

100. L E T 002

Letters from National Fishworkers Forum to  
Government of India regarding Coastal Regulation Zone  
M.S. Swaminathan Committee Report on CRZ

## National Fishworkers Forum(NFF)

Central Office

20/4 Sil Lane, Kolkatta-700015

Tel/Fax: 033 23283989

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F10/12 Malaviya Nagar New Delhi-110017

Tel: 011 26680 883, 26680914, Fax: 26687724

Mr. Raja A.,

12-7-2006

Hon. Minister,  
Ministry of Environment & Forests  
Government of India  
Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi - 110 003

I. C. S. F. IN	
Date	6/6/07
File	

**Sub: Concerns about Swaminathan Committee Recommendations and  
Other Issues concerning fisher People.**

Dear Sir

1.

### CRZ NOTIFICATION OF 1991.

We are deeply concerned about some of the recommendations contained in the final chapter of the report of the Swaminathan Expert Committee, set up in July 2004 by the Ministry of Environment and Forests (MoEF) to carry out a comprehensive review of the CRZ Notification of 1991.

Our concern is even greater given clear indications that the 1991 Notification is now under revision, and a new Notification is being considered by the Ministry of Environment and Forests (MoEF), based on the recommendations of the Swaminathan Committee, to replace the 1991 Notification.

We summarily reject any attempts to replace the 1991 Notification in a hasty manner particularly in view of the fact that there has been no process of consultation with stakeholders, especially, fishing communities and their organizations, the traditional inhabitants of the coast, by either the Swaminthan Committee or the MoEF. Such attempts are clearly undemocratic, and will raise serious questions about the intention of the government on a matter that has serious long-term implications for the fishing communities.

We would like to draw attention to the following problem areas in the recommendations of the Swaminathan Committee:

1.. There is no clarity on the issue of violations that are yet to be booked and penalized under the 1991 Notification. The recommendations of the Swaminathan Committee do not anywhere state that violations committed under the 1991 Notification must be settled and penalized before any new Notification is considered. We strongly oppose any notion of supercession that, in effect, amounts to condoning the many violations that have taken place since 1991, with severe implications for the social and ecological integrity of the coastal zone and livelihoods of fishing communities.

2.. The zonation proposed by the MS Swaminathan Committee, particularly CMZ II, is not acceptable, given that it is likely to pave the way for unsustainable developmental activities in large areas of the coastal zone that can be classified as CMZ II. We strongly advocate for the earlier zonation, as per the 1991 Notification, to remain in place. We also stress that coastal lands (within or outside municipal areas) used by fishing communities should not be diverted for any purpose (SEZ, Ports, tourism, beautification of coastal areas, sand mining).

In this context we are of the considered opinion that the shift in focus from regulation to management proposed by the Swaminathan committee is nothing but an attempt at diluting the regulatory aspects of the 1991 Notification, by facilitating greater 'development' activities in the coastal zone.

3.. The recommendations from the Swaminathan Committee do not explicitly state the necessity of protecting traditional and customary rights of fishing communities in the coastal zone. These rights were recognized in the 1991 Notification. We assert that rights of fishing communities must include:

a.. Right to housing in coastal areas/existing fishing villages, settlements or fishing hamlets, with or without having legal title deeds, for housing of fishing communities

b.. Right to use coastal lands for occupational purpose (landing, selling, salting, smoking, curing and drying of fish, parking and maintenance work of boats and implements etc.)

c.. Right to access sea and marine resources.

d. The Right given for tourism development also lead to the displacement of traditional fisher people.

4. The Swaminathan Committee recommends the expansion of the coastal

zone to include territorial waters-the area from the shore to 12 nautical miles. This expansion into territorial waters has major implications for livelihoods of fishing communities and we are concerned that there is no explicit mention that this area should be managed with full participation of fishing communities, and that their rights to fish in this area should be protected and promoted, including in proposed CMZ 1 areas. It needs to be explicitly stated that no part of this area shall be given /diverted for any other purpose.

