

ANNEXURE – 1

CLAUSES OF THE CRZ NOTIFICATION RELEVANT TO POST-TSUNAMI REHABILITATION EFFORTS IN TAMIL NADU

Rehabilitation related activities	Clauses of the CRZ Notification	Interpretation / Comments
1. Ground water extraction.	<p>Para 2(x) prohibits the harvesting or drawal of ground water and construction of mechanisms for the same within 200 m of HTL; in the 200m to 500m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries.</p> <p>Provided that drawal of ground water is permitted, where no other source of water is available and when done manually through ordinary wells or hand pumps, for drinking and domestic purposes, in the zone between 50 to 200 m from High Tide Line in case of seas, bays and estuaries and within 200 m or the CRZ, whichever is less, from High Tide Line in case of rivers, creeks and backwaters subject to such restrictions as may be deemed necessary, in areas affected by sea water intrusion, that may be imposed by an authority designated by State Government/Union Territory Administration.</p> <p>Para 6(2) CRZ –III (iii) states that an authority designated by State Government/Union Territory Administration may permit construction of ...water supply...</p>	<p>The harvest of ground water is permitted in all zones only at a distance 200 m away from the HTL and only if used for drinking, horticulture, agriculture and fisheries purposes.</p> <p>The authority mentioned here has not yet been constituted.</p> <p>It is not clear if the authority mentioned here has been constituted yet.</p>
2. Construction of permanent houses.	Para 6(2) CRZ –I, II, III	Please see Section 2.2 Specific regulations on constructions within the CRZ.
3. Construction of temporary shelters.	No specific mention in the Notification.	The Notification does not explicitly state its position on temporary shelters.

<p>4. Construction of public toilets.</p>	<p>Para 6(2) CRZ –I No new constructions possible in the CRZ –I areas.</p> <p>Para 6(2) CRZ –II</p> <p>No specific mention of the term ‘public toilets’.</p> <p>Para 6(2) CRZ –III (i) states that the area upto 200 m is to be earmarked as the No Development Zone (NDZ). No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density’.</p> <p>Para 6(2) CRZ –III (ia) states that construction of ...community toilets... and provision of facilities for water supply, drainage, sewerage, which is required for the local inhabitants, may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.</p>	<p>Public toilets maybe permitted if they are considered as part of fishing hamlets and goathans.</p> <p>As built up structures, public toilets would be considered as ‘buildings’. The norms for buildings would therefore apply to public toilets.</p> <p>Only the repair of authorised public toilet structures is possible in the NDZ. See Section 2.2 on Specific regulations on constructions within the CRZ, for an account of the building norms in the CRZ- III areas.</p> <p>Community toilets can be constructed in the NDZ of the CRZ –III areas if permitted by the Tamil Nadu SCZMA.</p>
<p>5. Construction of hospitals / dispensaries.</p>	<p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 6(2) CRZ-III (ia) states that construction of dispensaries... which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.</p>	<p>No new construction of hospitals and dispensaries are permitted in CRZ – I.</p> <p>Hospitals and dispensaries are not activities that require the foreshore or waterfront. While buildings are permitted in CRZ – II areas, those buildings that do not require the waterfront and foreshore shall not be permitted. It therefore appears that the allowances made for dispensaries (see below) within CRZ –III areas are not applicable to CRZ –II areas.</p> <p>In permitted areas in the CRZ – III dispensaries (not hospitals) can be constructed, provided the norms for the construction of buildings should be followed.</p>

<p>6. Construction of sheds for repair work.</p>	<p>No specific mention in the notification.</p> <p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>See Section 2.2 on Specific regulations on constructions within the CRZ</p> <p>No new constructions would be permitted in CRZ –I areas. For the reconstruction of destroyed sheds in the CRZ –I areas, a clarification from the MoEF and Tamil Nadu SCZMA will have to be sought.</p> <p>Only those constructions that require the foreshore and waterfront maybe permitted. Sheds could be considered as permissible and requiring the foreshore area, only if they catering to beach landing crafts that cannot be hauled further inland and if these sheds are meant for petty repairs. Large boat making yards would not be permitted in the 500 m area unless these require docks.</p> <p>As part of fishing villages and gaothans, these maybe permitted in the CRZ –III areas. It is not clear if these are permitted in CRZ –II areas which are not fishing villages or gaothans.</p>
<p>7. Construction of fish drying and storage yards.</p>	<p>No specific mention in the notification.</p> <p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>Fishing related constructions that could be considered permissible only if the activity requires foreshore or waterfront facilities. For e.g fish washing and sun drying on the beach requires the foreshore and waterfront and is not prohibited in the notification. There are several fishing related activities that do not require the waterfront or foreshore area like the storage or desiccation of fish products in permanent constructions does not require the foreshore or waterfront and even today takes place at distances beyond 500 m. Constructions of the latter category cannot be permitted in the CRZ.</p>
<p>8. Construction of fishing harbours.</p>	<p>Para 3 (1) states that clearance shall be given for any activity within the Coastal Regulation Zone if it requires waterfront and foreshore facilities.</p>	<p>Fishing related constructions could be considered permissible if they require foreshore facilities.</p>

