കുന്നതിന് ഡോ.ഷൈലേഷ് നായിക് അധ്യക്ഷനായി 2014 ജൂൺ 17ന് കേന്ദ്ര സർക്കാർ ഒരു സമിതി രൂപീകരിച്ചു. ടി സമിതി 2014 ആഗസ്റ്റ് 22ന് കേരളം സന്ദർശിക്കുകയും ബഹു. മുഖ്യമന്ത്രിയുമായും ചീഫ് സെക്രട്ടറി ഉൾപ്പെടെ വിവിധ ഉദ്യോഗസ്ഥരുമായും CRZ നിയമം നടപ്പിലാക്കുമ്പോൾ നേരിടേണ്ടിവരുന്ന ബുദ്ധിമുട്ടുകളെക്കുറിച്ച് ചർച്ച ചെയ്തു. 2014 ഒക്ടോബർ 27ന് കേരളമുൾപ്പെടെയുള്ള മറ്റ് സംസ്ഥാനങ്ങളുമായി ന്യൂഡൽഹിയിൽ വെച്ച് വീണ്ടും ചർച്ച നടത്തി. അതിന് ശേഷം 2015 ജനുവരിയിൽ തീരദേശ മേഖലയിൽ ഭവന നിർമ്മാണത്തിനും മറ്റും ഇളവു നൽകുന്നതിന് ശുപാർശ</p>

ചെസ്റ്റ് വിശദമായ റിപ്പോർട്ട് കേന്ദ്ര
വനം പരിസ്ഥിതി മന്ത്രാലയത്തിന്
കമ്മിറ്റി സമർപ്പിച്ചിരുന്നു. ഈ
ശുപാർശകൾ കൂടി
ഉൾപ്പെടുത്തിക്കൊണ്ടാണ് കേന്ദ്ര
സർക്കാർ തീരുമാനം നിയന്ത്രണ
വിജ്ഞാപനം-2019 പുറപ്പെടു-
വിച്ചിട്ടുള്ളത്.

കൂടാതെ , തീരുമാനം
നിയന്ത്രണ വിജ്ഞാപനം-2019
പുറപ്പെടുവിക്കുന്നതിന് മുന്നോടിയായി
കേന്ദ്ര സർക്കാർ പ്രസിദ്ധീകരിച്ച കരട്
തീരുമാനം നിയന്ത്രണ വിജ്ഞാപനം-
2018 നേലുള്ള സംസ്ഥാന സർക്കാരിന്റെ
അഭിപ്രായം കേന്ദ്ര സർക്കാരിനെ
അറിയിച്ചിരുന്നു. ആയതിന്റെ പകർപ്പ്
അനുബന്ധമായി ചേർക്കുന്നു.


ബന്ധുജിത് ഓഫീസർ



P.H. KURIAN
ADDITIONAL CHIEF SECRETARY

No. B3/133/2018/Envt.

Thiruvananthapuram,
Dated: 14.6.2018

From
The Additional Chief Secretary to Government.

To
The Director, Ministry of Environment, Forest & Climate Change
(IA-III Division) Government of India, J-615 Jal Block,
Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi -110003
(Tele fax- 011-24695340)

Sir,
Sub: Draft Coastal Zone Regulation Notification, 2018- Comments of
State Government -forwarding-reg

Ref: Your letter no F. No 19-112/2013-IA-III dt 18.4.2018

I am to invite your attention to the reference cited and to forward herewith the comments / suggestions on the Draft Coastal Zone Regulation Notification 2018 as approved by the Council of Ministers for consideration and making the required changes in the final notification.

