

Chapter-2

Institutional and Regulatory Framework

A Snapshot

The institutional mechanism for the management of the coastal environment was brought into existence with wide-ranging mandate and powers. Detailed guidelines were also issued by MoEF&CC regarding the composition of such authorities. Audit observed that Gujarat Coastal Zone Management Authority (GCZMA) was not equipped with commensurate manpower for effective discharge of the responsibilities assigned to it. District Level Committees (DLCs) were either constituted belatedly or were not regular in their meetings and furnishing of the stipulated reports/ information to the GCZMA.

Coastal Zone Management Plans (CZMPs,) as a tool for the management of the developmental landscape, was not effective. It took almost seven years for the State to come up with approved CZMPs and all that while earlier CZMPs from 1991 were being relied upon for the management of the coastline. Further, the cadastral level data, which is of utmost importance for local planning authorities to regulate land use in their jurisdiction, was not prepared, rendering the micro-level management of developmental activities ineffective.

There was an urgent need to monitor the State Indicator Framework (SIF) against the fixed targets under SDG-14, to be achieved by 2022 and 2030 at the State level. The State was not preparing an outcome-based budget aligned to SDGs and was yet to develop the District Indicator Framework (DIF).

All these findings indicated ineffective institutional mechanism, tasked with huge responsibilities but equipped with insufficient resources.

Introduction

The Environment (Protection) Act (EPA) of 1986 under Section 3(1) authorises Central Government to take all such measures as it deems necessary or expedient for protecting and improving the quality of the environment and preventing, controlling, and abating environmental pollution. Section 3(2)(v) of the Act further empowers the Government to notify areas wherein industries, operations or processes or class of industries, operations or processes are restricted or permitted subject to certain safeguards. Accordingly, Central Government promulgated the Coastal Regulation Zone (CRZ) Notification, 1991 for regulating activities in coastal stretches.

Clause 4 of the CRZ Notification, 1991 stated that the MoEF and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of the Notification within their respective jurisdictions.

In view of the Supreme Court of India's Order for setting up of National and State level Coastal Zone Management Authorities to ensure effective implementation of the Notification of 1991, the MoEF&CC under powers conferred by Section 3 of the EPA had constituted National Coastal Zone Management Authority (NCZMA) on 26 November 1998 for two years. After that NCZMA has been reconstituted from time to time till date¹. The authority was empowered to coordinate actions of the State Coastal Zone Management Authorities (SCZMAs) and Union Territory Coastal Zone Management Authorities (UTCZMAs) under the Act, examine proposal for change in classification of CRZ areas, approve CZMPs, review cases of violation under the relevant Sections of EPA and issue directions as well as take actions accordingly.

Audit examined constitution of SCZMA in Gujarat, its functioning with reference to the CRZ Notification and subsequent guidelines by the MoEF&CC along with its mandate for CZMPs preparation and management of violations. Audit observations on these aspects are given below:

2.1 Formation of the Institutional Bodies

In February 2005, the MoEF&CC issued detailed guidelines for the composition of the SCZMAs as well as the inclusion of non-official members, their backgrounds, and desired experiences. As per the guidelines, the SCZMAs would have one NGO, four expert members and 5-6 *ex-officio* members from various departments, such as pollution control boards, fisheries, environment, urban development etc. The Chairman of the Authority would be the Secretary, Environment Department of the concerned State.

Composition of District Level Committees (DLCs) is broadly governed in terms of Clause 6(C) of the CRZ Notification 2011, wherein, DLCs were to be established to assist SCZMA in enforcing and monitoring the CRZ Notification. The DLCs were to be formed under the Chairmanship of the District Magistrate concerned, consisting of at least three representatives of local traditional coastal communities and fisher folk.

Audit examined the status of Gujarat Coastal Zone Management Authority (GCZMA) and 16 DLCs in Gujarat State. Examination of issues related to the formation and composition of these institutional bodies (GCZMA and DLCs) revealed delays in formation of GCZMA, non-formation of DLCs and non-adherence to the prescribed composition for these institutional bodies, particularly with respect to experts, local communities, and key stakeholder departments. Consequences of such deviations are discussed in the succeeding paragraphs.

