

Preliminary comments on Report dated 16th July, 2009 of the Expert Committee on the draft Coastal Management Zone (CMZ) Notification, constituted by the Ministry of Environment & Forests, under the Chairmanship of Prof. M.S. Swaminathan

- By Shyam Chainani

Given below are some brief points which may please borne in mind.

1. In addition to environmental reasons and the livelihoods of fisherfolk, it needs to be emphasized that the coastal areas (but most specially the non substantially built up areas in CRZ III as well as CRZ II) are *of vital importance as public commons for use and recreation by millions of people*.

A glance at any of the open areas in Mumbai, Kochi, Chennai, Calcutta and elsewhere will make clear how many millions depend on this.

2. The *vital importance of CRZ III* needs to be stressed, including those areas within municipal limits which are not substantially built up.

The CRZ has saved prime areas in Mumbai such as Gorai, Manori, Madh, Marve along with mangroves in the north eastern coast of Mumbai.

3. The *‘‘areas of outstanding natural beauty/historical/heritage areas’’* need to be preserved (as stipulated in the existing CRZ Notification) and the first Swaminathan Committee Report.

4. Higher FSI being in CRZ III will greatly diminish the value of the public common lands.

(b) In any case no FSI increase should at all be considered for activities not concerned with fisherfolk.

5. *Special Economic Zones* : It is a great anomaly that Special Economic Zones are not subject to environmental legislation and the CRZ. The E.P. Act need to be amended to cover SEZ also.

6. *No Development Zone of 0 – 200 metres* : There must be* no* tourism projects in the 0 - 200 metre zone whether they are owned by fisherfolk or otherwise.

This proposal lends itself to misuse.

In this connection, it should be noted that the provision for “farm houses” in various Regional Plans has been grossly misused and various affluent urban dwellers now build in the country side and along the coast, claiming to be farmers and “local residents”.

7. The so-called “*minor*” ports are in fact quite large and have huge impacts on the land and sea.

They need to be subjected to rigorous environmental scrutiny including CRZ scrutiny.

8. *Department of Atomic Energy*

There is no reason why all projects under the Department of Atomic Energy are included in the list of permissible activities. Nuclear power plants and other facilities, can easily be located outside the CRZ.

The only thing that could, if at all, be permitted is the removal of rare minerals which are not available outside CRZ. This needs to be subject to the most stringent environmental impact scrutiny.

9. Even though the CMZ Notification has finally been dropped, heavy reliance seems to be placed on so called/ /Integrated Coastal Zone Management (ICZM) Plans./ These/ proposals keep surfacing. It should be noted that this would mean reducing CRZ stipulations to a case by case basis.

10. *Heritage* : There are several references in the CRZ Notification regarding protection of heritage sites.

(b) These provisions have so far remained only on paper. Hence it is vital that a Committee be set up to demarcate the heritage sites within CRZ limits and to consider requests for grant of development permissions on and around heritage sites.

11. Coastal Zone Management Authorities

The Coastal Zone Management Authorities, whether Central or State, have failed to prevent the CRZ violations or to protect the coastline significantly.

One of the reasons is that there are hardly any strong environmental NGOs represented on these authorities.

Another reason is lack of transparency.

*12. Mumbai: *

(a) Making special regulations for Mumbai will mean opening a Pandoras box.

(b) The idea behind many building projects is to build on prime coastal lands which would otherwise be unbuildable and available for public access and recreation.

(c) There is absolutely no reason why slumdweller rehabilitation cannot take place outside CRZ limits since in CRZ II, the setback distances are quite small.

(d) Increasing the permissible FSI and/or granting unlimited FSI, as sought, will densify the already heavily congested Mumbai immeasurably quite apart from putting immeasurable burden on coastal areas.

(e) Even if the coast line is given for building at enormous environmental cost, there is no guarantee that when such slum dwellers have been housed in these high rise projects, they would remain in them rather than selling them to non slum dwellers and moving out, thereby creating fresh slums.

13. If special relaxations are considered for fisherfolks, stringent control need to be imposed to avoid misuse and to prevent construction, specially by outsiders, by the backdoor route.

13(b) To begin with, the 3200 odd fishing villages need to be clearly demarcated.

13(c) A census of fisherfolk living in these villages would appear desirable to prevent outsiders and other commercial interests coming in and taking over their land.

14. It is not clear why a special notification is considered for Andaman & Nicobar and Lakshadweep Islands. CRZ IV already covers these islands as a special case. Any alterations could be made as part of CRZ IV.

15. It is desirable to include the sea in the CRZ Notification but that could be a separate classification i.e. CRZ V.

16. The dilutions made in the CRZ Notification since 1991 need to be revoked.

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