

Chapter 2: Institutional Framework

The three institutions responsible for the implementation of the CRZ notification are: i) the National Coastal Zone Management Authority (NCZMA) at the centre ii) State/Union Territory Coastal Zone Management Authorities (SCZMAs/UTCZMAs) in every coastal state and union territory¹⁰ iii) District Level Committees (DLCs) in every district that has a coastal stretch and where the CRZ notification is applicable. MoEF&CC and State-level Environment Impact Assessment Authority (SEIAA)¹¹ approve projects located in CRZ areas based on the recommendations of the SCZMAs. The monitoring and enforcement related to CRZ violations is carried out by concerned Pollution Control Boards (PCBs), Regional offices of MoEF&CC and DLCs.

Hon'ble Supreme Court of India in April 1996, on the basis of a writ petition filed by Indian Council For Enviro-Legal Action (1993) observed that the Pollution Control Boards are not only overworked but simultaneously have a limited role to play in so far as it relates to controlling of pollution and for the purpose of ensuring effective implementation of the notifications of 1991, the Central Government should consider setting up State Coastal Management Authorities in each State or zone and also a National Coastal Management Authority under Section 3 of the Environment Protection Act 1986.

Examination of the constitution of these bodies and their role in preparation of the coastal zone management plans revealed the following:

2.1 Constitution of NCZMA, SCZMA & DLC

a) Composition & functioning of NCZMA

Ministry of Environment Forests and Climate Change (MoEF&CC) constituted NCZMA on 26 November 1998 for a period of two years for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in coastal areas. The authority was empowered for the following:

- a) Coordination of actions of the SCZMAs and UTCZMAs under the EP Act
- b) Examination of proposal for change in classification of CRZ areas and in Coastal Zone Management Plans received from SCZMAs and UTCZMAs and make specific recommendations to the Central Government
- c) Review of cases involving violation under EP Act 1986 for coastal areas and issuing directions for compliance
- d) File complaints in case of non-compliance to the directions issued for cases involving violation.

¹⁰ Nine SCZMAs in Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Odisha, Tamil Nadu and West Bengal, and four UTCZMAs in Andaman and Nicobar Islands, Daman and Diu, Lakshadweep and Puducherry.

¹¹ SEIAA can grant clearance to projects below a threshold limit in terms of EIA notification 2006.

Audit observed that the MoEF&CC has not notified NCZMA as a permanent body with recommended members. It had also not specified the desired composition of NCZMA, inclusion of non-official members and domain expertise of the members. NCZMA is reconstituted every few years and in the absence of defined membership, it was functioning as an ad-hoc body, devoid of permanent members. The members of NCZMA comprised of officials from various ministries/technical bodies who carried out the duties in ex-officio capacity. Further, the composition of NCZMA has not been uniform over these years, indicating a lack of continuity of approach towards coastal conservation issues.

Further, audit observed that in the absence of defined number of meetings to be held, it meets as and when necessitated (14 times during 2015-2020) to consider the proposals received from various SCZMAs, primarily for reclassification of CRZ areas and to update on the status of completion of CZMPs.

Despite the wide range of responsibilities entrusted to it, audit observed that NCZMA in its meetings did not deliberate on environmental issues relating to coastal regulation zone. Audit also noted that the meetings held by NCZMA are demand driven with very specific agendas, related to either reclassification of CRZ areas or matters related to CZMP. Further, scrutiny of minutes of meetings held by NCZMA showed that NCZMA did not discuss any issue related to violations under the CRZ notification after April 2015. No reasons for the same were found in the records. As such, NCZMA was effectively not involved in monitoring and discussion of action on CRZ violations, which was one of the responsibilities assigned to it.

b) Absence of domain expertise in Expert Appraisal Committees

The Expert Appraisal Committee (EAC), constituted for examination of projects by MoEF&CC, gives recommendations to MoEF&CC on project proposals after considering the project impact. Based on EAC's recommendation, MoEF&CC either rejects the proposal or grants clearance with conditions that would mitigate the impacts on the coastal ecology. As per the requirements of the EIA Notification 2006, the EACs shall include members with requisite expertise and experience in the concerned field or discipline. The EACs comprises of 10-15 members, including experts in wildlife and forestry, life science experts in floral and faunal management, environment quality etc.

Audit observed that one EAC is dedicated for the appraisal of projects under CRZ notification. During audit, instances were found where EACs granted clearances, even though domain experts were not present during the project deliberations. Also, cases were noted where the members of EAC were less than half of the total strength during the deliberations as there was no fixed quorum for EAC members.

c) Composition & functioning of SCZMAs

With regard to SCZMA, audit observed that SCZMAs were not reconstituted after the term had expired. In Karnataka, the SCZMA was not reconstituted for 11 months after the term expired in March 2020. Similarly, SCZMA was reconstituted after a delay of 5 and 8 months

respectively in Kerala and Andhra Pradesh. Instances of delayed reconstitution of SCZMAs were also noted in states of Goa, Odisha and West Bengal.

