

GOENCHEA RAMPONKARAMCHO EKVOTT AND COASTAL PEOPLE'S ORGANISATIONS

**FABRICA BLDG.,
CANSULIM P.O. 403712
MORMUGAO - GOA**

Date: 30th August, 2009

To
Mr. Jairam Ramesh
Union Minister for Environment and Forest
Government of India
CGO Complex, Lodhi Road
New Delhi.

Sub: Suggestions and recommendations to the Goa – Karnataka CRZ
Consultation.

Sir,

We thank you for dropping CZMA Draft Notification 2008. We don't want it in any form nor should it be linked with CRZ Consultations, as the same is totally against the interest of the fishermen, the coastal people and the environment in general.

CZMA Draft Notification 2008 was a document which would have opened the coast to builders, industrialists and other commercial entrepreneurs as well as Ports. It was meant, not to protect the coastal environment but to exploit it for commercial purpose, much to the detriment of the fishermen and other coastal people who have lived along the coast and sustained themselves for centuries without destroying the environment.

In Goa, the fishermen and the toddy tappers were the only communities that lived along the coast for centuries. It is only during the last 30 years that others started eyeing the coast with a commercial purpose in mind and built hotels, resorts, second homes, ports and other commercial structures.

Goa has the smallest coast line of 105 km and a land mass of 3,704 sq. km. with many intervening tidal rivers. It is an ecologically sensitive area and

needs to be protected by controlling and guarding against unscrupulous exploitation, for the long term benefit of human beings. This must be done by protecting and maintaining the ecological balance of the area.

Unfortunately, due to corruption and lack of implementation of the law, the CRZ Notification 1991, which was meant to protect the coast was not implemented at all levels, for political gains and the gullible coastal people were allowed to build without licenses, with the covert support of the local bodies. The CRZ authorities also, inspite of being aware of the situation, turned a blind eye inspite of the CRZ Notification 1991, which led to the violation of the law along the coastal line.

In this context, presently, **the fishermen, toddy tappers and other coastal people have received notices for demolition of their houses, which number 8,500**

houses throughout the state of Goa, in view of the High Court order, for having built/extended their residential houses and work sheds within 0 – 500 m from the HTL along the coast and along the river line. This has created panic and despair among the coastal people who have nowhere else to go to nor the land or money to build their shelters again. Ironically, the notices have been served only to the common men along the coast and not to the hotels and other commercial enterprises which are also violative of the law.

Sir, you are aware of this desperate human crisis we are facing, through the various representations made by us, as well as the state Government, to your Ministry, seeking protection and relief from this distressful situation.

Once again, we plead of you to regularize 8500 residential houses and work places built before 31st December, 2007, by bringing in an amendment to the CRZ Notification 1991. This is our urgent request in view of the High Court order.

With regard to CRZ Consultation, we place before you the following demands and suggestions to be incorporated in the new, improved CRZ laws.

D) GOA SPECIFIC DEMANDS AND SUGGESTIONS:

- 1) To regularize residential houses and work places of fishermen and other local coastal people, which fall within 0 – 200 mts from the HTL, built on or before 31st December, 2007.
- 2) The fishermen and other local, coastal people should be allowed to build houses for residential and commercial purposes within 200 – 500 m by following all rules applicable to CRZ II, III, IV without having to seek clearance from the Ministry of Environment and Forest (MOEF), which is presently denied to the local people and only reserved exclusively for the benefit of industrialists and hoteliers on adhoc basis, without considering the ground realities.
- 3) The MOEF should be the watch dog of the SCZMA authority and should have the powers to demolish any structures, if found violating the rules of construction within 200 – 500 m from the HTL and river lines even if the same have been licensed by SCZMA.
- 4) Construction license should be granted within the framework of the CRZ rules. On receiving the NOC from the local body, the SCZMA must carry out an inspection of the site and related documents, which, should then be approved by MOEF, also after a physical verification of the site with reference to the documents. This approval should then be conveyed by MOEF to SCZMA which will be the final licensing authority for construction and for enforcement of all the conditions laid down as per the rules.
- 5) There should be transparency on issuing licenses in CRZ II and CRZ III areas and therefore, all licenses issued by MOEF in the past should be reviewed and if they have violated NDZ, the structures within NDZ should be demolished since it is permitted through fraud and manipulation.
- 6) The fishermen and other coastal people should have the right to rebuild and renovate their **existing** houses (ground plus one floor only) which fall within 0 – 200 m, through a single window clearance from SCZMA.

