

# TRADITIONAL FISHERS NATIONAL FEDERATION

Puducherry Unit: No. 6, Car Steet, Veerampattinam, Pondy 7.

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To  
Hon Minister Jayaram Ramesh,  
Minister for state Independent Charge,  
Ministry of Environment and Forest,  
Pariyavaran Bhavan, CGO Complex,  
Lodi Estate, New Delhi

Honourable Sir,

Sub: Submission made by the fisher communities during the consultation held at Puducherry on 29<sup>th</sup> Jan 2010 – submitting to your good self – Reg.

Following is the consolidation of the submissions made by the fisher communities during the Consultation held by CEE on 29<sup>th</sup> of January 2010, under the instruction of the Ministry of Environment and Forest:

## **Submission One: All encroachments and illegal occupation in CRZ by non fisher communities**

The coastal belt all over India has become attractive to the outside investors. Since the foreign and Indian tourist love to stay by the coast, the number of beach resorts and entertainment theme parks are on the increase. Besides these, there are many small players who have bought housing plots from fisher people and are running small resorts in these places.

Besides the resorts, there are many other interventions happening on the coast. There are small industries, farm houses, farms and entertainment centres cropped in the recent past. Initially they use only the space they have bought and also try to keep the fisher community in good mood by doling out some economic support. But fairly soon the trouble starts. Many of these establishments demand rights over the beach front too. They want the fisher community to keep away from such region. They create rift within the community to ensure that no action is taken against their illegal occupation.

Therefore we demand that the ministry sets apart special region specific committees, where the fisher community people would also be included considerably. These committees shall look into establishments existing that are not of the fisher communities and identify the violations. The violations thus identified shall be removed with immediate effect and the owners of such violating structure belonging to non fisher community shall be fined and imprisoned, if necessary, under non bailable sections.

We hope that the rights over the first 200 meters from the HHTL shall be established as the rightful space of the fisher community as prescribed in the “final frontier”.

## **Submission Two: Recognition of the fisher community settlements in toto.**

We are appreciative that the MOEF has given us CRZ Notification 1991. However, we regret to inform that it is protecting our housing rights only indirectly. This creates predicaments to the fisher community settlements.

We have taken up several struggles and representations to ensure unauthorised constructions on the CRZ be removed. This is with the objective of ensuring that the fisher community settlements enjoy the space to meet the increasing need of the growing fisher communities. However the irony is that when we take the effort to identify such illegal constructions, the new houses or expansions are looked as if illegal occupation.

This happens mainly because the CRZ notification is not mentioning the houses of the fisher communities under any different category. Therefore all are considered 'building'. Before eye of the law the expansion of a house of family who has lived there for centuries is not looked upon as different from the buildings of the other occupants.

Therefore we demand that the houses or expansion of houses of the fisher communities within the CRZ shall be immuned against any action even if they are in areas that can be considered as illegal occupation and be protected against any legal action of eviction.

Three: Coast Erosion prevention measures shall be fisher community friendly

Wherever possible, the authorities fancy setting up sea walls or groins. The people are made to believe that the sea erosion can be curtailed only this way. In the first place, the sea erosions are largely due to some structures on the coast that disturb the south to north movement of sand in the sea. While the sea deposits sand on the southern side of the structure, it takes away sand from the northern side. This is how we have sea erosion in Puducherry and on the Road towards northern Chennai beyond the old port.

Dumping of boulders is not a solution to this; nor are the groins. Therefore we demand that eco friendly solutions are found so that the beach is saved of its rare sand deposit. Otherwise we will have coast without beach from where beach landing crafts of the traditional fisher communities could operate. There shall be a total ban on developing structures to prevent sand erosion.

Four: Constant upgradation of the HHTL

It is unfortunate that even after 20 years since CRZ Notification was established, the HHTL is not marked in all the coastal areas. To measure various zones and important land marks of 50, 200 and 500 meters we need to know where exactly the HHTL falls. All illegal occupations and ownership by non fisher profit motives are possible only because of this uncertainty.

Therefore we demand that the HHTL shall be marked on war footing. Besides it is important to remember that with the global warming impact, the HHTL is meant to change fast. This change should be also taken into consideration and a constant calculation of the HHTL should be continued, so that the change could be established.

While doing so, we see the possibility of shrinking shoreline which would make the space enjoyed by the fisher communities reduced. Therefore provisions should be made so that compensation towards the lost beach is provided to the traditional fisher communities by providing an equal or more land space on either side of the village (in north and south of the village, generally) and not beyond the settlements of the other coastal communities on the landward side.

