

**Summary of the Report of the Expert Committee  
constituted under the Chairmanship of  
Prof. M. S. Swaminathan to review  
the Draft Coastal Management Zone Notification, 2008  
dated July 16, 2009**



Ministry of Environment and Forests, New Delhi

1. For the purpose of conserving the coastal environment the Ministry had issued the Coastal Regulation Zone (CRZ) Notification, 1991. The Notification regulated various activities in the CRZ area.
2. The Notification has undergone 25 amendments during its implementation since 1991 to 2009.
3. In order to examine the issues in a holistic manner the Ministry constituted an Expert Committee under the Chairmanship of Prof. M. S. Swaminathan in June, 2004. The Committee submitted its Report in 2005. Based on the recommendations of the Committee the Ministry issued a draft Coastal Management Zone (CMZ) Notification on 1.5.2008 and an amendment issued on 9.5.2008 inviting public suggestions and objections in accordance with Environment (Protection) Act, 1986 within a period of 60 days from the date of issue of the notification. Further, based on the requests made by the State Government the draft Notification was re-notified on 22.7.2008 extending the time period for receiving suggestions and objections. As per the Environment (Protection) Act, 1986 a draft notification lapses if not finalized within a period of 365 days from date of issue of the notification.
4. The Ministry assigned Centre for Environment Education, Ahmedabad to collect the comments of the local communities and NGOs on the Draft Coastal Management Zone Notification, 2008.
5. The Ministry received large number of suggestions and objections to the draft CMZ Notification. Further, CEE also submitted its report based on their consultations with the local communities in various coastal States in which 35 meetings and around 4,000 people attended all over the coastal States.
6. Further, the Parliamentary Committee on Science and Technology, Environment & Forests also examined the implications of the Draft Coastal Management Zone Notification, 2008 in November - December, 2008. The Report of the Parliamentary Committee received in the Ministry in March, 2009.

7. In order to examine these suggestions and objections including the recommendations of the Parliamentary Committee and to formulate the Coastal Zone Management approach for the country, the Ministry constituted a four-Member Expert Committee under the Chairmanship of Prof. M. S. Swaminathan on 15.6.2009. The Terms of Reference of the Committee were, (i) to examine the comments received by the Ministry on the draft Coastal Management Zone Notification, 2008 and (ii) to advise on the policy and legal framework for Integrated Coastal Zone Management. The Committee reviewed the comments received by Ministry of Environment and Forests on the draft CMZ Notification, 2008 and had held five meetings with the representatives of different groups who had sent their comments on Draft CMZ Notification, 2008 to Ministry of Environment and Forests. The meetings were as follows:-
- June 27, 2009 to discuss issues relating to Coastal Regulation Zone (CRZ) and Coastal Management Zone (CMZ)
  - July 7, 2009 to meet representatives of Central and state governments
  - July 8, 2009 to meet representatives of Chambers of Commerce and Industry
  - July 11, 2009 to meet representatives of NGOs and fisherfolks' associations
  - July 16, 2009 to finalise the Report
8. The Expert Committee submitted its Report on 16.7.2009 and the Ministry accepted the Report. The above Expert Committee observed the following:-
- There is widespread opposition to the draft CMZ Notification. All eight state governments, which have submitted written comments, have recommended that CMZ 2008 should be withdrawn. The draft Notification has also been rejected by fisherfolks' organizations as well as environmental NGOs.

- There is a widespread concern that the scientific management regime proposed in the draft Notification is open to misinterpretation and abuse. There is some ambiguity about the scientific terminology used and most importantly, a basic uncertainty about the demarcation of the setback line.
- There is near unanimity among all groups that the demarcation of the setback line is fraught with scientific and data problems and would lead to delays in implementation.
- It is apprehended that the interim period between the time that the setback line is demarcated and the Integrated Coastal Zone Management Plan is formulated and cleared by the Central government will be a period of tremendous activity by some interested parties.
- It has also been suggested that the livelihood rights of fisherfolk have been ignored in the draft Notification.
- A number of agencies have asked that their representatives should be included in the National Board for Sustainable Coastal Zone Management, which is currently proposed to have 32 members.
- While groups have raised issues regarding the draft Notification, most have also pointed to problems in the current CRZ regime and have called for amendments to the CRZ Notification. It has been pointed out that the current system of enforcement is weak and violations are common.

The Committee has recommended the following:-

**a) Check violations to CRZ through improved space technology-enabled enforcement, strengthened institutions, and regulatory and legal reform.**

- Use satellite and information technology to map the coast and to monitor real-time violations that are taking place. The Committee recommends that the MoEF should institute a

national-level programme to map the coast and to develop technology that can inform authorities of changes/violations as and when they occur.