2.2 Constitution and Functioning of the Institutional Bodies

Audit examined the constitution and functioning of GCZMA and DLCs against the mandate and detailed observations are as given below:

¹ NCZMA was last reconstituted on 11 May 2022 for three years.

2.2.1 Constitution of GCZMA

Gujarat Coastal Zone Management Authority (GCZMA) was constituted (26 November 1998) by the MoEF&CC under the Environment (Protection) Act, 1986 to regulate and perform the functions in Gujarat as stipulated in CRZ Notification 1991. It is normally re-constituted once every three years as per prevailing CRZ Notification. GCZMA was last reconstituted in September 2019. It consists of 15 members² including Chairman and Member Secretary. Sixteen DLCs³ under the Chairmanship of the concerned District Collectors were also constituted to assist the GCZMA.

GCZMA has the mandate to take measures for protecting and improving the quality of the coastal environment. The mandate also includes preventing, abating and controlling environmental pollution in the coastal regulation zones of the State. GCZMA is conferred with the powers to examine the proposals for change or modification in the classification of CRZ, enquire into cases of alleged violation of the provisions of the Environment (Protection) Act, 1986 and review the cases involving violations of the provisions of CRZ Notification 2011. GCZMA is authorised to collect scrutiny fees from the project proponent.

2.2.2 Delay in reconstitution of Gujarat Coastal Zone Management Authority

The first Gujarat Coastal Zone Management Authority (GCZMA) was constituted on 26 November 1998 for two years. Audit reviewed the reconstitution of GCZMA from 01 April 2015 to June 2021. The dates of reconstitution of GCZMA and the delay in its reconstitution are shown in **Table 2.1** below:

Table 2.1: Details of reconstitution of GCZMA during 2015-20

Sl. No.	Date of re-constitution of GCZMA	Validity Period	Delay in reconstitution during 2015-20
1	16 October 2012	16 October 2012 to 15 October 2015	Not applicable
2	18 March 2016	18 March 2016 to 17 March 2019	154 days
3	09 September 2019	09 September 2019 to 08 September 2022	175 days

Source: Notification for reconstitution issued by the MoEF&CC

It can be seen from the above table that during 2015-20, there were delays of 154 days and 175 days respectively in reconstitution of GCZMA. Forests and Environment Department (F&ED), GoG was required to submit its recommendations i.e., name of members to be included in proposed reconstituted GCZMA to the MoEF&CC in advance, so that the MoEF&CC

²Additional Chief Secretary/ Principal Secretary/ Secretary (Forests and Environment Department), Chairman; Principal Chief Conservator of Forest (Wild Life); Vice Chairman and Chief Executive Officer (Gujarat Maritime Board); Member Secretary (Gujarat Pollution Control Board); Industries Commissioner; Chief Executive Officer (Gujarat Disaster Management Authority); Chief Town Planner Gujarat State; Member Secretary (Gujarat Ecology Commission); Commissioner of Fisheries; four expert members; a member from NGO and Director (Environment) (Source: MoEF&CC order dated 09 September 2019).

³Ahmedabad, Amreli, Anand, Bharuch, Bhavnagar, Devbhumi Dwarka, Gir Somnath, Jamnagar, Junagadh, Kachchh, Morbi, Navsari, Porbandar, Surat, Vadodara and Valsad.

could issue Notification for reconstitution before expiry of the existing term of the GCZMA.

As GCZMA was not reconstituted between 16 October 2015 to 17 March 2016 and 18 March 2019 to 08 September 2019, no project proposal could be recommended by GCZMA to SEIAA/ MoEF&CC for clearance during that period.

2.2.3 Functioning of GCZMA

The status of implementation of some of the important functions of the GCZMA as of March 2022 are as follows:

Table 2.2: Some important functions of GCZMA and their status as of March 2022

Sl. No.	Functions assigned to GCZMA	Implementation Status
1	To identify ecologically sensitive areas in the CRZ and formulate area-specific management plans for such identified areas.	GCZMA is yet to formulate area-specific management plans.
2	To identify coastal areas highly vulnerable to erosion or degradation and formulate area-specific management plans for such identified areas.	GCZMA has not yet formulated area-specific management plans for such identified areas.
3	To furnish a report on its activities at least once in six months to the National Coastal Zone Management Authority.	Information related to the periodical reports was not available on record.
4	To regularly review the functions of District Level Committees (DLCs).	GCZMA has not reviewed the functioning of DLCs regularly.
5	To Inquire into cases of alleged violations of the provisions of the EPA and/ or the rules made thereunder, and if found necessary in a specific case, issue directions under Section 5, file a complaint under Section 19 and take action under Section 10 of the EPA.	In many cases (as discussed in Chapter 3 of this Report), GCZMA failed to take effective actions against the violators.

