

CRZ NOTIFICATION AND OUR RESPONSE

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In the first place, we are opposed to the draft Coastal Zone Regulation Notification because we strongly feel that something as serious as protection of the coastal environment, which is the source of livelihood of millions of Indian, be it of those involved in traditional occupations, or even tourism; should not be dealt with a mere notification and deserves to be addressed through a legislation. Past experiences, since 1991 when the Coastal Zone Notification was first published, indicate that a notification can be amended at the whims and fancies of those in power without taking the stakeholders into confidence. On the other hand, any amendment to a legislation would necessary be discussed in the house of elected representatives thereby converting it into a consultative process through which the stake holders can take a considered decision over the matter.

Having said that, in what can at the best be termed as “something better than nothing”, for the time being, we have agreed to take up the Notification, till such time as the government replaces it with a proper legislation.

After 19 years, during which period the original Coastal Zone Regulation notification has undergone many amendments, the Ministry of Environment and Forests has published the new draft Coastal Regulation Zone Notification. As a prelude to this publication, the Ministry undertook a mammoth exercise wherein consultations were held with the stake holders in different parts of the country and comments and suggestions were invited on the pre-draft notification that was published subsequently.

The salient feature of the pre-draft notification, which also was the most obnoxious part of it, was the fact that the various suggestions and recommendations made at the consultations were not at all reflected in the notification thereby giving the impression that the whole exercise was a mere smokescreen for the mandarins in the department to do what they wanted. There were various other lacunae in the pre-draft recommendations which were pointed out by various organizations and individuals and based on those the draft Notification has now been published.

Ironically, there appears to be no much difference between the pre-draft notification and the draft notification except for a few window dressing concessions acceded to. By and large, the draft notification suffers the mortal defect of seeking to weaken the regime of protecting the coastal environment rather than strengthening it. This is reflected in the fact that in one stroke, all the illegalities and irregularities committed since the first notification came into force are sought to be regularized by the present draft notification and that does not augur well for the coastal environment.

The draft notification is a bundle of contradictions, and appears to be drafted by officers who have either not applied their mind to the existing ground realities and/or have not understood the purpose of the notification, as overall, the notification instead of seeking to protect the coastal environment, appears to be aimed to throw it open for commercial exploitation which in turn would destroy the coastal environment and therefore is contrary to the very aim and purpose of the notification.

Let us consider some of the contradictions. In the first place, the notification recognizes the fact that 25 per cent of the country's population live along the coastline. This implies that 25 per cent of the people are also living off the coastline either from what nature gives them from the land or the sea. And yet, the notification permits setting up hazardous industries in these populated areas.

Without taking into account disasters like the Chernobyl and others, the draft notification gives blanket permission to set up nuclear plants along the coastline. Safety of the people residing in these areas is one concern that immediately hits you in the eye. But, more significant is the effect on the environment and particularly the marine ecosystem where such plants are set up. There is a significant disturbance in the water quality and quantity as it is used for the cooling tanks and various other processes involved. No study whatsoever has been undertaken to determine the effects of these activities and that is the reason why we have objections to setting up nuclear plants along the coastline.

Similarly the notification permits setting up thermal plants along the coastline. We do agree that energy is a primary requirement, but then the question is whether the price paid to generate this energy is justified. Just as mentioned earlier, the impact on the marine environment due to the constant ingress and egress of water and that too of highly varying temperatures plays havoc with the ecosystem. Despite this known fact, the government is seeking to set up more such plants along the coastline which would result in total degradation of the marine ecology which in the long term will turn the traditional fishermen and other people involved in traditional occupations being displaced as the very environment in which their occupations survive will be destroyed.

Yet another area of concern is the construction of ports. The reclamation of land, construction of breakwaters and other allied requirement of a port are known to wreck havoc with the flow of waters of the sea that in turn claims its own jurisdiction elsewhere. The world over, there are reports of how the construction of a port has effected its surrounding areas, not to mention the pollution of the waters with the vessels dumping their waste there. In Goa itself, the beaches in the Southern taluka of Canacona are undergoing a massive change – not for the better of course – ever since the Indian Navy developed its Sea Bird project further South at Karwar. Elsewhere in the country, in Gujarat particularly, the construction of new ports has destroyed the environment and specially mangrove forests. Yet ports are permitted without any checks or balances in the draft notification. Given the fact that the current government mantra is Private Public Participation – even though questions of this model's success and efficacy are being raised, which in itself is another topic for discussion – our fear is that under the garb of construction of ports and infrastructure, public land that has been the domain of the locals for centuries, will be handed over to private corporations that are driven only by the profit motive without any care for the welfare of the people or the preservation of nature.

