

On Fri, Aug 14, 2009 at 4:31 AM, Vivek SIFFS <vivek.siffs@gmail.com> wrote:
Dear friends,

My first attempt to give you a flavour of what transpired in the first MoEF consultation on the CRZ in Bombay was aborted as I could not complete it on the 12th itself. I find many useful reports have subsequently come in the media and various e-groups. Nina of ICSF has also circulated a detailed report of the meeting from which I also learnt some new things as many of the discussions were in Marathi. This means that I do not have the burden of covering all that happened in the meeting but just to share with you some of my impressions and opinions.

Minister makes a fine impression

It was an excellent meeting with the Minister personally conducting it as a public hearing. He impressed with both his openness and sincerity on the one hand and good understanding and grasp of the issues on the other. While being pleasant and respectful in his dealings with those who spoke (and typically made long interventions), he was also firm and even handed. He tried his best to get inputs from all sections, especially women and those who have first hand experience of issues and are affected in some way by the CRZ or its implementation. The Minister himself did not give any speech but made short interventions whenever his response was necessary or when it was important to correct a wrong statement. He also made important policy announcements whenever they had relevance to the particular issue on hand. He made commitments straight away when he was clear about something or agreed to look into the matter in other cases. He did not hide behind technicalities, the bureaucracy or his own newness to the job.

The turnout

The turnout was impressive with around 800 people present in the Ravindra Natya Mandir, the vast majority of them fishermen and fisherwomen. However, there were people from all walks of life including urban middle class people living in the CRZ, professionals desirous of having beach houses and NGOs keen on protecting Bombay's coast and environment. There were also some politicians including two MLAs from South Bombay. There were a few state Govt officials who however kept a low profile. From the NFF and NCPC, we had a good representation.

CEE does a good job

The CEE, which has been given the responsibility of organising the consultations on behalf of the MoEF, did a very good job, despite the short notice. The Final Frontier has been translated into local languages and good quality prints are available. A short report is also available in local languages with only the chapter 7 of the report (containing the recommendations). The arrangements were excellent and the CEE had even sent somebody to our NCPC/NFF meeting on the 11th to provide us with information about the meeting. The venue and arrangements were excellent.

CRZ, not Swaminathan Committee, the focus of discussions

One objection many of us had was to the purpose of the meeting stated in the invitation from CEE. It was mentioned that the purpose was to discuss the Swaminathan Committee report. However, taking the feedback seriously, the meeting banner on the stage proclaimed that it was meeting to discuss improvements to the CRZ. Before start of the discussions, the CEE did make a power point presentation on the Swaminathan Committee recommendations, but the discussions themselves referred to the Committee recommendations only once in a way. Very clearly, Jairam Ramesh is using the consultations to hear from local people their problems vis-a-vis CRZ and its implementation. There was no attempt to drum up support for the recommendations as such.

Hope, this will set at rest the fears of some of us with regard to the focus of the meeting as well as CEE's role in it.

A consultation for locals, not for national organisations

Right from the beginning it was clear that this consultation was meant for the Maharashtra and Gujarat people. The position given to Rambhau Patil in the consultation had deep symbolic value. With the Minister rightly occupying the centre of the dias, he was flanked by Karthikeya Sarabhai of CEE and Rambhau Patil. In turn Karthikeya and Rambhau were flanked by Senthilvel and Nalini Bhatt, officials from the MoEF. The presence of Rambhau Patil on the dias, while MLAs, state Govt officials and other public figures were part of the audience, has deep symbolism in that it recognises the special role of fishing communities in this consultation. That Rambhau is also a senior NFF leader meant that the organisers had hit two mangoes with one stone!

After the CEE made its presentation on the Swaminathan Committee report, only two persons were given the opportunity to speak from the podium. One was Rambhau and the other was Debi Goenka. Debi was clearly chosen to represent the environmentalists fo Bombay, who have played a major role in the CRZ related matters including their role in its original drafting in 1990. Subsequently, all the interventions were from the floor starting with Ramesh Dhuri.

Tom had sent CEE a list of people who need to talk from our side and this included Tom to present the NFF views on the Swaminathan Committee Report and myself to present the NCPC proposals. However, it became clear that there would be no formal slot for these presentations and we needed to compete with the local people to be given a chance to speak. Tom and I decided not to press the matter and settled down to enjoy the discussions and debates.

Thus, the Minister is clearly interested to use these consultations to hear from those who do not have normal access to him. It was clearly not meant for Tom Kocherry or Vivekanandan who can have direct access to him. This is something all of us need to keep in mind while preparing for the remaining consultations. The Minister was particularly keen of hearing from the fisherwomen present. Unfortunately, none them spoke, despite being present in large numbers. Purnima of NFF got her chance to speak and used it to press some of the key issues of fishing communities in Bombay. Sagar of NFF switched to Gujarati to stress his "local" status and got a good opportunity to present some of the issues of south Gujarat coast.