Source: Information provided by GCZMA

2.2.4 Staffing pattern in the GCZMA

MoEF&CC Notification (October 2012 and March 2016) for reconstitution of GCZMA stipulates that the State Government shall ensure that sufficient resources, manpower and funds are made available to GCZMA.

It was observed that GCZMA functions from the office of Environment Secretariat in F&ED, Gandhinagar as it does not have a separate Secretariat. There was no dedicated staff for GCZMA and only one official from the Environment Secretariat was given additional responsibility for work related to GCZMA. This affected the time taken in issuing recommendations for CRZ clearances as discussed in *paragraph 2.2.5*.

Recommendation 1: The State Government may provide dedicated manpower to GCZMA for the effective management of the coastal environment.

2.2.5 Delay in issuing recommendations for CRZ clearances for the projects

Clause 4.2(ii) of the CRZ Notification of 2011 states that the concerned CZMA shall examine the documents in accordance with the approved CZMP and

compliance with CRZ Notification and make recommendations within 60 days from the date of receipt of a complete application.

Audit test checked 18 projects, which were recommended by GCZMA to SEIAA/ MoEF&CC for CRZ/ composite clearances during the period 2015-20. Delays were observed on the part of GCZMA in scrutinising/ processing the project files, and by project proponents in submitting replies to queries and further documents to GCZMA as shown in **Table 2.3** below:

Table 2.3: Time taken by GCZMA and project proponents between application and recommendation

Sl. No.	Particulars	Time taken from date of receipt of application to date of recommendation	Time attributable to		Delay attributable to GCZMA in excess of 60 days (Number of days)
			Project Proponents	GCZMA	
A	B	C	D	E = (C-D)	F = (E-60 days)
1	03 Projects	40 to 55 days	0 days	40 to 55 days	No delay
2	15 Projects	98 to 1200 days	24 to 664 days	74 to 536 days	14 to 476 days

Source: Information compiled from concerned project files

Thus, 15 out of 18 projects were recommended belatedly where the delay was attributable to GCZMA. Of the time taken by GCZMA as mentioned in table above, 26 to 260 days were consumed in processing the files and forwarding the recommendations to MoEF&CC/ SEIAA.

The GCZMA stated (August 2022) that delay was due to continuation of practice of submitting the project proposals to the State Government for its approval as per the provisions of the erstwhile CRZ Notification 1991. The Government further confirmed that as per the CRZ Notification, 2011 approval of the State Government was not required.

Thus, the redundant practice of obtaining State Government approval on recommendations for CRZ clearance contributed to the delay in processing of applications. Further, the State Government/ GCZMA did not offer any remarks on the other reasons for delay i.e., delay in vetting of the project proposal, etc.

2.2.6 Displaying or updating the information on the GCZMA Website

Clause 4.2(vi) of CRZ Notification 2011 lays down that it shall be the responsibility of the CZMA to create a dedicated website and post on it the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the orders of the Court and the approved CZMPs of the respective State Government or Union territory.

The GCZMA hosts a website i.e., www.gczma.org which is designed and developed by Gujarat Info Petro Limited. GCZMA had conducted 59 meetings (till February 2022). Audit noticed that as of 28 February 2022, agenda of 22nd to 39th meetings of GCZMA and Minutes of 22nd to 59th meetings of GCZMA held between 30 May 2014 and 17 February 2022 were displayed on the website. Further, decisions taken by GCZMA, clearance letters, cases of CRZ

violations, action taken on the violations and Court matters were not displayed on the website of GCZMA.

Thus, the information displayed on GCZMA’s website was not according to the requirements mentioned in the CRZ Notification.