In the light of the above serious concerns we reiterate again our strong opposition to attempts to replace the 1991 Notification without due consultation, particularly with fishworker organizations. Ironically, adoption of a non-consultative approach will also be against the basic principles outlined by the Swaminthan committee, regarding the need for stakeholder participation at all levels of decision-making and implementation.

We strongly propose that, given the significance and enormity of the proposed changes, the MoEF undertake the following steps:

- 1.. MoEF should bring out a policy note on the CMZ concept, accompanied by a Plan of Action detailing how the MoEF intends to implement the CMZ process. A draft notification should also be circulated for discussion.
- 2.. Wide ranging consultations should be held with fisherfolk organizations as well as other stakeholders including State Governments, coastal panchayats, and relevant government departments, before any decision to replace/ modify the 1991 Notification is taken.

We request immediate consideration and positive action from your end regarding the above submission..

Thanking you,

Yours Sincerely



Thomas Kocherry 09360645772



N.D.Koli 09869115294

*Kindly see  
personally on  
12-7-2006*

*64/1*

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July 12, 2006

To,  
Shri Sharad Pawar  
Honourable Minister for Agriculture,  
Krishi Bhawan,  
New Delhi-110001

Sub: Concerns of fisherpeople about the recommendations of Dr. M.S. Swaminathan report seeking revision of the CRZ notification of 1991.

Dear Sir,

As you are aware, an Expert Committee was constituted by the MOEF, Government of India, under the chairmanship of Dr. M.S. Swaminathan to review and make recommendations with regard to implementation of CRZ notification 1991 vide that Ministry's Order no. 15 (8) 2004-IA-III dated 19<sup>th</sup> July, 2004. The Committee submitted its report on 9<sup>th</sup> February, 2005.

We are meeting you today as representatives of the National Fishworkers Forum (NFF) to convey to you our deep concern about some of the recommendations contained in the final report of this Committee, contemplating to carry out a comprehensive review of the CRZ notification 1991.

It is our information that the CRZ notification 1991 is sought to be revised by the MOEF by issuing a notification under the relevant provisions of the Environment (Protection) Act, 1986, based on the recommendations of the same Committee to replace the 1991 notification.

The Ministry of Agriculture, being the nodal Ministry for the fisheries sector, we are approaching you to request you to intervene in this matter at this stage, to ensure that the lives and livelihoods of fisherpeople is not destroyed through implementation of the recommendations of the <sup>said</sup> same Committee. It hardly needs to be emphasized <sup>that</sup> and the CRZ notification provides for protection of fisherpeople, fisheries habitats, fisherpeoples hamlets, marine environment and traditional and customary rights of fisherpeople over the coastal belts and marine resources. It is in this context that it is, we feel, incumbent on the part of your Ministry to stall the move of the MOEF to go ahead with the issuance of the notification to revise the CRZ notification 1991.

We summarily reject any attempts to replace the 1991 Notification in a hasty manner particularly in view of the fact that there has been no process of consultation with stakeholders, especially, fishing communities and their organizations, the traditional inhabitants of the coast, by either the Swaminathan Committee or the MoEF. Such attempts are clearly undemocratic, and will raise serious questions about the intention of the government on a matter that has serious long-term implications for the fishing communities.

We would like to draw attention to the following problem areas in the recommendations of the Swaminathan Committee:

1. There is no clarity on the issue of violations that are yet to be booked and penalized under the 1991 Notification. The recommendations of the Swaminathan Committee do not anywhere state that violations committed under the 1991 Notification must be settled and penalized before any new Notification is considered. We strongly oppose any notion of supercession that, in effect, amounts to condoning the many violations that have taken place since 1991, with severe implications for the social and ecological integrity of the coastal zone and livelihoods of fishing communities.
2. The zonation proposed by the MS Swaminathan Committee, particularly CMZ II, is not acceptable, given that it is likely to pave the way for unsustainable developmental activities in large areas of the coastal zone that can be classified as CMZ II. We strongly advocate for the earlier zonation, as per the 1991 Notification, to remain in place. We also stress that coastal lands (within or outside municipal areas) used by fishing communities should not be diverted for any purpose (SEZ, Ports, tourism, beautification of coastal areas, sand mining). In this context we are of the considered opinion that the shift in focus from regulation to management proposed by the Swaminathan committee is nothing but an attempt at diluting the regulatory aspects of the 1991 Notification, by facilitating greater 'development' activities in the coastal zone.
3. The recommendations from the Swaminathan Committee do not explicitly state the necessity of protecting traditional and customary rights of fishing communities in the coastal zone. These rights were recognized in the 1991 Notification. We assert that rights of fishing communities must include:
  - a) Right to housing in coastal areas/existing fishing villages, settlements or fishing hamlets, with or without having legal title deeds, for housing of fishing communities
  - b) Right to use coastal lands for occupational purpose (landing, selling, salting, smoking, curing and drying of fish, parking and maintenance work of boats and implements etc.)
  - c) Right to access sea and marine resources.
  - d) The Right given for tourism development also lead to the displacement of traditional fisher people.
4. The Swaminathan Committee recommends the expansion of the coastal zone to include territorial waters-the area from the shore to 12 nautical miles. This

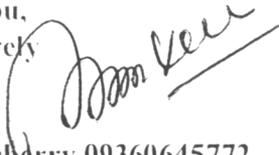
expansion into territorial waters has major implications for livelihoods of fishing communities and we are concerned that there is no explicit mention that this area should be managed with full participation of fishing communities, and that their rights to fish in this area should be protected and promoted, including in proposed CMZ I areas. It needs to be explicitly stated that no part of this area shall be given /diverted for any other purpose. In the light of the above serious concerns we reiterate again our strong opposition to attempts to replace the 1991 Notification without due consultation, particularly with fishworker organizations. Ironically, adoption of a non-consultative approach will also be against the basic principles outlined by the Swaminthan committee, regarding the need for stakeholder participation at all levels of decision-making and implementation.

We strongly propose that given the significance and enormity of the proposed changes, the Ministry of Agriculture should intervene and prevail on the Minister of Environment and Forests:

- i. To bring out a policy note on the CMZ concept, accompanied by a Plan of Action detailing how the MoEF intends to implement the CMZ process. A draft notification should also be circulated for discussion.
- ii. Wide ranging consultations should be held with fisherfolk organizations as well as other stakeholders including State Governments, coastal panchayats, and relevant government departments, before any decision to replace/ modify the 1991 Notification is taken.

We request immediate consideration and positive action from your end regarding the above submission.

Thanking you,  
Yours sincerely



Thomas Kocherry 09360645772  
Executive Member, NFF  
thomas.kocherry@gmail.com



N.D.Koli 09869115294  
General Secretary, NFF  
flametech@vsnl.com

Handled over  
personally on 13-7-2006

# National Fishworkers Forum(NFF)

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## Delhi Office

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13-7-2006

Mr Sharad Pawar,  
Minister of Agriculture,  
Ministry of Agriculture,  
Krishi Bhawan,  
New Delhi-110001

**Sub: Concerns of fisher people about the recommendations of Dr. M.S. swaminathan Committee appointed by the MoEF to review the CRZ Notification, 1991**

Dear Sir ,

This is in continuation of the meeting we had with you yesterday to convey our strong feelings and concerns about the recommendations of Dr.Swaminathan Committee, which are the basis of the notification being issued by the MoEF revising the CRZ notification of 1991. WE have expressed our concerns in the memorandum we submitted to you.

We explained to you in a detailed manner how the proposed notification, if issued and implemented, will uproot the entire fishing community from all the coastal states in India, from their life and livelihood. We also brought to your kind notice that very recently we had organized a workshop of the State leaders of the organizations affiliated to the NFF and the experts to discuss and assess the impact of the recommendations of Dr.Swaminasthan Committee would have

on their very existence and survival. All the leaders representing the fishing communities felt that the recommendations which are going to form the basis of the proposed notification being issued by the MoEF will only destroy and displace the entire fishing community. We have conveyed our grave concerns in this regard through our memorandum.