As per the orders of MoEF&CC in 2005, the SCZMAs should be composed of one NGO, four expert members and five to six ex-officio members from various stakeholder organisations such as Pollution Control Boards, fisheries, environment, urban development etc. The Chairman of the authority should be Secretary, Environment Department of the concerned state. Audit observed that many SCZMAs held meetings without fulfilling the quorum requirements. In Karnataka, 15 out of 21 meetings during 2015-20 were held without quorum. Thus, SCZMAs recommended the projects without fulfilling the mandatory quorum requirements.

One of the major responsibilities of SCZMA was to inquire into cases of violation of CRZ Notification, file complaints against violations and review these violations. Failure of SCZMA to discharge this responsibility effectively is discussed in Chapter 4 (Para 4.2).

Audit also found that the SCZMAs lacked representation from relevant stakeholder bodies. Maharashtra SCZMA did not have participation from Department of Tourism, though it is a significant stakeholder organisation responsible for sustainable management of tourism activities in coastal areas. Goa SCZMA did not have any member from the Directorate of Fisheries. Goa and West Bengal SCZMAs lacked participation from respective SPCBs. Also, it was noted that significant stakeholder institutions did not participate in the meetings of SCZMAs. The members from key departments such as Urban Development Department, Fisheries and Revenue Department did not participate in most of the meetings held by the SCZMAs of Maharashtra and West Bengal.

d) Manpower in SCZMAs

Audit observed that the SCZMAs in most of the coastal states did not have sufficient manpower to perform their mandate. In Andhra Pradesh, Karnataka, Goa, Tamil Nadu, Odisha and West Bengal, the functions of SCZMAs were carried out by the officials of the State Department of Environment or the State Pollution Control Boards. It was found that 58 posts were lying vacant against the sanctioned strength of 73 posts for SCZMA and DLCs in Goa. In Odisha, the SCZMA was functioning with one Junior Scientist and Technical Assistant without any secretarial manpower.

e) Composition of DLCs

As per section 6(C) of CRZ notification 2011, DLCs were to be established to assist SCZMAs in enforcement of the CRZ notification under the chairmanship of the District Magistrate, comprising of at least three representatives of local traditional coastal communities including from fisher folk. DLCs of Tamil Nadu lacked participation from local traditional communities. During examination, instances were found where the SCZMAs failed to constitute DLCs. It was also noted that DLCs were not reconstituted after the term had expired. In Andhra Pradesh, DLCs were not established in all the nine coastal districts as on March 2021. In Goa, DLCs were formed in 2017 after delay of six years of promulgation of the CRZ notification. DLCs of seven

coastal districts of Odisha were reconstituted after a delay of two years from the expiry of its term. In Karnataka, the term of the DLC expired in May 2018, however DLCs are yet to be reconstituted in two coastal districts as of March 2021.

Thus, the composition of these bodies and lack of manpower impeded their development into specialised bodies for coastal protection, as envisaged in the CRZ Notifications.

As such, deficiencies in the constitution and functioning of NCZMA, SCZMA and DLCs would dilute their effectiveness in addressing challenges in ensuring sustainable development of the coastal areas.

2.2 Role of agencies in preparation of Coastal Zone Management Plans

The coastal states and the union territories were to prepare the Coastal Zone Management Plans (CZMPs) within a period of twenty-four months from the date of issue the CRZ Notification 2011. The State/UT Government CZMA were to submit the draft CZMPs to MoEF&CC along with its recommendations on the CZMP within a period of six months, after incorporating the suggestions and objections received from stakeholders. MoEF&CC was to consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects. In this regard, audit observed the following:

(i) Delay in demarcation of High Tide Lines and delay in preparation of CZMPs

MoEF&CC identified National Centre for Sustainable Coastal Management (NCSCM) for demarcation of the High Tide Line¹² (HTL) in August 2015 and the same was completed in October 2016. The coastal states and the Union Territories were to prepare the CZMPs within a period of twenty-four months from the date of issue of the CRZ Notification 2011. The State/UT Government CZMA were to submit the draft CZMPs to MoEF&CC along with its recommendations on the CZMP within a period of six months, after incorporating the suggestions and objections received from stakeholders. The delay in demarcation of various components (Hazard line and HTL) of CZMP resulted in the delay in finalisation of CZMPs by the states as indicated below:

Table 2.1: Delay in finalisation of CZMPs in coastal states

S. No.	State	Approval by MoEF&CC
1	Andhra Pradesh	February 2019
2	Goa	Not yet approved
3	Gujarat	February 2020
4	Karnataka	August 2018
5	Kerala	February 2019
6	Maharashtra	February 2019
7	Odisha	August 2018
8	Tamil Nadu	October 2018
9	West Bengal	October 2018

¹² HTL means the line on the land up to which the highest water line reaches during the spring tide and is important as it indicated the level to which the coastal waters reach.

In the absence of the approved CZMPs as per the CRZ notification 2011, MoEF&CC kept extending the validity of CZMPs prepared in 1991 from time to time, which resulted in the grant of CRZ clearances to various projects on the basis of 1991 CZMPs, which were not reflective of ground realities.