The State Government/ GCZMA stated (August 2022) that website of GCZMA had been revamped for uploading the required information.

Audit verified (September 2022) that the required details have still not been uploaded on the website of GCZMA.

2.2.7 Functioning of the District Level Committees (DLCs)

As per Clause 6(C) of CRZ Notification 2011, the DLCs were required to be established to assist GCZMA. F&ED, GoG issued (14 October 2013) a Government Resolution (GR) for the constitution of DLCs in the coastal districts of Gujarat after the lapse of more than 33 months from the issuance of CRZ Notification 2011 (06 January 2011).

a) As per the GR issued by GoG, DLCs should meet regularly to review the compliance of the CRZ Notification. Audit reviewed the formation and functioning of DLCs in 16 coastal districts of Gujarat State with reference to the meetings held up to March 2021. The details are tabulated as under:

Table 2.4: Details of DLCs for 16 Coastal Districts

Sl. No.	Name of Coastal District	Year of formation of DLC	Year of First Meeting	Total meetings held till March 2021	Audit observation
1	Vadodara	2021	2021	00	DLC was formed in November 2021 i.e., after seven years of issuance of the GR.
2	Ahmedabad	2014	2014	01	Only one meeting of DLC (up to March 2021) was held in these four Districts.
3	Anand	2015	2018	01	
4	Devbhumi Dwarka	2014	2019	01	
5	Junagadh	2015	2015	01	
6	Amreli	2012	2013	05	From the date of GR to March 2021, on an average not even one meeting of DLC was held per year in these five districts.
7	Bhavnagar	2012	2013	04	
8	Gir Somnath	2014	2015	04	
9	Valsad	2014	2014	06	
10	Surat	2015	2015	03	
11	Jamnagar	2018	Nil	Nil	DLC was formed after lapse of five years from the date of issue of GR and no meeting was held till 31 March 2021.
12	Kachchh	2015	2017	16	At least one meeting per year was held in these five districts.
13	Bharuch	2014	2014	07	
14	Morbi	Not furnished	2015	08	
15	Navsari	Not furnished	2013	10	
16	Porbandar	2014	2014	10	

Source: Information furnished by GCZMA

In addition to the above, Audit also noticed that three representatives of local traditional coastal communities and fisher folk were not included in DLCs of Surat and Jamnagar districts.

b) The GR dated 14 October 2013 stipulates powers and functions of DLCs whereby GCZMA is required to provide guidance/ direction to DLCs, collect information from DLCs and monitor them. However, no records relating to issuance of directions/ instructions by GCZMA to DLCs for effective implementation and monitoring of CRZ Notification were produced to audit. Further, the monthly reports and other reports prescribed in the GR *viz.* identification of violation in CRZ areas, areas identified by DLCs which need special conservation and protection measures, ecologically sensitive areas identified in CRZ by DLCs, reports of encroachments/ unauthorised structures in CRZ areas and action taken thereon etc., were also not available on record.

The State Government/ GCZMA accepted the audit observation and stated (August 2022) that one of the reasons for under performance of DLCs was limited awareness among the DLC members about provisions of CRZ Notification. It was further stated that the action plan was being framed to build capacity of DLCs for better implementation of CRZ Notification. However, GCZMA/ State Government did not provide any reasons for lack of monitoring of DLCs by GCZMA and non-submission of various reports by the DLCs to GCZMA.

Recommendation 2: The State Government may consider framing effective monitoring and reporting mechanism for GCZMA and DLCs.

2.2.8 Delay in finalization of and deficiencies in Coastal Zone Management Plan

CRZ area is delineated by the Coastal Zone Management Plan (CZMP) duly marked with High Tide Line (HTL), Low Tide Line (LTL), buffer zone, hazard line, zonation etc. of the coastal areas. CRZ Notification 2011 (January 2011) stipulates a detailed procedure for preparation of CZMP and the pre-requisites of CZMP. MoEF&CC authorised (December 1999) seven⁴ agencies for the preparation of CZMP. The aforesaid 2011 Notification requires the coastal States and Union Territories to prepare CZMP by identifying and classifying the CRZ areas within the respective territories within 24 months from the issue of the Notification.

