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[Home](#)
[News Update](#)

[Opinion](#) - [Environment](#)

Stories in this Section

[Packaged poison](#)

[Will Jaswant be at his strategic best?](#)

[Fiscal consolidation — The unfinished agenda](#)

[Middle-class muddle](#)

[Coastal zone management authorities — Why the poor policing](#)

[Oil politics and tensions in West Asia](#)

[How to extend the IIT brand](#)

[Tobacco: It can turn a new leaf](#)

[Tea workers' plight](#)

[Inconsistent stand on divestment](#)

News

Coastal zone management authorities — Why the poor policing

Aarthi Sridhar

[Corporate Markets](#)
[Info-Tech](#)
[Marketing](#)
[Money & Banking](#)
[Agri-Biz & Commodities](#)
[Industry & Economy](#)
[Logistics](#)
[Government](#)
[Opinion](#)
[Variety](#)
[Corporate Results](#)
[Columns](#)
[Index](#)
[Archives](#)



The coastal management story is one of dissapointment.

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[Investment World](#)
[eWorld](#)
[Catalyst](#)
[Mentor](#)
[Life](#)
[Canvas](#)
[Praxis](#)
[Urban Pulse](#)
[Brand Quest](#)

AFTER several years of environmental tragedies, 1991 saw the Government propelled into presenting the Coastal Regulation Zone Notification (CRZ) — a law promising protection to the fragile coastal areas and the marginalised communities, presumably from what was the acknowledged fallout of escalating industrialisation and urbanisation. It laid out precise restrictions on development activities along the Indian coast. To monitor and implement its provisions, the Ministry of Environment and Forests (MoEF) constituted 13 State Coastal Zone Management Authorities (SCZMA), one for each of the coastal States and Union Territories, and a National Coastal Zone Management Authority (NCZMA).

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[SE Diary](#)
[Scoreboard](#)
[Open-End Mutual Fund](#)

Belated as this action was (in 1998 and 1999 respectively), it was in the right direction. In operation is a three-tier system to monitor the coast, the Centre at the top, followed by the NCZMA and then the local SCZMA. The term of the SCZMAs was extended to three years on January 4, 2002.

Port Info

[Ships in Ports](#)

[Power to perform](#)

Archives

[Yesterday](#)
[Datewise](#)
[Resources](#)

The constitution of the SCZMAs varies across the states but their duties and responsibilities are identical. Compared to other authorities constituted by the MoEF under Section 3(3) of the Environment (Protection) Act [EP Act], the SCZMAs have a fairly extensive and important mandate. They are also empowered to "take action and issue directions" —

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substantial powers in legalese.

Among some of its activities, the SCZMAs are mandated to identify ecologically-sensitive and economically-important areas, create integrated management plans and to act as the immediate authority empowered to implement all provisions of the CRZ Notification, including recommending projects for clearances to the government. So equipped, these State level authorities held out a great deal of potential in adopting creative and innovative steps to manage and conserve coastal biodiversity.

Composition and enactment

Just as the users of the coast are varied, so too should be its protectors. Focussing on the current protagonists, the SCZMAs comprise of a majority of government representatives, specifically from the Departments of Forests and Environment, Revenue, Town and Country Planning, Tourism, Industries, Urban Development, Commerce, Pollution Control Boards, Fisheries and Public Works. The troupe comprises of an interesting representation from several government, technical and research organisations such as the Department of Ocean Development, various academic institutions, the Space Application Centre, the National Institute of Oceanography, to name a few. Such an amalgamation appeared to be a fine force to ensure sustainable development and protection of the coastal biodiversity. Surely, they were capable of putting up an impressive show.

But the story is one of disappointment. The general state of the coastal ecosystems today is far worse than before the introduction of the CRZ Notification and, indeed, before the constitution of the SCZMAs. There is widespread violation of the CRZ Notification, many instances of which are documented, though an equal number, if not more, continue to go undetected. In fact, the CRZ Notification is among the least implemented of all environmental laws. Why did such an authority fail?

In review...

The root of its dreary performance needs to be traced to the formulation of the CRZ Notification itself. It is derived from the provisions of the EP Act, 1986 that pertains to restrictions of activities, as a result of which its range is reduced to highly defensive measures. A coastal conservation law must offer space for proactive conservation work, must address issues of overall development of coastal communities, and specifically create spaces for restorative and regenerative efforts in coastal areas. All these are absent despite the ample space in the EP Act to take positive steps to upgrade the notification and fill these gaps.

Second, despite the rich inter-sectoral composition, the mandate of the SCZMs and the NCZMA is primarily that of policing the coast guided by the rules of Notification (one that has been pointed out to be limited in scope as regards conservation).

Recent contenders for the coveted coastal space are powerful and motivated by significant economic interests, often

generated by activities that are typically antithetical to a flourishing biodiversity. Their interests collide sharply with that of less powerful local communities, which depend on this coastal biodiversity for their survival.

It is well known that the CRZ Notification is perhaps the most diluted environmental legislation of them all, bowing to the demands by the former. In such an atmosphere, implementation requires the operation of factors beyond that spelt out in the notification forming the authorities. Third, neither the CRZ Notification nor the CZMAs explicitly refers to a participatory process of coastal management. But what has been omitted is not necessarily prohibited. This interpretation has not been exercised by the CZMAs. Contributory factors could be that these bodies were not provided with ample funds to function in an independent manner, and were administratively controlled by the State Departments of Environment.

The composition of the CZMA is itself skewed in favour of large government-aided/ recognised institutions and heavily dominated by Government officials. NGO representation is present only for Goa where the CZMA has been relatively more active! This correlation speaks for itself.

Monitoring the coast requires physical proximity to it. There is no provision for the same in the composition of the CZMA, as it exists, and, indeed, the tier system, which limits its outreach. The tier could be extended further to local-level CZMAs — even if only at the taluk level. This would make a vast difference starting with the acceptance and utilisation of the Notification by the coastal communities for its protection.

Finally, as a government-dominated watchdog group, the actions of the CZMA are determined by State-endorsed, mainstream interpretation of 'development', which now lacks a tangible commitment and political courage to ensure equity, sustainability, participation in promoting environmental conservation.

Few may have noticed that January 2003 drew the curtains closer on the authorities' obscure tenure, but the question that everyone continues to ask is: "When will the SCZMAs ever really take the stage?"

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