

Public Consultation on CRZ
Chennai, Tamil Nadu
19 August 2009
Kamaraj Memorial Hall, Teynampet, Chennai

The Chennai consultation was the second in the series of ten public consultations being organized with fishers and local communities on the CRZ 1991 Notification. Ms Nalini Bhat and Mr. Senthil Vel of the Ministry of Environment and Forests (MoEF) accompanied Mr. Jairam Ramesh, Minister of Environment and Forests, to the meeting. They, along with Mr. Anton Gomez and Mr. Illango (Pondicherry), and Mr. T.K.Thangabalu TN Congress committee president shared the dais with the Minister. Approximately 800 people were present. Encouragingly, there was good representation of women—they comprised about 75% of the audience.

Presentation by CEE

The consultation started with the presentation by the CEE on the objectives of the consultation and the recommendation of the MSS committee Report, Final Frontier. The power point presentation was in English, and following objections by women in the audience, the presenter clarified that he would speak in Tamil. Gilbert Rodrigo was soon asked to take over the presentation, given greater fluency in Tamil. (This was in stark contrast to the well-prepared Mumbai presentation made in Marathi.)

The presentation took about 30 minutes—in Mumbai, where there was a well-prepared Mumbai presentation in Marathi, this process took only 15 minutes. Notably, copies of the recommendations and its summary had been distributed in Tamil beforehand.

The Minister made several interventions during the presentation. He intervened on the recommendation on enhancing the protection to fisher families for habitat and livelihood security through amendments in CRZ, stressing that this would be the primary aim of any future amendments to the CRZ.

He said that the following recommendations are fully accepted by the MoEF:

- In the no-development zone of CRZ-III (0-200 metres), while dwelling units should be allowed for fisherfolk, economic activities like tourism should not be permitted.
- Need for consideration of a separate legislation, along the lines of the Traditional Forest Dwellers Act, 2006 for securing traditional fisher families' rights by the relevant Union Ministry

The Minister also intervened when the recommendations on ports was being presented. He said that the government has already commissioned a study on the cumulative impacts of ports on the coastline and that the report will be completed by November. The study is being undertaken by the Department of Oceans.

Initial remarks by Minister

The Minister said that he was happy to see many fisher families, especially women. He promised that he was ready to listen to their concerns for a full three hours. He said that for his Ministry, the most important thing when it came to the CRZ, was fishermen and fishing communities. He was not interested in five star hotels, vacation homes for MPs/ MLAs, tourist lodges on beaches, etc, he said. If these need to be demolished, appropriate action will be taken. Protection of fishers and fisher families and their lives, livelihoods and habitation will remain the primary concern of the Ministry with respect to CRZ. It was in response to large-scale protests by fishing communities that the Ministry allowed CMZ 08 to lapse, he noted.

He promised the audience that efforts will be taken to address and include issues and concerns of communities highlighted through the public consultations. He said that a Bill to protect the livelihood security of fishing communities would be tabled in the December session of Parliament, along the lines of the Traditional Forest Dwellers Act, 2006. He stressed that fishers would, on no account, be evicted from the coast—their rights would be protected under the Act. Currently, with the CMZ scrapped, CRZ 1991 will continue. Further amendments to this would be made only after public consultations. Issues such as disaster caused by natural calamities like tsunami will be kept in mind when amendments are being discussed and implemented.

The minister also announced the decision to set up the National Centre for Coastal Zone Management in Chennai, to be housed in Anna University. This center will aim to help fishers and their families to improve their livelihoods and protect them from effects of sea level rise due to global warming he said.

Submissions from communities

The first submission from Tirunelveli was on the Koodankulam nuclear power project. Pointing to the potential health problems and their impact on communities, particularly the impact of radiation on future generations, pregnant women and unborn babies, she demanded that the project be stopped. Fishers would also be denied access to their traditional fishing grounds if the power project was allowed to come through, she said. She also raised the issue of foreign vessels fishing off the coast of Tamil Nadu, and urged the Minister to take steps to stop this.