a) Forests & Environment Department (F&ED), Government of Gujarat (GoG) approached (between February 2012 and January 2014) these seven agencies to submit their proposals for preparation of CZMP but due to lack of response from six agencies and quoting of higher fees by the remaining one⁵, the F&ED could not carry out the demarcation of HTL and preparation of CZMP for Gujarat. Further, GoG requested MoEF&CC several times between

⁴1. Space Application Centre, Ahmedabad; 2. Centre for Earth Science Studies, Thiruvananthapuram; 3. Institute for Remote Sensing, Anna University, Chennai; 4. Institute for Wetland Management and Ecological Designs, Kolkata; 5. Naval Hydrographer's office, Dehradun; 6. National Institute of Oceanography, Goa and 7. National Institute of Ocean Technology, Chennai.

⁵Institute for Remote Sensing, Anna University, Chennai.

December 2013 and September 2015 to authorise Bhaskaracharya Institute of Space Application and Geo-Informatics (BISAG), Gandhinagar for the preparation of CZMP, which was not responded by MoEF&CC. In the meantime, in March 2014, MoEF&CC authorised National Centre for Sustainable Coastal Management (NCSCM) as an agency for the preparation of CZMP.

GoG awarded (August 2017) the work of preparing the CZMP for the State to NCSCM for ₹ six crore. The National Green Tribunal (NGT) directed (November 2017) all the States to submit draft CZMP to MoEF&CC by April 2018 and not to issue CRZ/ Environment Clearances till that time. Subsequently, draft CZMPs were submitted between November 2018 and July 2019 to MoEF&CC for approval. CZMPs of 14 districts were approved by MoEF&CC in January/ February 2019 and accepted by State Government in the same month. CZMPs for two districts namely Kachchh and Morbi were approved by MoEF&CC in February 2020, and accepted by the GoG in July 2022.

Thus, instead of assigning work to one of the authorised agencies, GoG insisted on authorisation of a new agency by the MoEF&CC. Though GoG was aware that NCSCM was declared as authorised agency in the year 2014, NCSCM was approached in 2016 and appointed only in 2017. Delay in submission of CZMP resulted in EC/ CRZ proposals for projects not getting approved between December 2017 and January 2019.

b) In addition to the above, Audit also noticed certain deficiencies in the CZMP as given below:

1. CRZ Notification 2011 requires marking of infrastructure facilities of local communities such as dispensaries, roads, and schools in CZMP on a scale of 1:25000. It also stipulates marking of fishing zones in the water bodies and the fish breeding areas in the CZMPs. However, as GoG did not provide raw data to NCSCM, the same were not marked.

2. CRZ Notification 2011, also stipulates preparation of local level CZMP on a scale of 1:3960 for the use of local bodies and other agencies to facilitate implementation of CZMPs. However, CZMPs prepared by the GoG on a scale of 1:25000 had not been converted (August 2022) to the scale of 1:3960 for use by local bodies and other agencies. During the public hearing of CZMPs, some stakeholders submitted that they could not understand the CZMP due to non-preparation of local level CZMP by the GoG. As such, these stakeholders could not raise objections/ give suggestions on the CZMP.

3. The 2011 Notification declared the Gulf of Kachchh and Gulf of Khambhat as Critically Vulnerable Coastal Areas (CVCA). CVCA is identified as an ecologically sensitive area that shall be managed through a process of consultation with local inhabitants who depend on its resources for their livelihood. As per the Notification, Integrated Management Plans (IMPs) are to be prepared for such CVCA's keeping in view the conservation and management of mangroves and the needs of local communities. The IMPs are

to be prepared in line with CZMP. Audit observed that no such IMPs were available for the Gulf of Kachchh and Gulf of Khambhat as of August 2022.

The State Government/ GCZMA stated (August 2022) that Gujarat has longest coastline among all other coastal States and has two gulf systems and number of creeks. In the absence of an authorised agency within the State, the State was dependent on NCSCM for preparation of CZMP.

The reply is not acceptable as CRZ Notification 2011, envisaged preparation and submission of CZMP to the MoEF&CC within 30 months of date of Notification (06 January 2011). The CZMPs of the State were approved by the MoEF&CC within 17 to 30 months from the date of assigning (August 2017) the task to NCSCM. Thus, delay was not on the part of NCSCM to prepare the CZMPs but was due to belated assignment of the task to NCSCM.

