

Public Consultation with Fishermen and Local Communities on Coastal Regulation Zone Notification

A public consultation with fishermen and local communities on coastal regulation zone notification was held in Mumbai on 12 August 2009. This consultation was the first of a series of such consultations to be held in Goa, Kochi, Chennai, Bhubhaeswar etc. Hundreds of people attended the consultation and they included fishworkers, supporters of fishworkers, NGOs, environmentalist, private parties, from various places in Maharashtra and Gujarat.

Mr. Dongre of CEE gave a presentation on the recommendations put forth by the MS Swaminathan Committee on the review of CMZ 08 notification based on the suggestions received by the MoEF on the Draft notification that was circulated in 2008.

Mr. Dongre's presentation was followed by Debi Goenka's submission. Debi Goenka congratulated the MoEF who has in its 1989 draft notification of CRZ indicated the concerns of sea-level rise as it was the first official document indicating of the threat of climate change.

He pointed out the fact that the implementation of CRZ was very weak leading to its dilution. The most important lacking in CRZ notification is the absence of any punishment clause in case of violation. He also pointed out that CZMA has to be held accountable and there should be actions taken against complaints given to the CZMA.

He pointed out to the special consideration given to Mumbai in the review recommendations. He raised doubts on the point relating to FSI and this could cause confusion and could be used for further build up on the coast.

The Minister of Environment and Forest Mr. Jairam Ramesh reassured the people by declaring the scrapping of CMZ 08 notification. It has become reiterated Mr. Ramesh. The minister said that the first consideration is the protection of lives and livelihoods of fishing communities. The livelihoods and their housing will be protected whatsoever, said the minister.

Answering to the query on the special consideration given to Mumbai and the fear expressed with regard to the Floor Space Index as indicated in the Final Frontiers, the minister indicated that any *lower income housing built on public money/finance and has a higher FSI then the law will review it and help clear it.*

When the mike was handed over successively to men to speak, the minister intervened and expressed his interest to hear the women's views on the whole issue of CRZ.

Poornima Meher indicated the importance of CRZ with respect to women. She said that the coastal space is very important for the activities of women which hugely supplements the family income. She also talked about pollution that is caused by the industries and the large-scale mangrove destruction that has happened all along the coast in the name of

development. She also indicated about the use of coastal space as waste dumping yard by the Municipal Corporation. This, she said is not only deleterious to the environment but also to the fishing communities. The fishing community feels the initial impacts of tampering with the environment, as they are the ones who are dependent on the sea and its coast for their lives and livelihoods. She said that the concerns of the Ministry, if it is primarily environment, is in sync with the demands of the fishing communities as both are aiming for a healthy ecosystem.

The minister again reiterated the fact that the primary concern of the ministry with respect to the CRZ law is to give protection for fisheries livelihoods.

Some of the fishers who spoke said that it is a golden day for the fishers as the minister has agreed to hear their vows with regard to the violations that are happening along the coast, which has been their concern for ages.

Mr. Ramesh Duri from Malvan said that Mumbai was primarily a *Koliwada* (meaning a cluster of fishing hamlets). It has been systematically been removed from their hands as they did not have any legal title to establish their traditional usage of space and their rights. The fishers are primarily concerned about their lives, livelihoods, protection of mangroves and is against all pollution and any sort of development that negatively hampers the existence of fishing community.

Jairam Ramesh said that the MSS report, the Final Frontier, indicates the need for a law that would give protection to the fishers' rights to their livelihood and housing. He said that MoEF is in support of such a law for the fishing communities in tune with the Forest Rights Act. The minister said that efforts will be taken at the next parliament session and recommendations will be taken from the people, the draft made and circulated for comments from civil society and the community concerned. There would be similar public consultation and debates on a draft notification that would be brought out on this regard. Nevertheless, a debate still exists in the Ministries as to who should bring out such law as the department of fisheries is under the Ministry of Agriculture.

To the demand of a separate law for Mumbai, as the city is unique when compared to other places, the minister answered that all states and places has their own unique problems and the Ministry accepts the fact that there cannot be a uniform law for all the states and places. However, it is difficult to come up with a separate law for Mumbai, he added. He said that the implementation of CRZ is by the State and it is up to the State to decide on how "creatively" the law could be used and to contextualise the same.