9. Construction on hilltops.	No specific mention in the Notification.	The MoEF letter to all the coastal states mentions that promontories and hilltops are to be considered as CRZ – I areas. The zonation of hilltops needs to be checked against the categorisation of the area & construction activities.
10. Construction near creeks, backwaters and estuaries.	<p>Para 6(2) CRZ-I, CRZ –II and CRZ –III</p> <p>Condition B. (iii) in the MoEF’s letter to the Chief Secretaries states that along the rivers, creeks and backwaters which are influenced by tidal action, the CRZ will extend up to 500 m. However, as per this letter, the CRZ for Tamil Nadu extends only up to 100 m along rivers, creeks and backwaters within areas that are categorised as CRZ -II.</p>	<p>The notification mentions the norms under which constructions can take place in these areas.</p> <p>The CRZ extends to 500 m in CRZ –I and III areas and 100 m for CRZ –II areas.</p>
11. Coir rope making yards.	<p>No specific mention in the notification.</p> <p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	This is not a foreshore activity and may not be construed to be a permissible activity under the notification. However, this is more of a home-based industry and as long as there are no additional constructions, this would not be considered as a prohibited activity under the notification.
12. Shell mining.	<p>No specific mention in the Notification.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 2(xi) Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas.</p>	<p>This would not be permitted in CRZ –I(i) areas.</p> <p>As minerals, seashells are the same as limestone – a mineral that is available in areas outside of the coastal areas as well. Therefore, by common definition, it is not a rare mineral and mining of the same may not be permitted in areas falling within the jurisdiction of the CRZ. Note: This does not apply to the collection of live clams primarily for consumption of shellfish.</p>

13. Sand mining for local use.	<p>Para 2 (xi) Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas.</p> <p>No specific mention of the use is made in the notification.</p>	<p>The MoEF's letter to the Chief Secretaries on the CZMP states that sand dunes will be classified as CRZ –I. Silica sand is a mineral that is found outside the CRZ and therefore cannot be mined in the CRZ area. Beach sand is also an important buffer against wind action.</p> <p>Therefore construction using locally available silica sand and sand stone for local constructions is not permitted within the CRZ.</p>
14. Sand mining for commercial purposes.	<p>Para 2 (xi) Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas.</p>	<p>See above.</p> <p>However, the mining of those minerals not found elsewhere is currently permitted within the CRZ, except in CRZ –I(i) areas. Silica sand and soil material available outside the CRZ cannot be used mined from the CRZ for commercial purposes or for construction.</p>
15. Construction of fish markets.	<p>No specific mention in the notification.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>This is not an activity that requires foreshore or waterfront facilities.</p> <p>It does not appear that that construction of fish markets are permitted in CRZ –II areas.</p> <p>If the construction of petty markets are within the ambit of traditional rights and customary uses, then these constructions will be permitted in the area between 200-500 m in the CRZ – III areas.</p>
16. Construction of cyclone relief shelters.	<p>Para 6(2) CRZ –I No new construction is permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 6(2) CRZ- II allows certain buildings according to</p>	<p>See Section 2.2 on Specific regulations on constructions within the CRZ.</p> <p>There is no specific mention of cyclone shelters in the CRZ – II areas. It would seem logical that cyclone relief shelters would have to be located in areas close to existing settlements. These would need to follow specifications for buildings within</p>

