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# **Vulnerability of Coastal Population, Rights of Coastal Community and Legal Regimes in India**

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## Abstract:

Coastal areas are one of the key systems for global sustainability. These are the transition areas between land and sea. Coastal regions gained importance because of multiple uses, like high productivity of the ecosystem, highly concentrated population, industrial friendly, waste disposal, tourism, transportation, strategic planning in the military, and many more. These coasts are always in a dynamic state trying to change, and nature always works to maintain the equilibrium. India, with its most diverse ecosystem, high productivity, and thickly populated coastal region, has gained its very own importance. Despite all of these, Indian coasts are under threat due to multiple stresses like global climate change and human intervention. These stresses are driving vulnerabilities like sea level rise, coastal erosion, frequent extreme events, and saltwater encroachment. In this critical scenario, coastal management has become one of the very important issues in the last two decades. Thus, coastal vulnerability assessment methods have been developed to identify and manage vulnerable areas over the coast. In the research paper, a major focus has been on different vulnerabilities to the coast of India and one of the assessment methods, the coastal vulnerability index methodology, applied over India. Vulnerability assessment is the process of identifying the problem, quantifying it, and assessing the risk rate in formulating development strategies to reduce the risk and vulnerabilities. Proper planning and protection strategies for the Indian coast must be taken swiftly by the coastal management and policymakers to safeguard the coastal ecosystem and livelihoods. In recent years, much focus has been on coastal vulnerability assessments using various kinds of data. Most of the reported studies over the Indian coast are based on remote sensing and GIS methods.

**Keywords:** Coastal Area, Global Sustainability, GIS Methods, Vulnerability Assessment

## Introduction

With a 138-crore population, India faces several fatalities as a consequence of natural disasters. Climate change, geo-climatic conditions, and high socio-economic vulnerability are the main reasons for coastal issues in India. Furthermore, catastrophic incidents and different types of complex environmental conundrums are increasing due to the industrial and



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economic activities in coastal zones, wherein half of the Indian population lives. Enormous economic renovations and urbanization have ensued in deprivation as well as ecological damage to coastal zones in India. Even after three decades of Coastal law, India is still combating coastal issues; sustaining the livelihood security of fishing communities, and preserving the health of coastal ecosystems and biodiversity which are crucial to the overall sustainability of coastal regions. But while striving to accomplish the economic goals of our country, our coastal policies have failed to incorporate the powerful concept that survival of human beings depends on their harmonization with nature. There is a close collaboration between man and nature. But at the same time, development is as important as environmental protection. Coasts offer crucial components for social and economic development to the world. However, the unregulated development in coastal zones has resulted in livelihood challenges to coastal communities and this article mainly addresses the tripartite issue of development, environmental protection, and livelihood challenges of coastal communities in India. Therefore, the objective of this paper is to study the legal and environmental advancements for the sustainable development of our coasts as well as to analyze the issues faced by coastal inhabitants.

## Coastal Laws in India

Coastal Regulations in India tracked its concepts from UN Conference on Human Environment, held in Stockholm in 1972. Based on that 'The Environmental Protection Act (EPA) 1986 was enacted to execute India's commitments as a party to the conference. The Coastal Regulation Zone (CRZ) Notification of 1991 was made under the provisions of the Environmental Protection Act, of 1986, to protect coastal environments and also the social security and livelihood securities of fishing communities in India. For the last three decades, this subordinate legislation has been the only trail in managing coastal zones of India. Coastal Regulation Zone Notification is applicable to the entire Indian Coast including the Andaman & Nicobar Islands and the Lakshadweep Islands. It generally covers the coastal stretches of seas, bays, estuaries, creeks, rivers, and backwaters influenced by tidal action up to the defined distance into the land from the High Tide Line (HTL).



The CRZ Notification was introduced with the following three main purposes:

1. To arrive at a balance between development needs and the protection of natural resources.
2. To prohibit and/or regulate activities that are harmful to both coastal communities and the environment.
3. To plan for sustainable management, so that the livelihoods of millions of people are protected, and the coastal environment is preserved for the future generation.

The Coastal Regulation Zone Notification (CRZ) in India was initially saluted as a progressive law by fish worker activists and environmental groups as they already recognized that coastal areas needed some reforms from unregulated development. CRZ Notifications were also intended to govern human and industrial activity close to the coastline, to protect the fragile ecosystems near the sea. CRZ Notification was enacted to restrict certain kinds of activities like large constructions, setting up of new industries, storage or disposal of hazardous material, mining, or reclamation and bunding, within a certain distance from the coastline. The real issue is that the delicate areas next to the sea are home to many marine and aquatic life forms and are also endangered by climate change. Therefore, they need to be protected against unregulated development. However, India's fiscal transformations had an influence on the functioning of CRZ notification and it damagingly touched the objectives of CRZ. It is critiqued that considerations of economy overweighed ecology. The clauses of the notification prohibiting and restricting activities along the coast remained unimplemented, and the mandatory Coastal Zone Management Plans were also not implemented. Further, there was no proper institutional mechanism to ensure the execution of CRZ Notification. So, The Honourable Supreme Court in *S. Jagannath v. Union of India*, declared that sea beaches and sea coasts are gifts of nature and any activity which pollutes these natural resources, or the gift of nature cannot be permitted to function. In this case, a shrimp farming culture industry by the modern method was harming the ecosystem, polluting potable groundwater, and exhausting plantations. All of these activities were held to be violative of constitutional provisions and the non-implementation of Coastal Regulation Zone Notification was debated



