

COASTAL ZONE REGULATION (CRZ) NOTIFICATION-
WITHDRAWAL TO BENEFIT WHOM?

1. Government of India proposes to issue a draft notification-coastal Management Zone Notification 2006-in supercession of CRZ notification 1991 as amended from time to time. It is high time to analyse who benefits from the withdrawal of the existing CRZ notification framed for the purpose of conserving and protecting the Coastal Environment and Regulating activities in the coastal areas. The fisherfolk apprehend that the coastal lands would be largely diverted for unsustainable developmental purposes (sand mining, Tourism, Special Economic zone, Ports etc.) with the introduction of CMZ notification.

2. CRZ Notification

In view of the degradation of coastal environment and uncontrolled construction activities along the Coastal areas, MOEF issued the CRZ notification declaring coastal stretches as Coastal regulation Zones and regulating activities in the CRZ. As per this 500 M on the landward side from the High Tide Line and the land area between the Low Tide Line and High Tide Line including 500 M along the tidal influenced water bodies subject to minimum of 100M on the width of the water body whichever is less is declared as CRZ areas. Based on several ecological parameters, the CRZ areas are classified into four categories namely CRZ I (Sensitive and intertidal) CRZ II (urban or developed), CRZ III (Rural or Undeveloped) and CRZ IV (Andaman, Nicobar and Lakshadweep islands). This notification has clearly regulated activities in the CRZ area prohibiting unwarranted activities and permitting essential activities.

The coastal States were instructed to prepare Coastal Zone Management Plan and submit to Government of India for approval. None of the States have prepared these plans as envisaged. Government of Kerala through CESS have prepared a Coastal Zone Management Plan Map instead of a Coastal Zone Management Plan.

The CRZ notification has been generally accepted by the Coastal population as there has been stringent provisions in the notification incorporated against the degradation

of the coast. Most of the fishermen and fishermen organizations are satisfied with the present CRZ notification as it safeguards and protects the traditional rights of the fisherfolk who are dependent on the sea for their livelihood. Still they were deeply concerned on the denial of the right to housing in the coastal villages, settlements or fishing hamlets with legal title deed even though CRZ notification had theoretically supported the traditional rights of fishermen.

3. Amendments

Since the introduction of CRZ notification, this has been amended 19 times permitting more activities within the CRZ area mainly because of the pressure from Tourism and Industrial lobbies. Some of the amendments have been squashed by the Supreme Court indicating they are against the Spirit of CRZ notification. Hence it may be presumed that the withdrawal of CRZ and introduction of CMZ with diluted provisions might be due to the pressure from interested groups.

4. Swaminathan Committee Report

In July 2004 MOEF set up an expert Committee headed by Prof.M.S.Swaminathan to carry out a comprehensive review of the CRZ notification. The committee submitted its report in Feb 2005. The Committee recommended to withdraw the regulation concept and to introduce a larger concept of integrated management by replacing Coastal Regulation Zones to Coastal Management Zones based on Coastal Vulnerability and set back area instead of 500 M Zonation.

5. Draft Notification of CMZ

Accepting the recommendation of Swaminathan Committee, Government of India has now published the draft of the draft notification of CMZ. It is likely to publish the draft notification shortly in the Gazette by Government of India so that this legislation would be a reality within 60 days.

6. Concerns from Fisheries Sector.

- i) Swaminathan Committee has observed that neither Government of India nor the State Governments have taken serious note of the implementation of CRZ. No governments have prepared the Coastal Zone Management plan as envisaged. Most of the State Governments has not yet demarcated the HTL/LTL. The logic in recommending to withdraw such a legislation is not clearly understood. Instead a better mechanism would have been suggested to enforce the provision of the CRZ legislation. What is the guarantee that the proposed CMZ legislation would be implemented/enforced to benefit the Coastal people.
- ii) The Committee has observed that CRZ legislation has established and recognized the traditional rights of the fishing community. The measures emphasized under CRZ have positive impact on fisheries which ensure the economic development of Coastal areas. Even though the State Governments failed to implement the provision of the CRZ notification acknowledging the rights of the fishing community, the coastal people have generally accepted the CRZ legislation. There is no such mention of accepting the traditional rights of the main stake holders in the proposed CMZ legislation. Is it advisable to withdraw a legislation which was accepted by the main stake holders?
- iii) The Committee recommends the expansion of Coastal Zone to include the territorial waters. With this system the open sea upto 12 nautical miles would be classified under either CMZI or CMZII, both of them have got severe restrictive provisions. This is major implication for livelihood of fishing community. The rights of fishing communities to fish even in CMZI areas should be protected and promoted. The expansion of Coastal Zone the territorial sea cannot be accepted till clear modalities are worked out on the utilization of open sea under CMZ legislation. It need to be clarified that no part of the sea shall be diverted for any other purpose other than fishing.
- iv) The zonation proposed by Swaminathan Committee cannot be accepted by a state like Kerala where the population density is high. According to the

suggestion by the Committee almost all the coastal area of Kerala would fall under CMZII. As there is no stringent provisions to restrict the unsustainable developmental activities in this zone, large areas of coastal zone of the state would be diverted for activities - Declared tourism areas, Mining Sites, approved industrial estates, Special Economic Zone, Defence Installations, Power Plants etc.

- v) No time frame is suggested for the full implementation of CMZ in the Swaminathan Committee Report. A time may come another Committee would be appointed to review CMZ and they would suggest that CMZ legislation was ineffective and a fresh legislation would be introduced. In the absence of proper legislations the interested groups can continue violation and unsustainable developmental activities. There is an indication in the report that construction upto 2004 in the Coastal areas can be accepted.
- vi) Government of India while appointing the Swaminathan Committee in its TOR has suggested only to recommend necessary amendments to make CRZ legislation more effective. In contrary, Swaminathan Committee has suggested to withdraw CRZ legislation. The views of the Committee, cannot be accepted as much dilution has been suggested in the spirit of protecting the coastal areas of the country.

6. Further steps requested

- i) Government of India should bring out a policy note on CMZ instead of a draft notification on CMZ and circulated for a wide range of discussion.
- ii) Discussion/Consultation with State Governments, Coastal Panchayaths, Government Departments, Fisher folk organizations before any decision is taken on Swaminathan Committee Report.
- iii) The positive suggestion in the Swaminathan Committee can be incorporated in the CRZ notification in the form of amendments so that CRZ legislation is enforced in its true spirit.