Five: Setting apart space for the future expansion of the fisher community settlements

It may be true that not all the members of the traditional fisher communities are regular sea goers. But that does not mean that they should be encouraged to leave the coast. On the contrary it is important to ensure that they stay by the coast. Any traditional fisher community beach landing craft such as katamaran or vallam or small boats need on ly 3 or 4 person to go for fishing. But if it capsizes, which happens quite often at the wave breaking area, we need about five times more people to turn it up. Therefore it is important to see that more people are around in the coast and we cannot expect the active fishermen to help one another as many may be in the sea still or busy plucking the fish from their nets.

More over when a boat is missing or there is a dispute within the village or with another village, the involvement of the non regular fishing fisher community members becomes important to ensure that peace is arrived through traditionally known effective negotiations.

Therefore the fisher community should be encouraged to continue on the coast regardless of whether they are regularly fishing or not. Encouraging them to move away should be totally banned. And a provision should be made so that there is a reserve of land to cater to the expansion of the fisher communities for the next 50 years. For this purpose private lands can be bought under the land acquisition act.

Six: Setting apart the first 50 meters from HHTL for exclusive use of the fisher communities.

In the last 20 years we see constant struggle between the fisher communities and the other vested interests in the prime land. Any new intervention by external interests, such as beach resort, private farms, farm houses etc. behave very friendly with the fisher community nearby and even dole out some goodies to let us allow them to buy and use the coastal lands. Later they start claiming that they have absolute right over the beach in front of them. Some of the beach resorts even set small parks in this area. They have security men who claim that it is private beach.

If it is an industry, the access to the beach in front of it is denied to our fishermen on the grounds of security to the industry. The fishermen who had been protecting the coast for centuries are suddenly made to look as if thieves.

Therefore we demand that provisions be made to ensure that the 50 meter region from HHTL is an area where the fisher community have exclusive rights to move around and use, as long as they have not set any permanent structures. On the other hand, no one else has rights over these lands and shall not put up temporary structures, even if the local fisher community allows or tolerates it. This amendment shall be made keeping in mind the well being of the fisher community at large.

Seven: Getting the no objection certificate from the local fisher panchayat

The conditions under which many interventions allowed on the coast are very myopic. They do not look into the long term impact. The industries or non fisher interventions of any kind quite often use the ground water without taking into account the rechargeable limits. If not then sea water seeps in and the water sources become unpotable. Besides, the industrial emissions pollute the ground water in the region.

Therefore we demand that any new non coastal development project, regardless of its size, shall be put forth to the fisher communities of the region and upon the permission of the traditional fisher panchayats it shall be permitted. In other words, if the fisher community panchayat objects to it, there shall be no appeal of any manner.

Eight: Creating structures of administration where fisher community is in majority

One major draw back of the CRZ Notification is that it does not have an effective administration structure. We are forced to seek the support of the courts to ensure action on the violations of CRZ. Therefore it is important to have proper administration structure.

Again, if it is only based on officials, it has much chance of being misused by external stake gainers. The fisher community should be able to play a recognised role in the implementation. Therefore we propose that the CRZ Notification be amended in such a way to allow committees at district and state level, consisting of representatives from the traditional fisher communities chosen through their own traditional appointment system followed in their panchayats. The fisher community members of the district administrative body shall have the right to receive petitions from the community about the CRZ violations. The decision by the committee shall be implemented by the district officer in charge. Similarly the appellate authority shall also have a committee consisting of members from the district committee. The decision arrived at by this committee shall be final and binding in the case of any complaint about the decision of the district committees.

Nine: Making provisions to take criminal action

Many of the industries and development projects that are established in the coast have a long term adverse impact on the fisher communities. The pollution they let out, the radiation they spread and the contamination they do to the ground water and to the fishes – all affect the health of the fisher communities and even cause death.

Therefore just removing the establishment is not enough. Making them pay a fine under 'polluter pay' system is good, but that alone with out criminal action would lead to a situation where a company may pollute with the confidence that they can pay a fine and escape.

Therefore if violations are found, the owner of the perpetrating establishment shall be arrested under non bailable sections. There shall be criminal action prescribed mentioning the minimum punishment

permissible. The action shall be on the CEO of the company or the MD or the owner, so that some intermediary is not made the scapegoat and that the real criminal is punished. Provisions shall be made in the CRZ Notification to this effect.

Ten: Making consultative process a mandate for law making

We are appreciative of MOEF for having taken up the trouble of consulting the communities and other stake holders regarding the CZM Notification through the 32 consultations held by CEE. It is because of these consultations, the ministry was able to realise the need to strengthen the CRZ as the best means. We are appreciative of the consultation that the honourable minister Shri Jairam Ramesh is holding in this regard.