- 7) CRZ Notification 1991, with reference to 0 – 200 m construction law, must be strictly enforced from 1st January, 2008.
- 8) Government should not acquire land within 0 – 500 m from HTL, to be handed over for any private or PP projects including hotels, resorts and housing, not even on BOOT basis.
- 9) Barricades of concrete walls or barbed wire fencing of land, within 0 – 200 m (NDZ) should not be allowed.
- 10) No private party or the Government should be the exclusive owner of land from HTL to LTL. The land should be totally for public use.
- 11) No commercial structures should be allowed in the sea from LTL to 12 nautical miles in the sea.
- 12) The new CRZ Notification should totally prohibit removal of sand from the coast.
- 13) The new CRZ Notification should be made an Act after coming to a consensus with all coastal stake holders.
- 14) Goa's coast is eroding due to hydrological change. The reclamation done by Sea Bird Naval Base at Karwar is already affecting the Canacona beaches which are presently experiencing heavy erosion from the time the reclamation was done at Sea Bird in Karwar. Therefore, any reclamation of land should be avoided as far as possible and if permitted should be done after an EIA
- 15) Mangroves are the breeding grounds for fish and since our rivers are being affected by tides, we want CRZ not to permit any form of activity in Mangrove areas throughout the state and the Mangroves should be declared as NDZ.
- 16) Strict provisions must be made to prevent untreated effluents from industries and sewage treatment plants, mine washings and garbage from being dumped into rivers and seas.
- 17) MPT is toying with great expansion programme by claiming jurisdiction over vast coastal areas, based on the Portuguese Colonial

- decrees. The expansion programme of MPT must be stopped in new areas as it will cause massive erosion and therefore this programme must come under detailed scrutiny of MOEF by conducting an Environment Impact Assessment (EIA).
- 18) The sea upto 12 nautical miles should be classified under CRZ V, where no buildings, industries and over efficient destructive fishing methods are allowed. This will help to protect the marine ecology and rejuvenation of the already depleting fish stocks.
 - 19) The FSI for construction purposes within 200 – 500 m from HTL should not be changed and it should continue to be 33 % of the land area and the height should be restricted to 9 m, which covers ground plus one floor only, inclusive of stilts.
 - 20) Houses belonging to fishermen, Toddy Tappers and others, within 0 – 200 m from HTL should not be allowed to be sold or transferred outside the community.

II) With reference to Final Frontier:

- a) With reference to 7.1, we agree that violations of CRZ should be controlled through strict regulatory legal framework and by using improved space technology which enables enforcement of the law.
- b) With reference to 7.1.1, we agree to the mapping of the coast and monitoring of CRZ violations by use of satellite and information technology.
- c) **With reference to 7.1.2, we disagree** and suggest that the SCZMA should be the monitoring and enforcing authority and clearances must be done by the same body. The SCZMA committee/board should include fishing communities and coastal dwellers, besides environmentalists. The committee should also have the powers to enforce the law.
- d) With reference to 7.1.3, we agree to strengthen the capacity of SCZMAs to build information sources and strengthen

scientific capacity by also using traditional and local information and knowledge.

- e) With reference to 7.1.4, we agree to the use of web enabled system to publish all CRZ clearances and EIA clearances and suggest that detailed project reports must be made available to the public and not denied on the grounds of commercial secrecy.
- f) With reference to 7.1.5, we agree with the suggestion to amend Environmental Protection Act (EPA), mainly sections 21 and 22, to make punishment stringent and propose deletion of section 24 (2), which give precedence to other laws with regards to punishment and dilutes the CRZ Notification.
- g) With reference to 7.2, we agree to enhancement of protection to fishermen and toddy tappers' families by bringing in the necessary changes in CRZ.
- h) **With reference to 7.2.1, we disagree** to amend CRZ III provisions to give higher FSI for dwelling units as this contradicts the very purpose of the CRZ Notification. Permissible height for any dwelling house should be 9 m and ground plus 1 floor only should be permitted. We demand regularization of all fishing community and other coastal residents' houses only, built within 0 – 500 m, before 31st December, 2007.
- i) With reference to 7.2.2, we agree to bring in livelihood related activities in the permissible list for CRZ II and CRZ III, which should include social and other needs.
- j) With reference to 7.2.3, we agree to bring in legislation for the rights of fisher people, as is done in the case of tribal people with regard to forest areas.
- k) **With reference to 7.3., in the context of Mumbai, we disagree** to the locale-specific amendments to resolve Mumbai's problems. Housing for fishermen must be ensured

