

Maradu issue

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Source: *The Hindu*

Manifest pedagogy: Violation of construction rules is a not a new thing in India but the significant judgements like Maradu will set a precedent for the future violations. This case has to be dealt multidimensionally i.e. from legal, environmental and social angles. With this note, CRZ rules have to be studied thoroughly.

In news: Illegal residential apartments in Kerala's Maradu municipality were demolished for violating the Coastal Regulation Zone (CRZ) rules.

Placing it in syllabus: Coastal regulation

Dimensions:

- **Violations**
- **CRZ rules**
- CRZ rules, 2019
- **Supreme court order**
- **Impact**

Content:

Violations:

- In 2006, the CPM-ruled Maradu Panchayat granted permission for the construction of **five waterfront apartments – Holiday Heritage, Kayaloram, Alfa Ventures, Holy Faith and Jain Housing**, overlooking the scenic canals of Kochi backwaters.
- After nine months of granting permission, the panchayat issued a notice to the builders following a directive by the **Kerala Coastal Zone Management Authority (KCZMA)**.
- KCZMA said that the site fell under the **CRZ-III**

vulnerable category where **no construction is allowed within 200 metres from the coast.**

- Any such act will be identified and acted upon as a violation of the Coastal Regulatory Zone (CRZ) rules.
- Maradu panchayat had not forwarded any application for KCZMA to gain a CRZ permit for the five complexes.

CRZ rules:

- The CRZ norms are framed under **Section 3 of the Environment Protection Act, 1986** to promote sustainable development based on scientific principles.
- **CRZ I areas** are those “**areas that are ecologically sensitive and important** such as wildlife habitats, mangroves, coral reefs etc..which are likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared.
- **CRZ II areas** are those “that have already been developed upto or close to the shoreline.”
- **CRZ III** is described as “*the areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zones in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up*”.
- **Maradu is a municipal area** and even before it was converted into a municipality, it was a legally designated urban area since it came under the Greater Cochin Development Authority.

CRZ rules, 2019:

- **CRZ 3 areas** are divided into **CRZ 3A and 3B based on the density of population.**
- Areas **with a population density of 2,161 persons or more per sq km** (2011 census), will become **CRZ 3A.**
- Here construction activities could be undertaken towards

the landward side from the 50-metre point of the High Tide Line (HTL).

- All other CRZ 3 areas with population density of **less than 2,161 persons per sq km will be designated as CRZ 3B.**
- Here development activities will be permitted beyond the 200-metre-mark from the HTL towards the landward side.
- A **No Development Zone (NDZ) of 20m** has been stipulated for all Islands.
- **Temporary tourism facilities such as** shacks, toilet blocks, change rooms, drinking water facilities etc.. are permitted in the beaches.
- Such temporary tourism facilities are also now **permissible in the “No Development Zone ” (NDZ) of the CRZ 3** areas. But a **minimum distance of 10 m from HTL** should be maintained for setting up of such facilities.
- Now, only such **projects which are located in the CRZ 1**(Ecologically Sensitive Areas) **and CRZ 4** (area covered between Low Tide Line and 12 Nautical Miles seaward) **will be dealt with for CRZ clearance by the Ministry.**
- The powers for clearances with respect to **CRZ 2 and 3 have been delegated at the State level.**
- **All Ecologically Sensitive Areas have been accorded special importance and are treated as Critically Vulnerable Coastal Areas (CVCA).**
- To address pollution in Coastal areas, the **treatment facilities have been made permissible in CRZ-1 B** area subject to necessary safeguards.

Supreme court order:

- The **KCZMA approached the Supreme Court** in 2016 and **alleged that the panchayat issued construction permits without its concurrence.**
- A **technical committee** to study the issue was formed by the SC whose findings were in favour of the KCZMA.
- On May 8, 2019, the **Supreme Court declared the**

construction permission granted by the Panchayat “illegal” and ordered the demolition of the complexes.

- **Notices to all the residents of the five apartments** asking them to vacate the flats by September 14, 2019 was served by the municipality.
- The flat owners however refused to vacate alleging that it was a violation of their rights to live.
- The **builders claimed that the building permit was granted before the CRZ Act came into force** and there was no CRZ mapping available when the project was sanctioned.
- On September 21, 2019 the Kerala government filed an affidavit before the SC stating that the demolition process and disposal of debris required appropriate technology and machinery.
- **In January, 2020 four illegally constructed skyscrapers were pulled down** with explosives using **controlled implosion**.



Impact:

- Even though demolition is carried out through controlled implosion by explosives, it would be practically **impossible to remove the foundation**, especially with the 35m-deep cast-in-situ bored reinforced concrete piles under the buildings in Maradu.
- This could also result in **air pollution** caused by fine material over a radius of more than 1 km and noise pollution.
- The fine material and debris could even **contaminate water bodies and set on the leaves of plants**.