The Minister, responding to the submission, said that he is aware of the issue of the pipeline running from the power plant to the sea (due to his earlier stint as Minister of Power) and that steps would be taken to see that the effluent causes minimum impact on the environment and the people around. He also pointed out that the CRZ itself does not deal with pollution—this is dealt with under the Environment Protection Act (EPA). This is an internal problem of coordination between various legislation and agencies within the government, which needs to be sorted out. He said that he is well aware of the problems due to pollution—there is now even a proposal for a pipeline from Tirupur to the sea, to enable dumping of waste. These issues need to be addressed urgently, he said.

The Minister drew attention to the high-level meeting called by the MoEF on 18 August 2009, attended, among others, by environment ministers from all States and officials

from the pollution control board. A National Environmental Protection Authority is being proposed under the EPA that will have the power to impose harsh measures and punishments on polluters.

One of the participants from Kancheepuram expressed concern about the desalination plants that are being planned along the coast and the impact that effluents from such plants would have on the coastal ecosystem and on livelihoods of those who depend on the health of the ecosystem.

A participant from Kalpakkam said that a decline in fish resources near the nuclear power plant had been observed—many fish have died due to pollution. Due to security concerns, several areas have been banned for fishing. Families whose lands have been taken over for the project, are yet to be provided compensation. This has led to loss of livelihoods and high levels of unemployment. Fisheries provide long-term benefits and profits—they must be protected, she concluded.

The Minister, in response, said that projects like the desalination plants and power plants are absolutely necessary for the country. Nevertheless, measures need to be taken to safeguard the environment by ensuring that such projects adhere to strict guidelines to minimize pollution, and to ensure that people's livelihoods are not affected or hindered. NGOs, CSOs and other civil society organizations need to play the role of watchdogs to ensure that such projects abide by the rules. Several participants subsequently intervened during the course of the consultation to say that any project that displaced fishing communities and degraded the coastal ecosystem should not be allowed to come up.

A woman seaweed collector from the Gulf of Mannar, Ramanathapuram highlighted the way in which her livelihood based on seaweed collection, and that of 300 other households like hers, had almost come to a standstill for the last 10 years, after the declaration of the Gulf Of Mannar National Park (GoMNP) and Biosphere Reserve. Women seaweed collectors are facing tremendous hardships and harassment, she said, particularly from the Forest Department.

Another participant from Ramanathapuram, said that about 5000 families in his area earned a living harvesting sea cucumber. However, there is now a ban on the harvesting of sea cucumber, as it is considered an endangered species under the WLPA. Harvesters of sea cucumbers now face a lot of harassment from the forest—fines of Rs. 25,000 or imprisonment up to 7 years. Cases have been filed against 40 poor fishers. He requested the Minister to lift the ban on harvesting sea cucumber, and to allow controlled collection.

On the issue of GoMNP the Minister said that as this comes under another legislation (Wild Life Protection Act), he will need to study the issue further. All efforts will be taken to alleviate the distress of the fishing communities concerned, he said. Perhaps an option would be to declare the Gulf of Mannar as a Critically Vulnerable Coastal Area (CVCA), a recommendation of the MSS Committee, and to ensure that community livelihoods are protected under this.

Another participant from Ramanathapuram spoke of the impact of sea walls that make it difficult for fishermen to beach their craft, and of the impact of tourist and beach beautification projects that are displacing fishing villages. The fishmeal plant in the area is causing a lot of pollution due to effluent discharge. This could be one of the reasons why dugongs are not spotted in the area anymore, he said, though fishermen are being blamed for the same.

A representative from Cuddalore spoke of the pollution due to the many industries in the area. Many industries expanded production after obtaining EIA clearances, violating all environmental norms. He demanded that all the industries, causing pollution, be removed from Cuddalore.

Another representative from Cuddalore drew attention to the massive pollution caused by a factory (on the banks of Uppanar river) producing hazardous chemicals, and the pipeline carrying such chemicals running through the CRZ area. The factory ships consignments of hazardous substances—already two such consignments have been shipped. Earlier there was a mishap that had had severe health impacts on some members of the nearby fishing community. The third consignment is now due and the local community greatly fears another similar mishap. Petitions have been given to the State Pollution Control Board, and a case against the company is before the Supreme Court.

The Minister, taking note of this, informed the consultation that such issues will be speedily addressed once the National Green Tribunal is up and functioning. Individuals or groups could approach the Tribunal for swift action.