Your Ministry, being in charge of "Fisheries", you also felt very strongly that it is your prime concern to protect the life and livelihood of the fisher people and that you would certainly intervene in this matter of serious concern to the fishing community. With that object in view, you wanted to have an immediate meeting with Mr. A.Raja, Minister of Environment and Forest yesterday itself in association with us. This meeting, however, could not take place.. You, however kindly facilitated our meeting with Mr. A,Raja yesterday itself to put across to him our grave concern in this matter.

We accordingly met Mr. A.Raja in his Ministry and submitted our memorandum on the similar lines, to him and conveyed our strong feelings with regard to the revision of the CRZ notification of 1991 on the basis of the recommendations of Dr, Swaminathan Committee. We requested him to take into account our concerns as reflected in our memorandum, before going ahead with the revision of the CRZ notification. He, however, told us that the draft notification aiming at the revision of the CRZ notification will be posted on the MoEF website within a week and that we could send our responses including objections suggestions comments etc within 60 days. Mr. Raja also promised to discuss this matter with you in the presence of the representatives of the NFF, after the draft notification is posted on the website, and our proposals are placed on the website.

As we told you in our meeting we want our concerns as indicated in our memorandum to be taken note of before the issue of the draft notification by the MoEF. It now appears that MoEF is avoiding to do so. We really fail to understand why in a crucial matter like this which is going to impact "Fisheries"

and , the life and livelihood of fisher people, which is a concern of your Ministry, the involvement of your ministry is being ignored. It is our earnest request to you once again that in the interest of the protection of the life and livelihood of the fishing community, you kindly intervene in this matter at this point of time and dissuade Mr.A.Raja from issuing the draft notification without taking into account the concerns of 10 million fisher people and of your Ministry. We trust that you do so given your interest in the well being of the fisher people.

Thanking you,

Yours sincerely

  
Thomas Kocherry 09360645772

[thomas.kocherry@gmail.com](mailto:thomas.kocherry@gmail.com)

(13-7--2006)

Copy to: Mr. A. Raja,

  
N.D.Koli 09869115294

[flametech@vsnl.com](mailto:flametech@vsnl.com)

*Spencer*

# NATIONAL FISHERWORKERS' FORUM (NFF)

[In consultative status with the United Nations ECOSOC.]

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Delhi Office : Delhi Forum, F-10/12, Malviya Nagar, New Delhi - 110017. Tel. 011-26680883, Fax : 011-26237724



1<sup>st</sup> Nov., 2006

To,  
Shri. Sharad Pawar,  
Hon. Minister of Agriculture,  
Ministry of Agriculture,  
Dept. of Animal Husbandry,  
Dairying and Fisheries,  
Krishi Bhawan,  
NEW DELHI - 110 001

**Sub:** Concerns of Fisherpeople about the recommendations of the Committee appointed by the MOEF under the chairmanship of Dr. M. S. Swaminathan, to review the CRZ Notification, 1991.

Dear Sir,

Kindly recall the meetings Shri. Thomas Kocherry, Executive Committee Member of NFF and myself had with you on 12<sup>th</sup> and 13<sup>th</sup> July 2006, in your chamber, in connection with the concerns of the fisherpeople with regard to the recommendations of the aforesaid Committee. On both the occasions, we presented to you our memorandum dated 12<sup>th</sup> and 13<sup>th</sup> July, 2006 expressing our serious concern in this regard. You shared our concern. However, no formal reply has been sent to us explaining the approach your Ministry has taken in this serious matter affecting the life and livelihood of fisherpeople. It may be added here that since the 'fisheries' is under the control of your Ministry, we pointed out to you that it is obligatory on the part of your Ministry to intervene and stall the damage that is being contemplated to be done by the MOEF by revising the CRZ law based on the recommendations of Dr. Swaminathan Committee report.

We Shall be grateful if you kindly arrange to let us know the action taken in this regard at the level of your Ministry.

An early response is requested.