While it is happening so, Ministry of Agriculture has ventured into the effort of tabling the controversial "Marine Fisheries Regulation and Management Act". It has met with wide opposition. We think that other ministries should learn from MOEF the best practice established.

Fisher community, unlike other communities, live in the coast due to it's livelihood need and so it cannot come for one national or state level consultation. More over the status and issues in every state and region is different from the others. Therefore local level consultations are important. To ensure that hereafter such consultation is done with the fisher communities, the ministry shall propose that it should be made mandatory to have district level consultation among the fisher communities with regards to any law, rule or policy contemplated by any ministry or department at the national level.

Eleven: Compensation in tune to the physical and mental damage

We have come across many cases where the impact of the industry on the physical and mental condition of the local communities is very high. The radiation for example, spread by the coastal sand mining and the nuclear power projects and thyroid problem created have caused physical deformity and in some cases mental inability. We see large number of physically handicapped and mentally delinquent children in such regions.

Therefore provisions shall be made in the CRZ Notification to ensure penalty on the establishment that has caused such calamity and the fine thus collected shall be distributed to those who are found to be affected by those establishment. This would at least help to make a financial support to those who are otherwise fully handicapped to make their income.

Twelve: Moratorium for the new ports

The second Swaminathan Committee Report " the Final Frontier:" very clearly spells out that no new ports shall be permitted before the possible impact by it is properly studied. While this suggestion is on, already a lot of new ports are been announced. This is a violation itself.

Lot of the existing ports are not functioning to their full capacity. While it is so, the reason for a new port seems to be only the fancy of the concerned member of the parliament in many places. Every traditional fisherman knows the hardship he has to undergo in fishing if there is a port nearby. There is a lot of complaints regarding the damage done to the country crafts and nets by the ships and the lack of compensation.

Therefore the CRZ Notification shall be amended in such a way that it shall announce a moratorium for any new port as a rule and the exemption shall be only if it is proved that the near by ports are working to their full capacity.

Thirteen: Moratorium on sand mining in the sea and in the coast

Just as any structure across the flow of the sea current causes damages to the coast on the north of the particular point, so as any sand mining or sand dumping activity on the coast affects the coast on the northern side of it. We have seen that the sand mining in Perumanal region of Tirunelveli district has damaged the houses of the village north of it.. More over the dredging in the Sethu Samduram for

the shipping canal has damaged the econ system of that fragile region and expansion of the port in Tuticorin has become the reason for the submergence of an island in that fragile eco system. There are many examples in many other places. These are irrevocable damages and the benefit or dredging or sand mining is not that great before it.

Therefore we demand that an amendment be made in the CRZ Notification disallowing any sand mining or dredging activity in the coastal region.

Fourteen: Stop the ICZMA programme with World Bank Aid

MOEF has kindly consented to announce that the CZM Notification is let to lapse and has taken this effort to take the suggestions from the fisher community with regards to strengthening CRZ Notification.

Most unfortunately, there seem to be some controversial activities are happening. The MOEF has received funds from World Bank to implement what is called as Integrated Coastal Zone Management Programme. One of the important activity under it is the so called 'Mapping the Vulnerability Line'. Good lot of reason is given for undertaking it and shown as if it is meant for the good of the fisher community.

When we rejected the CZM Notification, we rejected it in toto, meaning all what was said in it, including the "Vulnerability line" or "the set back line" as it was called later. We strongly believe that it will only help the ministry to discourage the fisher community from living on the sea ward side of this new line, but calling it unsafe. Fishing in sea as a profession itself is unsafe and so this argument is not acceptable.

Therefore we demand that this project be given up, though not in our state, as it is violating the view of the fisher community and also can be spread to other states after successful completion in WB, Gujarat and Orissa.

Fifteen: Integration of ministries in matters relating to sea and coast

Integrated Coastal Zone Management is the buzz word today. The MOEF feels proud in pronouncing it. However, there is a total lack of integration among the various ministries and departments that has anything to do with the coast or the sea.

While the MOEF is directed not to allow any new port, the ministry for port goes ahead and passes order for many private ports. The ministry of surface transport plans high speed roads on the coast, within the CRZ Zones. The Ministry for industry and commerce does not consider it important to have consultation when it permits industries to be established on the coast or allowing activities of oil dredging. There are many examples of this kind.

Unless there is a planned coordination which is made mandatory, all such contractions would continue and work against the well being of the fisher community. Therefore we demand that the MOEF propose to the PMO (incidentally, the Prime Minister is also minister for MOEF) that all the ministries should work under an Integrated Management System when it comes to making any decision related to the coast or the sea.