- It is essential to streamline the clearance process under the different regulations; however, greater diligence and rigour is a must to ensure environmental integrity. Currently, it is observed that state authorities, headed in most cases by the Secretary, Environment are involved primarily with deliberations concerning the clearance of projects. As a result, these authorities have little time to enforce regulations for which they were primarily constituted under the order of the Hon'ble Supreme Court.
- Build the capacity of State Coastal Zone Management Authorities; in particular, build information sources for better decision-making. Use web-enabled systems to publish all clearances related to CRZ and its links with EIA clearances.
- Bring changes in the EP Act, 1986 to ensure better compliance. Currently, violations under the provisions of the EP Act (Sections 21 and 22) are non-cognizable and bailable, which delays and impedes successful enforcement.

**b) Enhance protection to fisher families for habitat and livelihood security through amendments in CRZ.**

Recommendations concerning fisherfolk dwelling units in CRZ-III:

- As per the CRZ Notification, 1991, the area defined as CRZ-III is where rural communities (including fisherfolk) reside. In this zone, the area between the HTL till 200 metres is a 'No-development Zone'. No constructions are permitted within this zone except for repairs of existing authorized structures not exceeding the existing Floor Space Index (FSI), existing plinth area and existing density (frozen as per 1991).

Activities like agriculture, horticulture, gardens, pastures, parks, playfields and forestry are permissible within this no-development zone. Furthermore, construction/reconstruction of dwelling units between 200-500 metres from the HTL is permitted so long as it is within the ambit of traditional rights and customary uses such as existing fishing villages and *gaothans*. The construction and reconstruction is subject to restrictions. In this zone, infrastructure for local communities such as public rain shelters, community toilets, water supply, schools, dispensaries, etc are permitted. The issue of restricted development of the dwelling units, based on FSI of 1991 (restricted to one floor plus two floors, subject to 9 metres height) has been raised by some fisherfolk organizations. They prefer a higher Floor Space Index to cater to growing family needs. This seems justifiable; however, any change must also bear in mind the need to ensure continued ownership and use by fisherfolk of these prized properties. The Committee would recommend that government should discuss this matter and take a considered decision on the raising of FSI in Zone-III, subject to ownership and usage restrictions.

Recommendation concerning inclusion of livelihood-related activities

- The livelihood needs of fisherfolk activities concerning their occupation, namely fishing are seen as left ambiguous in the 1991 CRZ Notification. As a result, on several occasions, fisherfolk communities have raised demands that their genuine needs have been ignored. Currently, in CRZ 1991, there is no explicit mention of activities which relate to the 'profession' of traditional fisherfolk fish drying, auction halls, net-mending areas, etc. This is a serious anomaly which impinges on the lives of fisherfolk. The Committee

recommends that the CRZ Notification, 1991 should review the list of such activities and suggest their inclusion in the permissible list in Zones II and III. The list will have to be carefully evaluated to ensure that it does not lead to misuse. For instance, there is a case to be made for inclusion of 'fish processing units' in the permissible activities. However, it is also clear that such units could potentially be large, polluting and owned by non-fishers.

- In the no-development zone of CRZ-III (0-200 metres), while dwelling units are allowed for fisherfolk, economic activities like tourism are not permitted. There is a growing demand for inclusion of such activities in this zone, under the ownership of fisherfolk. This demand, however legitimate, can lead to a proliferation of tourism units in this zone and will be difficult to regulate in terms of size, impact or ownership. The Committee is of the view that this modification, if considered, must be handled with extreme caution.

Recommendations concerning legislation for the rights of fisherfolk

- The Committee heard testimonies of fisherfolk regarding how development projects had displaced their livelihoods and homes. For instance, in Versova in Mumbai, Machlipattnam on the Andhra Pradesh coast and Mundra in Gujarat, large developmental activities from housing to ports have encroached upon the habitats of fisherfolk and affected their livelihoods. The fishers recounted how their struggles against large corporations and building contractors have been long and difficult. The Committee endorses the recommendation made by Prof M S Swaminathan to the Parliamentary Committee reviewing CMZ on the need for consideration of a separate legislation, along the lines of the Traditional Forest Dwellers Act, 2006 for securing traditional fisher families' rights by the relevant Union ministry.

**c) Resolve issues regarding the development and redevelopment of Mumbai based on locale-specific amendments.**

- The Committee recognizes the special case of Mumbai and its need for redevelopment of existing properties. However, it is not clear how this redevelopment, specific to certain areas of the city, can be allowed without jeopardizing the regulatory control, so essential for coastal areas, in other CRZ-II areas. The Committee recommends that the government should take a careful view of this issue, perhaps restricting permitted construction to redevelopment of specified buildings in some specific areas.
- It is also imperative that state governments must review their policies for private-developer based building projects in CRZ areas. The government must consider public finance for housing so that this development can be used for meeting the needs of existing households, without compromising on ecological safety.