Illegal sand mining was another issue highlighted by several participants from Ramanathapuram, Kanyakumari and Tuticorin. The participant from Tuticorin said that this was taking place despite the fact that it was an ecologically sensitive areas, with many coral reefs.

The problems due to proliferation of ports was also mentioned by several participants, as from Kanyakumari, Nagapattinam and Pondicherry. There was a demand for a moratorium on new ports.

Several participants from north Chennai spoke about the severe problems of pollution, due to projects such as the North Chennai Thermal Power Station (NCTPS), the Ennore satellite port and a petrochemicals complex, that are damaging the coastal ecosystem, as of Pulicat.

Another participant from Chennai drew attention to the fact that the biggest violator of the CRZ Notification is often the government itself, through project undertaken. He drew attention to the elevated corridor being planned through critical habitats of Olive Ridley turtles, a species included under Schedule I of the WLPA, and through the Adyar estuary, an ecologically sensitive habitat. The elevated corridor, that will be of benefit primarily to owners of private vehicles, will also displace 14 fishing hamlets. It is nothing but a

complete flaunting of the CRZ law by the government, it was said. The government should first observe the law before expecting others to observe the CRZ law.

A representative from Pondicherry pointed to the rapid growth in tourism in their area and their high density. This is squeezing the space available to the 15 fishing villages on the Pondicherry coast. The hamlets also affected because of the lack of basic amenities.

A representative from Andhra Pradesh raised the issue of Special Economic Zones (SEZ) along the coast and the industrial corridor displacing coastal communities, as well as the impact of related developments (pollution and denial of access to coastal lands and fishing grounds) on livelihoods of fishing communities.

Several participants spoke on the need to better implement CRZ Notification, to punish violators and to remove encroachments. The HTL needs to be clearly demarcated, and the maps should be made available in the public domain.

A participant noted that the National Fishworkers' Forum had undertaken a study in 1996-97 to mapping violations to the CRZ Notification all over India. This report was submitted to the Coastal Zone Management Authority, but till today no action has been taken against the violators. Instead, all violations have been regularized by the 25 amendments made to the CRZ notification. The most blatant regularization of violation was the Aquaculture Authority Act 2005, which declared aquaculture to be a permissible activity under the CRZ, despite the ruling of the Honourable Supreme Court of India. The Minister was requested to bring back the original CRZ Notification of 1991, by revoking the 25 amendments.

Will fishing communities be part of the process of formulating the fishermen's rights bill, it was asked. The Minister said that all views on the content of the bill should be sent to him—it will be ensured that all suggestions are taken on board when drafting the Bill.

The meeting concluded with comments from Anton Gomez and Illango. Overall, most people got a chance to speak. However, the representatives from Andhra Pradesh only got one opportunity to speak. They were asked to speak later, however, this opportunity did not present itself.

Press Conference

A press conference followed the consultation. Mr. Jairam Ramesh said that India's record on environment protection was pathetic, with both government and private parties flaunting the law which has led to the current environmental crisis at hand. A study on some 25 "environmental hotspots" is being prepared by IIT Delhi—the list includes Wapi, Ankleshwar, Singhroli etc. He also drew attention to the important role that could be played by the National Green Tribunal and the Environment Protection Authority, with the power to impose harsh penalties. Cases brought before the Tribunal will be treated as civil, not criminal cases. He added that the ministry intends to make punishment for violations of the WLPA and EPA as stringent as that for violations of the Foreign Exchange Management Act.

Another issue he is looking at, he said, is that of Environmental Impact Assessments (EIAs). The problem so far has been that EIAs have been project-based—the cumulative impact of projects has not been studied. This needs to be done.

The consultations held in Mumbai and Chennai have clearly indicated that the government itself is one of the biggest violator of environmental laws, he said. This needs to be seriously addressed.

Responding to a question on whether it was possible to revoke all 25 amendments, the Minister said that the feasibility of doing so needs to be looked into.

The Minister said that all efforts are being made by the MoEF to put information online, include environmental clearance, projects pending clearance etc. He agreed to make available all violations to CRZ 1991 available on MoEF's website, whether they have been verified or not—Mr. Senthil Vel and Ms. Nalini Bhat were asked to work on this. On what action would be taken against violations that have taken place, he said that the matter would need to be discussed in view of the role of the State and Centre—it is the role of the State to act against violations.

- Compiled by Neena, ICSF