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Government of India
Ministry of Environment and Forests

New Delhi, the 22nd August, 2013

NOTIFICATION

S.O.2558 (E).- Whereas by notification of the Government of India in the Ministry of Environment and Forests number S.O.20 (E), dated the 6th January, 2011 (hereinafter referred to as the said notification), the Central Government declared certain areas as Island Protection Zones and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said Zone;

And whereas the Andaman and Nicobar Administration of the Union territory of the Andaman and Nicobar Islands has drawn the attention of the Central Government to the difficulties being faced by the local population of the said territory due to lack of alternative construction materials available in the Islands and the restrictions imposed by the aforesaid notification on mining of sand in the Coastal Regulation Zone in the said territory;

And whereas, the Hon'ble Supreme Court *vide* its Order dated the 7th May, 2002 in Writ Petition (Civil) No.202 of 1995 had passed Orders on mining of sand in Andaman and Nicobar Islands;

And whereas, the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules for amending the said notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) and sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,

(1) in paragraph I, in item B, after the words "Greater Nicobar", the words "Baratang, Havelock, Little Andaman , Car Nicobar, Neil and Long islands" shall be inserted.;

(2) in paragraph III, in item D,

(a) under heading 3, relating to 'ICRZ-III', after sub-item (a), the following proviso shall be inserted , namely:-

"Provided that the NDZ for the development of eco-tourism activities shall be 50 mts. and the Andaman and Nicobar Administration shall ensure that the livelihood and concerns of the fishing community are fully protected. When the hazard line is delineated and if it falls beyond 50 mts, the hazard line shall be considered as the NDZ limit.",

(b) under heading 5, relating to 'period for which ICRZ and IIMPs shall be valid', for sub- item (ii), the following sub- item shall be substituted, namely:-

"(ii) the Coastal Zone Management Plans already approved by the Ministry of Environment and Forests shall be used till the 31st January, 2014.";

(c) under heading 7, relating to 'The following activities prohibited in the islands of A&N and Lakshadweep', after sub-item (xvi), the following sub-item shall be inserted, namely:-

"(xvia) mining of sand for construction purpose:

Provided that the mining of sand shall be permitted in identified non eco-sensitive and approved sites, subject to the following conditions, namely:-

(i) mining of sand shall be permitted only in identified and approved sites (accreting areas identified by the Institute for Ocean Management (IOM), Chennai), for construction purpose by A&N CZMA and they may consider permission based on mining plans and shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, birds nesting sites and protected areas;

(ii) the total quantity of sand to be mined shall be fixed taking into consideration the Order of Hon'ble Supreme Court dated the 7th May, 2002 in Writ Petition (Civil) No.202 of 1995;

(iii) the sand mining shall be monitored by a Committee constituted by the Lieutenant Governor of the Andaman and Nicobar Islands under the Chief Secretary, Andaman and

Nicobar Administration consisting of (i) the Chief Secretary, Andaman and Nicobar Administration (2) the Secretary, Department of Environment (3) the Secretary,

Department of Water Resources (4) the Secretary, Andaman Public Works Department (5) representative from the Regional Office of the Ministry of Environment and Forests, Bhubaneshwar and (6) representative of a Non-Governmental Organisation based at Andaman and Nicobar."

[No. 12-3/2008-IA.III]

(Maninder Singh)
Joint Secretary to the Government of India

Note: (1) The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* numbers S.O.20 (E), dated the 6th January, 2011.

(2) The CZMPs approved by the Ministry of Environment and Forests were valid till the 5th January, 2013. Extending the validity of CZMPs with retrospective effect shall not prejudicially affect the interest of any person to whom such rules may be applicable.