by the Government without depending on builders and without compromising on ecology.

- l) With reference to 7.4, we agree with the need to bring in regulation to stop proliferation of ports along the coast.

- m) With reference to 7.4.1, we agree to the study of cumulative impact of ports, moratorium of expansion of existing ports and study of new projects. No port should be permitted until the cumulative impact assessment is completed.

- n) With reference to 7.4.2, we agree to the bringing in of seaward side under CRZ, to regulate ports in terms of impact on the sea and the coast by introducing a new classification as CRZ V.

- o) With reference to 7.4.3, we agree to review amendment to EIA notification, in order not to permit expansion of ports without increase in pollution load and for this EIA must be made compulsory for every port.

- p) With reference to 7.5, we fully agree to introduce stringent laws to control disposal of effluents and disallow underwater pipelines to the sea through monitoring programme in all coastal water bodies.

- q) With reference to 7.6, we agree to introduce new regimes for Andaman and Nicobar, Lakshadweep and all other islands under CRZ itself, after deliberations and consultations.

- r) **With reference to 7.7, we disagree.** There is no need to introduce any new protection regime like critically vulnerable coastal areas as CRZ I provides sufficient protection to critical habitat. The interests of the fishermen should be linked with conservation and with respect to Jambudwip and Bitarkanika, livelihood rights of the fisher people which have been curtailed must be restored.

- s) With reference to 7.8, we fully agree to strengthen protection to mangroves based on clear definitions, mapping of all mangroves including potential mangrove areas as well as degraded mangrove areas and all other eco systems.
- t) With reference to 7.9, we agree to include seaward side under a separate category as CRZ V and not be associated to land categories to avoid confusion and loopholes mainly to ensure protection from current and future threats, with safeguards to ensure that no restrictions will be brought to livelihood of fishing communities.
- u) With reference to 7.10, we agree to introduce measures to greatly strengthen research and regulatory capacity at all levels, **but there is no need** to set up new institute for CZM or setup national board for sustainable CZM, as this will be a clever move to bring in CMZ through the backdoor. Instead set up a board for implementation/ enforcement of CRZ Notification 1991 incorporating the necessary changes, which should include fishermen representatives. Do not permit SEZs or industrial activities along the coast, within CRZ notified areas.
- v) **With reference to 7.11, we disagree** with the proposal to demarcate vulnerability line. Instead demarcate HTL, which is more vital for CRZ implementation and protection of the coast.

III) OTHER GENERAL SUGGESTIONS:

- i) Ban Ship breaking units in CRZ.
- ii) Aqua Culture Authority Act 2005 supercedes CRZ notification 1991 and hence this should be changed.

After deep deliberations and discussions, we have placed before you our demands and recommendations to improve CRZ Notification 1991. We have placed the same before you by dividing the issues pertaining to the state of Goa and overall general aspects related to the entire country. Once again, we

request you Sir, on priority basis, to bring in an amendment to CRZ 1991 and regularize the residences and work places of the fishermen and other coastal residents, in the state of Goa, built before 31st December, 2007.

We have stated 31st December 2007 as the cut off date and year, as prior to this date, no authority tried to enforce the law and instead turned a blind eye to the construction activity within CRZ.

Awaiting for an early solution to our problem and the introduction of new improved CRZ law by incorporating our suggestions.

We thank you

Yours sincerely

Vishwanath Naik
Matanhy Saldanha
(Vice – President)
(General Secretary)

Francis Fernandes

(Toddy Tapper)

c.c: Chief Minister of Goa