Thanking You,

Yours Sincerely,

  
N.D. KOLI

General Secretary, NFF  
13/2, Pitrusmruti,  
239, Lady Jamshedji Road,  
Mahim (Shivaji Park),  
MUMBAI - 400 016  
Cell.: 09869115294

Cc.: 1. Shri. Harekrishna Debnath, Chairperson, NFF  
2. Shri. Thomas Kocherry, Executive Committee Member, NFF

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Invitees : Prasanna Bhatnagar, Rajasthan, Tandel, Moreshevar Varty, Vincent Benedict, Rina Ray, Debashish Shyamal, Pappu Bhat.

# National Fishworkers Forum (NFF)

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July 12, 2006

To,  
Dr. Manmohan Singh,  
Prime Minister of India,  
Parliament House,  
New Delhi-110001

Sub: Concerns of fisherpeople about the recommendations of Dr. M.S. Swaminathan report seeking revision of the CRZ notification of 1991.

Dear Sir,

As you are aware, an Expert Committee was constituted by the MOEF, Government of India, under the chairmanship of Dr. M.S. Swaminathan to review and make recommendations with regard to implementation of CRZ notification 1991 vide that Ministry's Order no. 15 (8) 2004-IA-III dated 19<sup>th</sup> July, 2004. The Committee submitted its report on 9<sup>th</sup> February 2005.

We are writing this letter to you to convey to you our deep concern about some of the recommendations contained in the final report of the said Committee, contemplating to carry out a comprehensive review of the CRZ notification 1991.

You are well aware that the former Prime Minister of India, Shrimati Indira Gaudhi was instrumental in having the progressive legislation in the form of CRZ notification, which provides for protection of fisherpeople, fisheries habitats, fisherpeoples hamlets, marine ecology environment and traditional and customary rights of fisherpeople over the coastal belts and marine resources.

It is our information that the CRZ notification 1991 is sought to be revised by the MOEF by issuing a notification under the relevant provisions of the Environment (Protection) Act, 1986, based on the recommendations of the same Committee to replace the 1991 notification.

We summarily reject any attempts to replace the 1991 Notification in a hasty manner particularly in view of the fact that there has been no process of consultation with stakeholders, especially, fishing communities and their organizations, the traditional inhabitants of the coast, by either the Swaminthan Committee or the MoEF. Such attempts are clearly undemocratic, and will raise serious questions about the intention of the government on a matter that has serious long-term implications for the fishing communities.

We would like to draw attention to the following problem areas in the recommendations of the Swaminathan Committee:

1. There is no clarity on the issue of violations that are yet to be booked and penalized under the 1991 Notification. The recommendations of the Swaminathan Committee do not anywhere state that violations committed under the 1991 Notification must be settled and penalized before any new Notification is considered. We strongly oppose any notion of supercession that, in effect, amounts to condoning the many violations that have taken place since 1991, with severe implications for the social and ecological integrity of the coastal zone and livelihoods of fishing communities.
2. The zonation proposed by the MS Swaminathan Committee, particularly CMZ II, is not acceptable, given that it is likely to pave the way for unsustainable developmental activities in large areas of the coastal zone that can be classified as CMZ II. We strongly advocate for the earlier zonation, as per the 1991 Notification, to remain in place. We also stress that coastal lands (within or outside municipal areas) used by fishing communities should not be diverted for any purpose (SEZ, Ports, tourism, beautification of coastal areas, sand mining). In this context we are of the considered opinion that the shift in focus from regulation to management proposed by the Swaminathan committee is nothing but an attempt at diluting the regulatory aspects of the 1991 Notification, by facilitating greater 'development' activities in the coastal zone.
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4. The Swaminathan Committee recommends the expansion of the coastal zone to include territorial waters-the area from the shore to 12 nautical miles. This expansion into territorial waters has major implications for livelihoods of fishing communities and we are concerned that there is no explicit mention that this area should be managed with full participation of fishing communities, and that their rights to fish in this area should be protected and promoted, including in proposed CMZ I areas. It needs to be explicitly stated that no part of this area shall be given /diverted for any other purpose. In the light of the above serious concerns we reiterate again our strong opposition to attempts to replace the 1991 Notification without due consultation, particularly with fishworker organizations. Ironically, adoption of a non-consultative approach will also be against the basic principles outlined by the Swaminthan committee, regarding

the need for stakeholder participation at all levels of decision-making and implementation.