expansively by the Supreme Court of India. The court further held that before the induction of any such industry in a fragile coastal area should necessarily pass the strict ecological test. After this judgment, there have been several amendments to the CRZ Notification, 1991, based on the recommendations of various committees which are consistent with the basic objective of the notification. But there were continued difficulties posed by the CRZ Notification, to its effective implementation, from the beginning. In 2019 the CRZ was restructured to regulate the activities of coastal zones in India. However, its main criticism was the disregard for the livelihood perspectives of coastal communities in the wake of continuous disasters which are happening in our country.

## Constitutional Provisions for Coastal Protection

More than this, our Constitution guarantees to its citizens certain fundamental rights such as Article 21 which guarantees to every person 'the right to life'. Consequent to judicial interpretation, now includes the right to a clean environment and access to natural resources. It is relevant to note that India has given constitutional status to environmental protection by imposing a duty on the State to protect and improve the environment under Article 48-A and Art. 51-A (g). It also imposes a fundamental duty on every citizen to protect and improve the environment. Art. 47 puts a duty on the state to raise the standard of living and to improve public health which depends on the quality of the environment. In *Subash Kumar v. State of Bihar*, it was held that the state is under a Constitutional Obligation to protect the right to the environment and citizens have a right to the wholesome environment. In *M.C. Mehta v. Union of India* also, the court held that Art. 39(e), 47, and 48-A cast a duty on the state to secure public health and environmental protection. Art. 51-A(g) places a fundamental duty on the state to protect public health and the environment. Through many judicial decisions, it is reaffirmed that Coastal regions and water bodies are an integral part of our environment, and the states are obligated to protect the coasts of India.

## Coastal Community and Coastal Regulation in India

The coasts of India are generally facing environmental damage, displacement of coastal communities and causing hurt to the livelihoods of millions who depend on the sea for their



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survival. Coastal communities argue that traditionally the coastal land belongs to them and their rights in such coastal areas should be respected. But other than a brief mention in the preamble of the CRZ Notification as well as in the interpretation available in the 1996 judgment of the Supreme Court, there is very little in the CRZ Notification vis-à-vis fisher rights. *S. Jagannath v. Union of India* identified the adverse impacts of coastal pollution caused by non-traditional and unregulated prawn farming. It held that *the intention of the CRZ Notification is to guard the ecologically fragile coastal areas and to maintain the aesthetic qualities of the seacoast. The setting up of modern shrimp aquaculture farms near the seacoast is perilous and is degrading the marine ecology, coastal environment, and aesthetic uses of the sea coast.* The Court concluded that prawn farming industries should be banned in the coastal Regulation zones under the CRZ Notification 1991 because their functioning was in violation of numerous environmental laws. However, the Court allowed the traditional systems of aquaculture to continue by taking into consideration the traditional coastal communities in that area.

The objective of the CRZ Notification was to control ecological damage to coastal areas caused by pollution, maintain coastal livelihood security, uphold the traditional rights of fishermen and maintain the aesthetic value of the coast. However, there were no concrete provisions and measures that explicitly defined the rights of fishers. At present, coastal people are facing the issues of landlessness, unemployment, and homelessness. An evaluation of the CRZ Rules should link larger issues of livelihood and environmental sustainability of coastal regions. Insights into small-scale fishery-based livelihoods and environmental sustainability should be taken into consideration while framing coastal policies. Coastal livelihood issues and the developmental activities on coasts and their repercussions on the lives and livelihood of the fishing community are of serious debate. According to CRZ 2019, the country's coastline which is currently protected will be thrown up for development and this move will lead to the development of resorts, hotels, and mega housing projects, ultimately leading to the uprooting of fishermen. It does not define activities that are to be prohibited in the coastal zones. Instead, it allows state governments to identify economically significant areas and allow industries to grow. Also, the notification is silent on the management of these zones and suffers from so many loopholes as it fails to consider the biological diversity, demographic