Recommendation 3: The State Government may consider preparing Integrated Management Plan for the identified Critically Vulnerable Coastal Areas in the State.

2.3 Sustainable Development Goal- 14 (Life Below Water)

SDG 14- ‘Life below water’ aims to conserve and sustainably use the oceans, seas and marine resources for sustainable development. This goal has been divided into 10 targets, out of which seven are ‘outcome’ (circumstances to be attained) targets and three are ‘means of implementation’ targets.



The Ministry of Statistics and Programme Implementation (MoSPI) developed the National Indicator Framework (NIF) for measuring the progress of SDGs and associated targets. On the lines of NIF, stakeholder coastal States were required to develop their own State Indicator Framework (SIF) for SDG -14.

2.3.1 Status of implementation of SDG-14 in the State

GoG constituted seven Thematic Working Groups (TWG) in October 2016 and various committees and cells at State and district level in May 2019 to carry out the functions relating to SDGs. The District Level SDG Cells are headed by District Planning Officers for implementing all works related to SDGs and providing data to the district and State authorities.

(i) Out of the seven outcome targets, MoSPI developed 10 national indicators for five targets⁶ while for the remaining two targets⁷ the indicators were yet to be developed (November 2021). As the States were required to develop their own State Indicator Framework (SIF), GoG finalised and published (July 2018) “Gujarat: Sustainable Vision 2030” for implementation of SDGs in the State. The vision document customized State-specific 328 indicators which were aligned with respective SDGs. Gujarat had developed

⁶ 14.1, 14.2, 14.3, 14.4 and 14.5.

⁷ 14.6 and 14.7.

eight State specific indicators for the same five targets of SDG 14 while for the remaining two targets⁸, State specific indicators were yet to be developed (November 2021). Thus, Gujarat had already fixed targets to be achieved by 2022 and 2030, however, data against these State specific indicators were not yet compiled by the State Government (December 2021) except the data regarding increase in mangroves plantation.

(ii) The State has developed (February 2020) a web portal (gswift.gujarat.gov.in) consisting of a dynamic and interactive dashboard called G-SWIFT which covers all 26 Departments and 33 districts of the State. However, an outcome-based budget aligned to SDGs had not yet been prepared by the State Government (March 2022).

(iii) As per NITI Aayog report 'India Voluntary National Review 2020', District Indicator Framework (DIF) would enable addressing local aspirations and capturing details of ground-level performance, with focused monitoring of indicators and goals at the grassroots. Gujarat had not yet developed DIFs for SDGs. However, there is only one indicator⁹ for SDG 14 for which data is available at the district level in the State.

(iv) **Performance of Gujarat on indicators of SDG 14** - SDG 14 is related to marine ecosystems and therefore, it applies to nine coastal States only. The SDG India Index 2.0 (2019-20), published by NITI Aayog was the first report wherein the status of SDG 14 was reported. Gujarat, with a score of 23 out of 100, ranked last among nine coastal States implementing the SDG 14 and thus, stood at the bottom position in the aspirant category¹⁰. As per SDG India Index 3.0 (2020-21), Gujarat improved its performance from rank ninth to fourth with a score of 57 and was elevated to the Performer Category. Gujarat improved its performance against three targets¹¹, against one target (14.1) the State was assessed for the first time during 2020-21, while there are no identified indicators in the NIF for the remaining three targets¹² against which the performance of the State could be assessed.

Thus, there was an improvement in 2020-21 as compared to 2019-20, in the performance of Gujarat in achieving the targets under SDG 14.

Recommendation 4: The State Government may prioritise formulation of District Indicator Framework and start preparing outcome-based budget for effective monitoring of the National and State indicators of SDGs.

⁸ 14.6 and 14.7.

⁹ Percentage change in area under Mangroves (Target-14.2).

¹⁰ Achiever (score: 100), Front Runner (score: 65-99), Performer (Score: 50-64), Aspirant (Score: 0-49).

¹¹ Target 14.2, 14.3, and 14.7.

¹² Target 14.4, 14.5, and 14.6.