These three are illustrative of our fears that the draft Notification, instead of seeking to protect and preserve the coastal environment, is aimed at throwing it open for exploitation. The biggest fear is that the local people who have lived along the coast for centuries and who have adapted their lives to what the coastal ecosystem provides them by taking up occupations that are complimentary to the natural environment, will be displaced and monoliths that have no care or love for the area will set up business there. Not only will the local people be displaced, but even their means of livelihood will be snatched away from them as they will not even find

gainful employment in these new ventures that will come up as these venture demand highly qualified persons with very specialized skills, neither of which are available amongst the present inhabitants of the coastal areas who by and large are still poor, illiterate and marginalized as to carry out their traditional occupations they do not need to be highly qualified or specially trained.

Although it is argued that such projects are required for the development of the country, for us the question is 'whose development?' We firmly believe that the fruits of development should reach the poorest of the poor and the marginalized sections which are the traditional fishermen. And no benefits from any of these projects will accrue to them. That is the reason why, 'sustainable development' becomes so important. Though we are driven by a market economy, the country has not yet abolished its socialist ideals and therefore, any development, has to benefit all the people and not a few at the cost of many.

If these projects camouflaged under the guise of development and requirements of the nation constitute one set of objectionable activities there is a greater fear of the notification seeking to throw open virgin areas along the countries coastline for commercial exploitation and this is sought to be done in different ways.

In the first place, the notification seeks to change the very classification of coastal regulation zone and activities permissible therein and not permissible. The biggest irritant is the introduction of the 'hazard line' which while claiming to be required to determine the dangers posed to the coastline and how to protect it and the people living therein, carries with it the threat of being misused to throw open hitherto undisturbed areas for commercial exploitation and worse still, areas already developed for further expansion.

The notification implies that development of areas on the shore side of the hazard line will be permitted. However, it is silent on what happens whenever and wherever the hazard line comes within the no development zone or in between the high tide line and low tide line. Nowhere does the notification address this possibility. Given this position, it is quite possible that areas within the high tide line will be thrown open for development on grounds that it is not hazardous as the hazard line lies far away and therein lies the catch. We also fear that this hazard line will result in destruction of our cliffs and plateaus abutting the coast as they too will be commercially exploited to provide eternity pools and sea views for the rich and the mighty at the cost of the poor and marginalized local people living therein. That this is not a distinct possibility but a plan on the agenda is established given the fact that some influential people in the government have already purchased vast tracts of land on the plateaus including cliffs in Goa which are abutting the sea. This is nothing but an investment in anticipation of rich returns in the near future.

Similarly, the Notification seeks to throw open virgin coastal areas, particularly in CRZ II category for commercial exploitation in the name of tourism. Tourism promotion along the coastline of the country so far has resulted in large scale destruction of the coastal environment. Cutting of sand dunes, dumping of waste and sewerage in the sea, large scale destruction of coastal vegetation including mangroves and palm orchards, and above all, denial of access to the beaches for public have been the hall mark of most of the resorts that have come along the coastline. Worst still is the fact that locals have found absolutely no employment opportunities at these ventures and wherever a few have been employed they have been for the menial works as labourers and sweepers. And yet, more and more such

resorts are sought to be permitted under this regime. We are not against exploiting the nature's serenity for tourism purpose. Our stand is that no permanent structures of concrete and mortar be permitted, instead let us have temporary structures using natural material so that they can be dismantled easily and re-erected in a jiffy as is being done at Palolem in Goa, which incidentally was shown in all its glory in the Hollywood film the Bourne Supremacy.

However, the biggest disappointment for us is the fact that our main demand – right to life and livelihood of the traditional occupants of the coastline – has not been addressed. Ever since the first CRZ Notification was published in 1991, there have been various struggles over this issue as more and more people living along the coastline. At the various consultations that the Minister of State for Forests and Environment held, this was the singular demand made by various groups and individuals working with the coastal inhabitants or living there. And yet, the draft notification does not address this issue at all. A few sops are offered in terms of allowing the traditional fishermen from Goa to rebuild their houses with an increased FAR. But nowhere does the notification admit that the inhabitants of the country's coastline have a right to earn their livelihood from the bounty of the sea or the land therein as was done by their forefathers from time immemorial.

We strongly feel that any legislation or for that matter, notification that does not address the issues of the common man living in that area is no notification for their benefit. This is precisely the reason why we have objections to the draft CRZ Notification 2010.