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New CRZ rules clear coast for realtors, may trigger disaster

The government put the Indian coastline at risk by not hearing stakeholders and deciding to open it for real estate industry



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Last Updated: Friday 18 January 2019



📷 Photo: Gajanan Khergamker

The real estate industry and the new Coastal Regulation Zone (CRZ) 2018 notification are all set to eat up India's western coast, particularly the Konkan coastline. This means Goa and Mumbai might succumb to the intentions of this profit-driven industry.

It all happened in a matter of days

In December 2018, Union Minister of State for Environment Mahesh Sharma, in a written reply to queries on whether rise in sea level owing to global warming was posing a threat to Indian coastal villages, said, "The most vulnerable stretches along the western Indian coast are Khambhat and Kutch in Gujarat, Mumbai, and parts of the Konkan coast and south Kerala. The deltas of the Ganga, Krishna, Godavari, Cauvery and Mahanadi on the East Coast may be threatened, along with irrigated land and a number of urban and other settlements situated there."

And then, within days, arrived the new CRZ notification that threw open the intertidal zone to the realty industry and caution to the winds. While realtors, who have been struggling to get clearances for coastline projects mired in environmental controversies, are enthralled, those in Mumbai, Goa and the rest of the Konkan region, who were seeking CRZ clearances and/or fighting with the National Green Tribunal (NGT), take it as a window of opportunity.

Goa stuck between past, present and future

While the happiness among Goa's CRZ norm offenders is palpable, the going remains tough for those in violation of the norms for more than two decades now. The High Court of Bombay at Goa had come down heavily on the state's coastal village panchayats for structures built in violation of CRZ notification 1991.

Till 2015, only 114 illegal structures had been demolished against a total of 6,983. According to the information furnished before the HC, only 99 of the 154 structures listed for demolition in South Goa district were razed. The rest managed to secure a stay. While the

Goa government tries to regularise illegal structures as they now fall within the ambit of the new legislation, it will have to face a hurdle: a public interest litigation filed by green activist Kashinath Shetye challenging the notification before the HC.

Shetye says since the notification didn't hear stakeholders and didn't pass reasoned orders, it violated Article 21 and Article 14 of the Indian Constitution, thereby directly attacking the "fundamental rights of the citizens and litigants from Goa who fight the issues". The matter is scheduled to be heard on January 29, 2019.

The amendments were strongly opposed by the National Fishworkers Forum (NFF) since their announcement in June 2014 by the Shailesh Nayak Committee, but they were ignored for they do not make for a sizeable vote bank in any one state.

But, the CRZ notification now exposes the fishing and other coastal communities living along the 7,500-km long Indian coastline to the hugely undocumented impacts of climate change-related coastal damages.

In September 2018, the NGT had held that structures belonging to traditional coastal communities and protected under the CRZ notification 1991, cannot be used commercially. The order came as a blow to those who had bought such units.

"I had taken this shack (two-storied structure) near Harmal in North Goa in 2016 on a 20-year lease to start a restaurant, but have now got a stop-work notice as it was a dwelling unit and I am not allowed to change its use," says Sawantwadi's Nirmal Pai, who finds the new notification a ray of hope. "If repairs can be made and smaller structures can be built to boost tourism, I am sure that there must be a way out for my problem too."

Already cluttered Mumbai in danger

Meanwhile, in Mumbai, the new CRZ notifications allow builders in the island city to get a floor space index of up to 3 from the current 1.33 depending on road width. In suburbs, this can go up from 1 to 2.7. The notification also permits real estate activities up to 50 metres of the high tide line and creation of temporary structures like shacks, changing rooms, toilets on the seaward side of the road in CRZ III of a national or state highway. This is when Mumbai had

recorded 468 mm of rainfall within 12 hours on August 29, 2017, leading to a veritable breakdown of the city's resources and on July 26, 2005, the city had recorded 944 mm of rainfall within 24 hours.

India's financial capital, which is locked by sea on three ends, is a fragile zone bolstered by mangroves and threatened by the realty lobby. Mumbai's fragile coastline is just not equipped to handle the load.

"Now, I'll get a good deal on selling my *jhopda* (hut) in south Mumbai's Sundar Nagari to a builder for redevelopment," says ragpicker Valli Sengena. The area is crowded with agents trying to get consent for developers offering slum rehabilitation scheme-linked projects.

The only hope: the HC of Bombay at Goa should strike down the notification on constitutional grounds and save the city and the zone from the havoc the notification can wreak.

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