Fishermen's importance--confirming the sea change

I have already mentioned in my note on the Swaminathan committee that the three-year struggle against the CMZ has won for the fishing community the right to be considered the central players in the CRZ regime. From being just part of a larger amorphous group of "coastal communities" or "coastal dwellers", fishing communities are being recognised as a distinct category requiring distinct treatment. Speaker after speaker, including the Minister himself, made this clear. Even the MLAs and the urban NGOs, who came to speak for the urban middle class that is trapped in the CRZ, clearly stated their support for fishing community rights in the CRZ.

In some ways this is a 180 degree turn in events. Fishing communities were crying out for being totally ignored on CRZ matters and feeling that all other stake holders are being given undue importance. Suddenly, everybody else is saying, "Don't forget that there are other stakeholders connected to the CRZ. It is not just about fishermen". This may just be a temporary phenomenon and we should be prepared for a backlash. Still, it represents a fundamental change in the power equations on the coast, especially with vis-a-vis MoEF. A large number of speakers, including some non NFF speakers, made mention of Thomas Kocherry, Rambhau Patil and even the absent Harekrishna. This is a reconfirmation that the fishworker struggles against the CMZ in 2007 (under the auspices of NCPC) and the NFF's coastal march and Delhi chalo campaign in 2008 have created an impact that we did not fully understand ourselves.

Issues galore

A number of issues came to the forefront. These include:

- Marine pollution and the destruction of fish resources as a result of city sewage and effluents from industries being let into the sea--both Bombay and South Gujarat figured in this
- Municipal landfills within the CRZ areas and even in CRZ-I in Bombay
- Grand urban development projects like the Bandra-Kurla Complex and the World Sea Link that have damaged the creek ecosystem and mangrove habitats and made Bombay vulnerable to flooding and sea level rise
- The issue of a large number of old residential buildings within the CRZ area that cannot be rebuilt despite their dilapidated status
- Urban development and the loss of fishing community spaces
- Marine protected area in Malvan being imposed on fishermen without any consultation

I will only comment on a few of them here

Play of the day--the Mundra issue

The issue that made everybody sit up and feel a common sense of outrage was the Mundra issue. The dramatic slides of mangrove destruction shown by Bharat Patel took the Minister completely by surprise. He started querying his colleagues from the Ministry on what they know about it and whether the "waterfront" project has been given MoEF clearance. He also asked Bharat whether

any complaint had been made to the MoEF. Bharat used the opportunity to say that the Ministry officials are fully aware of the issue and have received many complaints in the past, but have not replied so far. The discussion on this issue also resulted in the Minister explaining how an "in-principle approval" means nothing and is not a licence to start construction before "final approval". He also explained how he has now done away with the "in-principle" approval and the MoEF will in the future only give "final approval".

The Minister straight away committed himself to sending a team to visit Mundra and verify the ground realities. This comes as a great boost to the Mundra fishermen and Bharat who have been fighting the Adani Port and SEZ for the last many years. Bharat's had been a voice in wilderness till about a year back when many of us joined to support him. He fully deserved this break and the Mundra issue has finally gained visibility at the national level. For creating one of the dramatic moments in the four hour meeting, as a cricket fan, I must nominate the Mundra issue for the "play of the day" award and Bharat as the "playmaker of the day".

Fighting for the Koliwadas--livelihood or cultural right?

It was pointed out by a (former?) Municipal Councillor that 1300 years back Bombay was just a collection of Koli wadas or fishermen hamlets. It is only in the last few centuries that other communities have come to settle down in Bombay and have eventually taken over the whole of Bombay. The Kolis are now a powerless minority in their own homeland and are being displaced by all the developments taking place around them. There were many interventions in the meeting that sought to protect the koliwadas and also to re-establish their importance.

This is a significant development and represents the embryonic "coastal homelands" demand from the fishing communities. Some of us in the NFF and NCPC are still stressing the "fishworker" dimension and are treating this as a purely livelihood demand. This is, in principle, a much larger issue and deals with social and cultural rights of the fishing community as a whole. We need to be sensitive to this and find ways of addressing this while recognising that coastal space is limited and needs some "rationing".

The urban middle-class and the non-fishing poor in the CRZ

What was brought out starkly in the meeting was the serious disagreement over the issue of old residential buildings that are trapped in the CRZ regime. At one level it is a "builder issue". This is clearly how the fishing community itself sees the problem. There were boos when an NGO called the "Remaking of Mumbai Federation" started making a presentation on the problems of the families living in the 0-500 m belt. The minister himself had to intervene saying that all views should be heard and the meeting was not restricted to hearing the views of the fishing community. My first impression after hearing the NGO is that it will be wrong to treat it as a "front organisation" of the builders. Its patron is Sri Sri Ravishankar, the popular Godman. Its Board includes illustrious persons like Narayanamurthy of Infosys. Even if it is misguided in its attempt to dilute FSI norms in the CRZ for Bombay, it seems to genuinely represent the interest of a fairly large group of 60,000 urban residents of Bombay.

