

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 10th July, 2006

S.O. 1088(E).—Whereas by notification of the Government of India in the Ministry of Environment and Forests number S.O. 114(E) dated 19th February, 1991 (hereinafter referred to as the said notification), the Central Government declared coastal stretches as Coastal Regulation Zone 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 issue has been examined by the Government of India in the Ministry of Environment and Forests;

And whereas the Central Government is of the opinion that the said notification should be amended;

And whereas sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 provides that notwithstanding anything contained in sub-rule (3), wherever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule 5 of the aforesaid rules;

And whereas the Central Government is of the opinion that it is in public interest to dispense with the said requirement of notice under clause (a) of sub-rule (3) of rule 5 of the aforesaid 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 sub-rules (3) and (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,

- (a) in paragraph 2, in sub-paragraph (ix), for the second proviso, the following provisos shall be substituted namely:-

“Provided that in the Union Territory of the Andaman and Nicobar Islands, mining of sand may be permitted for construction purpose on a case to case basis by a committee constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of – (1) the Chief Secretary Andaman and Nicobar Administration; (2) Secretary, Department of Environment; (3) Secretary, Department of Water Resources; and (4) Secretary, Andaman Public Works Department:

Provided further that the total quantity of sand to be mined shall not exceed 22,581 cubic metres for the period ending on the 31st day of March, 2007 and that sand mining shall be undertaken only in those areas identified as accreting areas by Institute for Ocean Management (IOM), Chennai and based on rate of replenishment or deposition of sand;

Provided also that the permission as may be granted under this sub-paragraph for mining of sand shall be 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.

Provided further that the Andaman and Nicobar Administration shall identify alternate construction materials within the period of one year i.e., upto 31st March, 2007.

Provided further that a monitoring Committee shall be constituted for monitoring the mining activity and the environmental safeguards taken, by the Union Territory Administration. The monitoring Committee shall comprise of representatives from Union Territory Administration, Regional Office of the Ministry of Environment and Forests, Bhubaneshwar and a NGO based at Andaman and Nicobar. The monitoring report shall be sent quarterly to Ministry of Environment and Forests.”

- (b) in Annexure-I, under the heading “CRZ-IV Andaman and Nicobar,” in item (iv) in sub-item (b), for the figures, letters and words “31st day of December, 2005,” the figure, letters and words “31st day of March, 2007” shall be substituted.

[F.No. Z-12011/2/96-IA.III]
R. CHANDRAMOHAN, Jt. Secy.

Note: The principal notification was published in the Gazette of India vide number S.O/114(E) dated the 19th February, 1991 and subsequently amended vide notifications:-

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| 1. S.O. 595 (E) dated 18 th August, 1994 | 11. S.O. No.988 (E) dated 3 RD October, 2001 |
| 2. S.O. 73 (E) dated 31 st January, 1997 | 12. S.O. No.550 (E) dated 21 st May, 2002 |
| 3. S.O. 494 (E) dated 9 th July, 1997 | 13. S.O.1100 (E) dated 19 th October, 2002 |
| 4. S.O. 334 (E) dated 20 th April, 1998 | 14. S.O. 52 (E) dated 16 th January, 2003 |
| 5. S.O. 873 (E) dated 30 th September, 1998 | 15. S.O. 460 (E) dated 22 nd April, 2003 |
| 6. S.O. 1122 (E) dated 29 th December, 1998 | 16. S.O. 635 (E) dated 30 th MAY, 2003 |
| 7. S.O. 998 (E) dated 29 th September, 1999 | 17. S.O.636 (E) dated 30 th May, 2003 |
| 8. S.O. 730 (E) dated 4 th August, 2000 | 18. S.O.563 (E) dated 24 th June, 2003 |
| 9. S.O. 900 (E) dated 29 th September, 2000 | 19. S.O.838 (E) dated 24 th July, 2003 |
| 10. S.O.329 (E) dated 12 th April, 2001 | 20. S.O.86 (E) dated 25 th January, 2005. |