Yours faithfully,


P.H. Kurian

Revenue Disaster Management, Housing & Environment Departments
Government of Kerala, Thiruvananthapuram 695 001, India
Tele- Fax: 0471 2329227, 2518356 Res: 0471 2534453 Mobile: 9496107100
Email: prl.secy.revenue@gmail.com

Para No.	Draft CRZ notification 2018	Modifications Suggested	Justification
I.(ii)	<p>CRZ shall apply to the land area between HTL to 50 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).</p>	<p>CRZ shall apply to the land area between HTL to 20 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be 1 km in Urban areas and 3km from estuary or river mouth in rural areas and distance shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).</p>	
2.3.1	<p>CRZ-III A Such densely populated CRZ-III areas, where the population density is more than 2161 per sq km as per 2011 census base, shall be designated as CRZ -III A. In CRZ-III A, area up to 50 mts from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ), provided the CZMPs as per this Notification, framed with due consultative process, have been approved, failing which, a NDZ of 200 mts shall continue to apply.</p>	<p>CRZ III A Such densely populated CRZ-III areas, where the population is more than 20000 in a panchayat as per 2011 census base, shall be designated as CRZ -III A. In CRZ-III A, area up to 50 mts from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ), provided the CZMPs as per this Notification, framed with due consultative process, have been approved, failing which, a NDZ of 200 mts shall continue to apply.</p>	<p><i>As per Census 2011: All areas with population above 20000 to 49999 are categorized as Class III towns. Area with population above 50000-99999 are Class II towns and above 100000 are Class I towns. MoEF&CC had taken population density of 2011 and class based on 2001 census as basis for classification of a class III town, which was 2161/Km².</i></p>
		<p>XI E Setting up of aquaria, oceanariums and</p>	<p><i>(To be included as a new provision)</i></p>

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5.2(iv)	<p>Reconstruction of authorized buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of this Notification. It shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are handled as per respective SWM rules and no untreated sewage is discharged on to the coast or coastal waters.</p>	<p>facilities for research activities Reconstruction of authorized buildings shall be permitted, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of this Notification. It shall be the responsibility of the concerned Town Planning Authority to ensure that the Solid Wastes are handled as per respective SWM rules and no untreated sewage is discharged on to the coast or coastal waters.</p>	<p><i>The word without change in use to be deleted</i></p>
5.3 (ii)	<p>(a) No construction shall be permitted within NDZ in CRZ III, except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density; for permissible activities under the notification including facilities essential for activities and construction/reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements</p>	<p>(a) No construction shall be permitted within NDZ in CRZ III, except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density; for permissible activities under the notification including facilities essential for activities and construction/reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements. Reconstruction of dwelling units shall be subject to a maximum plinth area of 150m².</p>	<p><i>Reconstruction of dwelling units of traditional coastal communities additional plinth area as existing huts are too small.</i></p>
5.3 (iii) b	<p>Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages etc. Building permission for such construction or</p>	<p>(iii) b. Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages etc. Building permission for such construction or reconstruction will be subject to</p>	

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<p>reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts. with two floors (ground + one floor)</p>	<p>local town and country planning rules with overall height of construction not exceeding 15 mts. with four floors (ground + Three floors).</p> <p>(iii) c. Construction of 3-4 floor residential apartment buildings under Government projects like Rajiv Shum Development Project shall be permitted subject to pollution abating measures.</p>	<p>This is required for providing better dwelling facility for the fisherman community in coastal area and to accommodate them in a safer location considering the natural hazards (To be included as a new provision)</p>
	<p>(iii) d. construction of building for livelihood activities like peeling of prawns, fish based small scale non polluting cottage industries, small shops and small flour mills etc required for the traditional coastal community.</p>	<p>This will ensure jobs for the traditional community as well it will help to improve the livelihood of the local community. (To be included as a new provision)</p>
<p>5.4 (i) Traditional fishing and allied activities undertaken by local communities.</p>	<p>(i) Traditional fishing and allied activities undertaken by local communities and Motorized, modified motorized and mechanized boats having an engine power of less than 250 hp in CRZ IV A</p> <p>XV Farming of sea bream and shell fishes in cages, pens or other structures and Farming of mollusks, oysters, clams, mud crabs, sea weeds etc are permitted.</p> <p>XVI Setting up of artificial sanctuaries and</p>	<p>(To be included as a new provision)</p>

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7 (ii)

CRZ clearance for permissible/ regulated activities- Delegations
All development activities/projects in CRZ-I and CRZ-IV areas, which are regulated/ permissible as per this notification, shall be dealt with by MOEF&CC for CRZ clearance, based on the recommendation of the concerned CZMA.