The presence of two MLAs from South Bombay and many others to represent this group of urban residents is worth pondering about. This is a huge political issue in Bombay and will not go away that easily. The builders come into the picture only because all housing in Bombay is virtually dependent on builders. Housing being a multi-storeyed affair, individual houses or self construction is impossible. Families living in old buildings (mostly built by the Govt agencies those days) get into deals with builders for reconstruction, which involve no investment by the flat owners. The builder builds double the number of flats in a brand new high-rise building and sells the extra flats to others to cover the building costs and his profit. The builder even gives the old flat owners a "monthly allowance" to stay in rented accommodation till the new building is ready (2 years or so). It is this context that gives rise to a demand of higher Floor Space Index within the CRZ areas of Bombay. Higher, only when one compares with the 1991 FSI, but on par with the FSI the rest of Bombay enjoys today.

So, it is a builder issue, in the sense that a larger FSI is needed to attract the builders. However, it is also a problem of a large number of urban middleclass families (many of them possibly lower middle class and some of them actually poor). This group's future economic status depends on their ability to rebuild their flats. Successful rebuilding will ensure that they remain in the middle class (and even go up the socio-economic ladder a bit) or slide into a lower economic category. The solution that this problem can be tackled by Govt re-constructing these flats is not easy to accept given the poor track record of Govt agencies in house building.

This generates a huge political pressure that cannot be wished away. We need clear strategies to handle this issue. For one, merely saying that the FSI norms in the CRZ should not be diluted or that this is a problem that has to be solved by the Maharashtra Govt, Brihanmumbai Municipal Corporation or the builders, is not going to help. We need to also provide clear arguments on how this problem can be solved without diluting the CRZ. Perhaps, this may require moving some of these families out of the CRZ, as implied by Shyam Chainani's written submission to the Minister. If we cannot satisfactorily handle this issue, providing a special status for Bombay will be inevitable and this in turn may lead to opening the Pandora's box when other coastal cities start challenging this "special status" in courts and in the political arena.

The attack on a "uniform law"-- a serious threat to the CRZ

The issue of urban housing for non fishing communities in the CRZ area of Bombay has opened a larger issue--that of the difficulty of implementing a "uniform law" like the CRZ in India. Though the first response of the Minister to the "special status" issue was that all cities or states consider themselves special and mentioned how Goa and Kerala also see their problems as being special. Later on as the assault by the Bombay middle class continued, he seemed to take a position that a "uniform law" cannot work satisfactorily in a country like India and that there should be greater decentralisation. This was reflected in his final summing up as well as his talk to the press subsequently.

Jairam Ramesh may not yet see the contradiction in this and his pro-CRZ talk. He also mentioned more than once that the CRZ has been amended many times in view of this. This represents a serious danger to the CRZ. Whatever may be the elements of flexibility built into it, the CRZ is a uniform national law. In a way, it is the different zones in the CRZ that represent

the non-uniform dimension, but within each zone, it is uniform. The uniformity is in both the "arbitrary" nature of the 200 m and 500 m lines and the approach to regulation that is taken in each zone. If one goes back to the first Swaminathan Committee report of February 2005, it is this kind of a diagnosis of the problem that starts taking the Committee away from the CRZ and towards CMZ. That the CMZ eventually metamorphised into a different animal from what Dr.Swaminathan himself conceived, is beside the point. The route to CMZ starts from this "uniformity" issue.

So, we have a fight on our hand to justify why there is nothing wrong with the CRZ being uniform and is essential to protect the coast. This is a conceptual battle that we have to fight.

The next consultations

Our assessment that the first five consultations have a different status from the next five was confirmed. The Minister himself plans to attend the first five--Bombay, Madras, Cochin, Goa and Bhubaneshwar. That is why the Bombay meeting was open to Gujarat fishermen, even though Gujarat will get its own meeting. The personal presence of the Minister is complicating the scheduling of the meetings. We learnt from CEE that only the next meeting at Madras is fixed--19th afternoon at 3 pm. In all probability, the remaining three meetings in the Minister's presence will be in September.

I hope I have given some ideas to the NFF/NCPC members on how they should prepare for the remaining consultations. For one, we need to ensure that there are people from different parts of the state(s) who can explain in a short period the particular issues facing their coast. All submissions and demands are better put on paper and submitted as the format is not suitable to read out these. It is important to get affected people themselves talk. It is equally important to prepare women from the communities to present problems.

Will stop with this.

Regards,

Vivek

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Dear friends,