The minister said that there is a need to understand why these public consultations are held. In the past 18 years after the CRZ law was brought out, there had been 25 amendments. This indicated that the law was not effective. The objective of constituting the law has also become obsolete. The minister added that there are two options – either to let CRZ 1991 be in its original form or to bring changes in CRZ 1991 based on people's recommendations through such consultations which is an attempt to chalk out the changes required with regard to CRZ along with the people. He said that he has no

doubt that there should be changes in the original CRZ. The consultations will help identify the changes that need to be made and priority areas for example the livelihood and habitation issues of the fishers, redevelopment issues etc.

One of the fishers said that it is the *kolis* who has to decide what should be done to the *koliwad*s and not the others.

The Mangrove Society of India expressed deep concern over the implementation of laws. Its representative said that if CRZ will remain toothless as before there is no need for consultation and it would be better to scrap the CRZ.

He suggested that many complaints and memorandums were given to the ministry with regard to violations of CRZ and mangroves but till date no action has been taken. He suggested that it would be good if the ministry on their website could put up a page on the complaints received and a report on the actions taken on these complaints which would be updated every three months.

The minister said that the implementation of CRZ is under the jurisdiction of the state, the only thing the center could do about these complaints is to follow up with the state. The minister welcomed the suggestion and said that efforts will be taken to update the website with regard to complaints and action taken.

To a petition by the MLA of Sindudurg, Jairam Ramesh said that critically vulnerable areas would be given a separate status. Efforts will be taken to see whether Sindudurg could be considered a critical habitat.

The minister appreciated the presentation made by Bharat Patel of Setu from Mundra, Gujarat. Mr. Patel described the violations that are happening. He said that the complaints that they have given against the Adanis have fallen on deaf ears and the construction and mass destruction of mangroves and peoples livelihoods are progressing without any hindrance. He said that the Adani's went for an EIA only after 60% of the work on the SEZ was completed. Mr. Patel said that though a public hearing was held in November where people gave their clear verdict against the SEZs, the people's hope was squashed when MoEF gave an approval in principle to continue the work.

The minister interrupted the presentation and enquired to the officials who were with him on this and expressed his ignorance about this rampant violation. He said that the Ministry has a two-step approval in all the cases, an approval in principle and the final approval. He said that approval in principle does not allow any further developments on the site and if there is construction going on in the SEZ in Mundra after the approval in principle it is a violation of the law. He said that he is making efforts to do away with this two-step process of approval in principle and final approval. He said that from now on it will be just a YES or a NO and there will not be an approval in principle. He said that but nothing could be done with the approval in principle already given by the MoEF. Any developments post approval in principle will be reviewed for violation and he promised

the Gujarat contingent to sent a team from MoEF who will visit Mundra to review the situation. Based on the review necessary action will be taken, added the Minister.

On complaints of rampant pollution happening along the coast and the loss of peoples' lives, livelihood and health, the minister indicated that a National Green Tribunal is in the pipeline. The bill is tabled and it will come for discussion to be made into an Act in the next session of the Parliament when it meets in December. People, individuals, organizations etc could go to the Tribunal and ask for compensation for any damage caused by the violation of any laws with respect to environment. He said that efforts will be taken to include CRZ also into the Schedule of Laws in the Tribunal. This law, if passed, will be a historic step, the minister added. He also said that the National Green Tribunal would dispense off any case in a couple of months' time. It will be up to the people to make the most out of the Tribunal.

The minister also welcomed the suggestion on doing a contour mapping all through out the coast and said that the efforts are already under way.

The minister concluded the session by highlighting points of discussion that arose during the consultation

- special consideration for Mumbai in CRZ
- a law for fishers and fishing communities in tune with Forest Rights Act
- a mapping of vulnerable areas and special consideration for the same.
- The state and center will work in tandem to get a curb on pollution and violation that has been caused even after the CRZ.
- Efforts will be taken to see whether penalties could be built in the CRZ law for violation therefore there is no need to address it under the EPA.
- Efforts to include CRZ under the schedule of laws in the National Green Tribunal.