Facilities for research activities

CRZ clearance for permissible/ regulated activities- Delegations
All development activities/projects in CRZ-I and CRZ-IV areas, which are regulated/ permissible as per this notification, shall be dealt with by MOEF&CC for CRZ clearance, based on the recommendation of the concerned CZMA except those belonging to Category B under EIA notification 2006 and the following

- a. Foreshore facilities like ports, harbours - < 5 million TPA of cargo handling capacity and/or ports/ harbours 10,000 TPA of fish handling capacity
- b. Jetties, wharves, quays, slipway, bridges which does not involve CRZ IA area
- c. Road on stilts not passing through CRZ IA.
- d. Hatchery and natural fish drying
- e. Storm water drains.
- f. Treatment facilities for waste and effluents and conveyance of treated effluents in areas outside CRZ IA.
- g. Small community based desalination plants and associated facilities
- h. Construction of roads and bridges over inland waterbodies categorized as CRZ IV and not passing through CRZ IA.
- i. Boat building yard, Boat repairing yard, Fish landing centers other than in CRZ IA area.

(To be included as a new provision)

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(ii)	For all other permissible/regulating activities as per this Notification, which fall purely in CRZ-II / CRZ-III areas, the CRZ clearance shall be considered by the concerned CZMAs. Such projects in CRZ -II and III, which also happen to be traversing through CRZ-I and/or CRZ-IV areas, CRZ clearance shall, however be considered only by MoEF&CC, based on recommendations of the concerned CZMA.	For all other permissible/regulating activities as per this Notification, which fall in CRZ IB, CRZ-II /CRZ-III/ CRZ IV areas, the CRZ clearance shall be considered by the concerned CZMAs. Such projects in CRZ -IB, CRZ -II, CRZ - III and CRZ IV, which also happen to be traversing through CRZ-IA area, CRZ clearance shall, however be considered only by MoEF&CC, based on recommendations of the concerned CZMA	
8	<p><u>Procedure for CRZ clearance for permissible/regulating activities</u></p> <p>The project proponents shall apply with the following documents to the concerned State or the Union territory Coastal Zone Management Authority for seeking prior clearance under CRZ Notification</p> <p>(a). Project summary details as per Annexure-V of the notification.</p>	<p><u>Procedure for CRZ clearance for permissible/regulating activities</u></p> <p>The project proponents shall apply with the following documents to the concerned State or the Union territory Coastal Zone Management Authority for seeking prior clearance under CRZ Notification</p> <p>(a). Projects below 1000m² and not attracting EIA notification 2006 shall apply in form (new simplified form to be included)</p> <p>And all other Project summary details as per Annexure-V of the notification.</p>	<p><i>Preparation of CRZ Maps and other documents will have huge expenditure to the proponents. Approved agencies are charging in Lakh of rupees for CRZ map preparation. Hence a simplified form and procedure is required for smaller projects.</i></p>
9. (3)	For all the CVCAs enlisted in para 3.3 of this notification, Integrated Management Plans (IMPs) shall be prepared,.....	For all the CVCAs enlisted in para 3.3 of this notification, Integrated Management Plans (IMPs) shall be prepared as per the Guidelines in the notification	Guidelines for preparing IMP to be incorporated in the notification
10.	<u>CRZ for inland Backwater islands and islands along the mainland coast:</u>	<u>CRZ for inland Backwater islands, islands along the mainland coast, spits and barrier beaches:</u>	There are spits or barrier beach with length more than 5 km and

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Annexure 1	(i) All the inland islands in the coastal backwaters and islands along the mainland coast shall also be covered under this CRZ Notification.	(i) All the inland islands in the coastal backwaters, islands along the mainland coast, spits and barrier beaches shall also be covered under this CRZ Notification.	up to 17km along the sea coast in the State.
1.1.(ii) (a)	Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State/UT Governments. In case the mangrove area is more than 1000 sq mt, a buffer of 50m along the periphery of mangrove area shall be provided. This buffer zone of 50m may be utilized for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.	Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State/UT Governments. In case the mangrove area is more than 1000 sq mt, a buffer of 50m along the periphery of mangrove area shall be provided <u>only in the public land</u> . This buffer zone of 50m may be utilized for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.	

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