We strongly propose that given the significance and enormity of the proposed changes, you may please intervene and prevail on the Minister of Environment and Forests:

- i. To bring out a policy note on the CMZ concept, accompanied by a Plan of Action detailing how the MoEF intends to implement the CMZ process. A draft notification should also be circulated for discussion.
- ii. Wide ranging consultations should be held with fisherfolk organizations as well as other stakeholders including State Governments, coastal panchayats, and relevant government departments, before any decision to replace/ modify the 1991 Notification is taken.

We request you to please take immediate action on the above submission.

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*Space*

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July 12, 2006

To,  
Mrs. Sonia Gandhi  
Chairperson, United Progressive Alliance  
10, Janpath  
New Delhi

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Dear ~~Sir~~ *Madam*,

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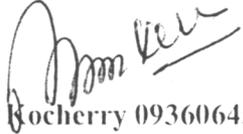
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We strongly propose that given the significance and enormity of the proposed changes, you may please intervene and prevail on the Minister of Environment and Forests:

- i. To bring out a policy note on the CMZ concept, accompanied by a Plan of Action detailing how the MoEF intends to implement the CMZ process. A draft notification should also be circulated for discussion.
- ii. Wide ranging consultations should be held with fisherfolk organizations as well as other stakeholders including State Governments, coastal panchayats, and relevant government departments, before any decision to replace/ modify the 1991 Notification is taken.

We request you to please take immediate action on the above submission.

Thanking you,  
Yours sincerely

  
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# NATIONAL FISHERWORKERS' FORUM (NFF)

[In consultative status with the United Nations ECOSOC.]

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4<sup>th</sup> June 2007

To  
Shri Sharad Pawar  
Honourable Minister of Agriculture  
Krishi Bhavan,  
New Delhi- 110001

**Sub:- Concerns of fisherpeople about the recommendations of Dr. M.S.Swaminathan report seeking revision of the CRZ Notification of 1991**

Dear Sir,

Kindly recall the meeting we had with you on the 12<sup>th</sup> and the 13<sup>th</sup> July 2006 in connection with the above. In our memoranda presented to you on both these days, we have expressed the concerns of the fisherfolk about the recommendations contained in the report of Dr. M.S.Swaminathan, appointed by the Ministry of Environment and Forest to review the Coastal Zone Regulation (CRZ) Notification, 1991.

We were informed at that time by the then Minister of Environment and Forest, Shri A. Raja that a notification aimed at giving effect to the recommendations of Dr. Swaminathan Committee would be placed on the web- site of his Ministry within a week's time. The Ministry of Agriculture, being a nodal Ministry to look after "fisheries" as a whole, we requested you to kindly intervene in this matter in the interest of the fisherfolk and stall the move on the part of the Ministry of Environment and Forest with regard to publishing the notification. The notification has not till this date been published. It appeared to us that in view of the intervention made by your Ministry in this matter, the notification has not been issued.

Now it is reliably learnt that the Ministry of Environment and Forest is about to issue the notification based on the recommendations contained in Dr. Swaminathan's report. It is clear that the Ministry of Agriculture, though the nodal Ministry for the subject of 'fisheries', has not been involved nor taken into confidence with regard to the dilution of the CRZ notification. It is indeed humiliating for the Ministry of Agriculture that it is totally neglected in the process of revision of the CRZ notification. We request you once again to intervene in this crucial matter in the interest of the life and livelihood of the fishing community and ensure that the MoEF does not go ahead with the publication of the notification. We earnestly urge you to please take suitable action in this regard urgently.

Yours Sincerely

  
N.D.Koli

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Cc (i) Shri Harekrishna Debnath, Chairperson, NFF  
(ii) Shri Thomas Kocherry, EC, Member, NFF

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