(ii) Lack of assessment of Accuracy levels for maps

The MoEF&CC Manual on Demarcation of HTL, LTL¹³ and preparation of CZMPs prescribed specific accuracy level¹⁴ for HTL, LTL as well as CZMPs. The accuracy of reference line is critical to ensure the accuracy of the CZMPs. It was noticed that eight coastal states¹⁵ failed to assess the accuracy of reference lines though more than a year has lapsed since CZMP were approved by MoEF&CC. Furthermore, achievement of accuracy threshold is important since CZMP as per CRZ Notification 2019 would be prepared by updating the CZMP already prepared on the basis of CRZ Notification 2011.

(iii) Lack of digitization of Cadastral Maps

Cadastral maps were required by the local bodies for land use planning. CRZ notification, 2011 stipulated preparation of cadastral¹⁶ (village) level CZM maps for the use of local bodies and other agencies to facilitate implementation of the CZMP. MoEF&CC had issued guidelines and prescribed digitisation and integration of village cadastres to the Geographic Information System (GIS). We noticed that cadastral information in respect of any coastal state except Goa has not been digitised and brought to the GIS.

(iv) Failure to prepare action plans for protection of Ecologically Sensitive Areas

MoEF&CC in 2014 directed the coastal states to prepare action plan that provides a detailed road map for conservation and protection of Ecologically Sensitive Areas (ESAs), protection of life and property of local communities and infrastructure and to undertake developmental activities in a sustainable manner. The action plans were to provide adequate budgetary provisions and details of agencies involved in such implementation. We noticed that all the coastal states failed to prepare the action plans for conserving these areas till now.

Failure to prepare the CZMPs in time and lack of plans to conserve the ESAs would pose great risks to the coastal ecology.

¹³ Low tide Line which is the line on the land up to which the lowest water line reaches during the spring tide.

¹⁴ 90% classification accuracy at 90% confidence interval for classification accuracy. Positional accuracy of 1 metre, 2 metre and 5 metre for HTL, LTL and CZMP demarcation respectively.

¹⁵ Karnataka assessed the accuracy level for the reference lines.

¹⁶ The cadastral maps contain survey boundaries and survey numbers of individual plots, the basic infrastructure such as roads, institutions including religious and the like, rivers/ canals/ ponds and survey stone locations.

2.3 Lack of public outreach

One of the primary functions of NCZMA is to hold review of cases involving violations of the provisions of the Environment Protection (EP) Act¹⁷, either *suo-moto*, or on the basis of complaint made by an individual or body, or organisation. It is also empowered to issue directions under Section 5 of the said Act. Further, the constitution order mandates NCZMA to post agenda items and minutes of the meeting on the website.

In this connection, we observed that NCZMA did not maintain its own website. We found that the matters related to NCZMA are being hosted in a small window on the website¹⁸ related to project submission and approvals for CRZ clearances. The links provided on the website to access the agenda or minutes do not provide any information. Further, we noticed that in the constitution order of NCZMAs, it is required that the Authority shall place information regarding the agenda and minutes of its meetings in the public domain, including through a designated website¹⁹. The website mentioned in the order, however, leads to general website of the MoEF&CC, where information related to NCZMA is not easily accessible.

Absence of any active and functional website to disseminate the information related to NCZMA such as the agenda notes, minutes of the meetings goes against the orders of the constitution of NCZMA. There was no option to register complaint or report any violations in the coastal environment on the website in public domain. West Bengal and Tamil Nadu SCZMAs also do not have websites for public dissemination of information. In remaining states, even though websites have been created, important information such as violations, action taken, court cases, agenda minutes and minutes of meeting are not regularly posted.

In absence of such facility, NCZMA/SCZMA cannot expect to receive any complaints from the public, thus hindering its ability to issue directions under Section 5 of the EP Act, one of its mandated activities.

2.4 Conclusion

- NCZMA as well as the SCZMAs failed in carrying out their primary responsibilities due to ad-hoc status and manpower constraints. Despite the Hon'ble Supreme Court directions for setting up NCZMA and SCZMAs for effective implementation of CRZ notifications, the NCZMA as well as the SCZMAs depended on MoEF&CC and the respective coastal state environment departments for funds and functionaries.
- DLCs have not been established in Andhra Pradesh as of March 2021 and there are delays in reconstitution of DLCs in other coastal States.

¹⁷ and the rules made thereunder, or any other law which is relatable to the objects of the said Act

¹⁸ <http://environmentclearance.nic.in/NCZMA.aspx>

¹⁹ www.envfor.nic.in

- Though preparation of the Coastal Zone Management Plans formed the primary step in the process of sustainable development of coastal areas, the states failed to come up with CZMPs in the stipulated time.
- Though the institutions had a major part in protecting the coastal environment, their role shrunk to mere deliberations or decision making on reclassification of CRZ areas and recommendation for approval / grant of approval of developmental activities.
- NCZMA and SCZMA did not maintain dedicated websites for dissemination of information related to their functioning.