	<p>certain FSI/FAR norms.</p> <p>Para 6(2) CRZ –III (ia) states that construction of ...public rain shelters... which are required for the local inhabitants may be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.</p>	<p>CRZ areas.</p> <p>Cyclone shelters are permitted in CRZ – III areas even in the NDZ, but need to be approved by the Tamil Nadu State CZMA.</p>
17. Construction of petty shops for local use.	<p>Para 6(2) CRZ – I, II and III</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p>	<p>See Section 2.2 on Specific regulations on constructions within the CRZ</p> <p>No new constructions are possible in CRZ – I areas. It is not clear if reconstruction of these shops is permitted in CRZ – I areas.</p> <p>Reconstructions will be permitted in permitted areas of the CRZ –II and III areas, as per the building norms specified in the notification.</p> <p>As part of fishing villages and gaothans, these are permitted in the CRZ –III areas. It is not clear if these are permitted in CRZ –II areas which are not fishing villages or gaothans.</p>
18. Agriculture in coastal areas.	<p>Para 6(2) CRZ – I</p> <p>No specific mention of agriculture in these areas.</p> <p>Para 6(2) CRZ – I</p> <p>No specific mention of agriculture.</p> <p>Para 6(2) CRZ – III states, ‘...However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry...’</p>	<p>It can be assumed that agriculture that existed prior to February 1, 1991 would be permitted.</p> <p>Agriculture can take place in the CRZ – II areas keeping in mind the rules regarding the drawal of ground water.</p> <p>Agriculture is permitted in the CRZ – III areas in the NDZ and also in the other areas of the III areas, subject to rules on ground water drawal.</p>
19. Agriculture by flattening sand dunes.	<p>CRZ –I areas are considered to be ecologically sensitive areas.</p>	<p>Condition A (xv) of the MoEF’s letter to the Chief Secretary states that sand dunes are to be considered CRZ – I areas.</p>

20. Setting up of industries.	Para 2, 3, 4 and 6 of the notification.	The CRZ Notification has explicitly laid out rules and norms for industrial activity in areas under its jurisdiction.
21. Building of bus shelters / bus stands.	Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.	Bus shelters are not activities that require either the foreshore or the waterfront. These structures can be constructed at a distance beyond 500m from the coast.
22. Building of temples / shrines / places of worship.	<p>Para 6(2) CRZ – I, no new constructions are permitted.</p> <p>Para 3(1) of the notification states that clearance shall be given for any activity within the Coastal Regulation Zone only if it requires waterfront and foreshore facilities.</p> <p>Para 6(2) CRZ – II states regulations on the constructions of buildings.</p> <p>Para 6(2) CRZ –III (ii) states that construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line maybe permitted so long they are within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. There are other norms for building constructions for these permitted constructions within the 200-500 m area.</p>	<p>The Notification does not make a specific mention of the term ‘temples’ or ‘places of worship’. However, these could be construed to be ‘buildings’.</p> <p>It is not clear if reconstruction of demolished places of worship are permitted in the CRZ – I areas.</p> <p>Places of worship do not require the waterfront or the foreshore. However the reconstruction and repair of existing authorised structures would be possible within the CRZ –II areas provided they conform to the building norms and the other FSI/FAR norms, in permitted CRZ - II areas.</p> <p>These places of worship may fall within the ambit of traditional rights and customary uses within fishing villages and gaothans. Buildings that are places of worship may be permitted in areas that are permitted and as per building norms in the CRZ – III areas.</p>
23. Disposal of construction debris and wastes.	Para 2(vi) states that dumping of town waste or debris either for land filling or otherwise is prohibited.	The dumping of construction material and other debris from the destruction caused by the tsunami cannot be dumped in any part of the CRZ areas.
24. Demolition of structures.	Para 3(2) (iv) states that the demolition or reconstruction of - (i) buildings of archaeological or historical importance (ii) heritage buildings (iii) buildings under public use	There is no mention of other kinds of demolition, except in the context of reconstruction of existing and earlier structures.

	require environmental clearance from the MoEF For the purpose of this clause (iv) 'public use' includes buildings for the purposes of worship, education, medical care and cultural activities.	
25. Activities costing above Rs 5 crores.	Para 3(2) (v) states that all activities with investment of five crore rupees or more will require environmental clearance from the Ministry of Environment and Forests, Government of India.	All activities with an investment of five crores and which are permissible as per Para 3 of the Notification, will require environmental clearance from the Ministry of Environment and Forests, Government of India.
26. Activities costing below Rs 5 crores.	Para 3(2) (v) ...activities involving investment of less than five crore rupees shall be regulated by the concerned authorities at the State or Union territory level in accordance with the provisions of sub paragraph (2) of paragraph 6 of Annexure-I of this notification.	Activities that are specified in the notification, which are below 5 crores need to be cleared by the State Government.