**d) Introduce regulations to manage the proliferation of ports along the coasts, with possible impacts on the coastline, by considering cumulative impacts of these developments.**

- The Committee was of the view that these developments have all led to serious threats to the coast, as especially beaches face severe erosion and shorelines are visibly changing. Given that the Central and state governments propose to construct several ports and harbours all along the shore in the coming years, these projects could have irreversible adverse impacts on the coast. The Committee recommends the following:
  - i) The government must immediately study the cumulative impacts of the individual projects on the coastline,

pending which there should be a moratorium on expansion of existing ports and initiation of new projects.

- ii) The CRZ 1991 should be modified to include the seaward side so that port projects are regulated in terms of their impacts on the sea and its land interface.
- iii) The amendments proposed in the EIA Notification of January 9, 2009 would require that modernisation or expansion proposals without any increase in pollution load and/or without any additional water and/or land requirement will be exempted from environmental clearance.

**e) Introduce tighter standards for disposal of effluents into coastal waters so that these waters do not become cheaper alternatives to inland pollution management.**

- The Committee strongly recommends that action must be taken to mitigate pollution in the sea. It recommends that standards for effluent disposal should be revised; that there should be a strong monitoring programme with public data access on the quality of sea water; and that underwater effluent pipelines should be disallowed with amendments to CRZ 1991.

**f) Introduce new management regimes in Andaman and Nicobar as well as Lakshadweep Islands after deliberation and discussion.**

- The Committee observed that the CRZ Notification, 1991 stipulates an uniform 500-metres regulation along the islands of Andaman and Nicobar and Lakshadweep. This provision creates different problems for differently sized and located islands.
- The Committee recommends that a separate island protection zone notification could be issued for the integrated

management of the islands. This notification should keep in view the ecology, socio-economic issues, especially of fisherfolk, sea level rise and sustainable development as well as the impacts of the tsunami of December 26, 2004. The island protection zone notification should be finalized after deliberations with the island administration and its people.

**g) Introduce any new protection regime such as critically vulnerable coastal areas after careful and deliberate understanding of the impacts of conservation policies on local communities, particularly fisher families.**

- Furthermore, the Committee is also aware that there are large marine parks, sanctuaries and national parks along the coastline of the country Chilka, Pulikat, Pichawaram, Gulf of Mannar, Vembanad, Coringa, Gulf of Kachchh etc which are also inhabited by fishers. These large biospheres require special attention, since they provide livelihoods to local communities and are also affected by developmental activities.
- The Committee recommends that the Ministry may take a view on the creation of Critically Vulnerable Coastal Areas based on the above factors.

**h) Strengthen protection to mangroves based on clear definitions.**

- The Committee recommends that the Ministry should conduct a nationwide mapping of existing and potential mangrove areas. It must provide a definition of mangrove areas that need to be protected and include these and other suitable areas into its afforestation projects, like the Green India project. It should also include the concept of restoration of degraded areas, mangroves or coastal, sandy beaches into the plan. All mangrove areas should be strictly protected as bioshields and sea-productivity zones.

**i) Include the seaward side to ensure protection from current and future threats, but with safeguards to ensure there is no restriction to livelihoods of fishing communities.**

- The coastal environment depends upon the hydrodynamics of the waters of the sea. We cannot plan or manage the land, without planning for the seawater. Furthermore, what is done on land could have major impacts on the sea from pollution to construction.
- The Committee recommends that the seaward side should be included in the CRZ 1991. But the amendment must take into account the concerns raised by fishing communities and ensure strong and effective safeguards.

**j) Introduce measures to greatly strengthen research and regulatory capacity at all levels.**

- It is clear that coastal areas face enormous challenges. But if these are to be managed, then we will need institutions for coastal research. Currently, there is a huge gap in data collection and information and more importantly, on using the knowledge for changing policy and practice. It is also clear that we need to strengthen the current regulatory institutions at the Centre and at the state for better decision-making, including the setting up of a new institute for coastal zone management.
- Further, the National Board for Sustainable Coastal Management may be set up to assist the Ministry and the state governments and to address the policy and legal issues, including undertaking conflict resolution studies.

**k) Introduce policies to cope and adapt to future dangers from sea level rise and increased vulnerability of the coasts.**

- The Committee is of the opinion that the coastal areas of the country face a danger due to sea level rise in future and the projected increase in frequency of storms and tidal surges. These developments would not only endanger inhabitants of coastal areas, but also have an adverse impact on the coastal ecosystem which provides livelihood support to millions. It is imperative that the Ministry undertakes a project to demarcate the vulnerability and hazard line along the coast. This will take into account present and future risks because of projected sea level rise and other threats.