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patterns, and distribution of natural resources in the coastal zones even if the area is ecologically fragile. Furthermore, the Provision for the development of new ports might be disastrous for India's ecological balance. In *M. Wilfred v. Ministry of Environment and Forests*, the applicants have claimed that the site of the proposed port project, in its immediate vicinity, is inhabited by small-scale fishermen who depend on Coastal and offshore water for fishing as a part of their livelihood. In the above case the applicants, seek to protect and safeguard coastal areas of outstanding natural beauty and areas likely to be inundated due to the rise in sea level consequent upon global warming. The areas were declared by the Central Government or the concerned authorities at the State/Union territory level from time as CRZ under the CRZ Notification of 2011. In this case the court ordered Central Government to go for an Environment Impact Assessment (EIA) and CRZ clearances before implementing the projects. Recently in *Worly Koliwada Naksha Matsya Vyavasai Sahakari Society v. Municipal Corporation of Navi Mumbai*, The Supreme Court stopped the coastal road project in Mumbai on the basis that it had not obtained environmental clearance from the authorities, and it had an adverse impact on the coastal community. So, the judicial pronouncements arising out of coastal issues initiated by environmental activists are quite often enough to understand the law. But it is criticized that, through the new notification in 2019, the policymakers have regularized the violations. It will protect structures built on the seaward side of the existing roads and structures built contrary to CRZ in the name of development facilities for temporary tourism infrastructure. It will also have a negative impact on the fisheries as it will restrict the movement of fishermen in the inter-habitation segments. Indian fishermen have been using the fishing waters and the land to process their catch, repair their nets, or sell their products as common property resources. If these areas are provided for tourism infrastructure development, the means of livelihood of local inhabitants will be in distress. Additionally, the new notification may lead to them being treated as encroachers and may lead to their displacement without any compensation. In *Ramdas Janardhan Kohli v. Secretary MOEFCC*, the traditional fisherman sought compensation from City and Industrial Development Corporation (CIDCO) as well as the Oil and Natural Gas Corporation (ONGC). Fishermen residing in coastal areas around Mumbai had objected to infrastructure activities in the region, citing the potential loss of their means of livelihood.



They argued that urbanization has caused environmental damage to fishing areas and had a negative impact on more than 1600 families. They had been damaged by a project launched by CIDCO. The fisherman complained that they used to catch fish varieties near the shore but now that area had been destroyed by CIDCO. National Green Tribunal awarded compensation worth INR 950 million to be split between 1630 affected families and held them liable for damaging the environment and affecting the livelihood of the fisherman community in that area. In *Alexio Arnolfo Perera State of Goa*, the court ordered against Goa Government's temporary shack policy for tourism development as it was against CRZ Notification. Therefore, our judiciary has been proactively interfering in the conservative as well as livelihood issues of coastal zones.

### **Coastal Population and Future Environmental Displacement**

The essential characteristic of coastal populations is that they are primitive traits and stay in particular geographical locations. They are economically backward with unique cultural identities and are usually isolated from the mainstream community. This weaker section of society which got separated over several parameters was always retained out of the mainstream society and has thus become ignorant towards their rights and means to redress their problems. They are also prone to social, economic, and environmental challenges. The main encounters confronted by the coastal community are as follows.

1. Vulnerability to natural calamities and climate change
2. Threats to coastal population and infrastructure
3. Livelihood securities of coastal people
4. Non-identification of the special needs of coastal people in ecologically sensitive areas.
5. Rapidly increasing pollution and associated urbanization and commercialization resulting in detrimental fishing methods.
6. Legal uncertainty related to land rights and other rights.





7. Competition over limited coastal spaces and resources.
8. Environmental displacements in the future.

The Coastal community fears that CRZ, 2019 will be a shaded period for coastal communities like fishermen, toddy tappers, and farmers. It complains that they will be displaced as the Nondevelopment Zone is reduced from 500 meters to 50 meters. National Fish Worker Forum (NFF) have expressed their fear that all Sagarmala packages, plans, and projects will uproot the livelihoods of traditional fish workers. These projects will only benefit corporates and are against the interests of the coastal community of India.

Lack of concern for disasters and climate change is also a concern for the community. Okhy, Gaja, Fani Cyclones, and devastating floods have created huge losses to fishing communities and it is the need of the hour to formulate policies to compensate for their losses due to natural calamities. NFF says that CRZ, 2019 is a strategy that impacts the livelihood of small-scale fish workers and it is a move to privatize the coasts and hand it over to corporates. While executing the Coastal Law in 1991, the livelihood aspects of coastal communities were given significance. Dr. Swaminathan's committee set up in the aftermath of a tsunami, went as far as suggesting a Land Right Recognition Law and suggested that specific protection should be provided to traditional communities who subsist on coastal areas only on the basis of their customary rights. But the recommendation was never executed, and the concept of customary ownership itself is grabbed by way of tourism and other developmental purposes. Over the last three decades, the regulation has been amended thrice and revised around 34 times. The coastal community views it as a lack of community and environ- men oriented policy. National Fish Workers Forum says that the policy should include a well-demarcated hazard line and should factor in the effects of climate change. Further, they say that CRZ 2019 will pave the way for future disasters and the coastlines will be more exposed in the upcoming years. The CRZ, 2019 is merely giving more access to the corporate/tourism, and land mafia for development, and the coastal community's livelihood as well as the environment is being ignored.



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Coastal communities are vulnerable to unforeseen events such as tsunamis, a regional floods/cyclone. They are not resilient to normally recurring hazards. The deprivation of the coastal environment is primarily due to human-induced actions which jeopardize food security, livelihood, fiscal development, and the existence of coastal communities. They are not naturally resilient to coastal hazards. Many internal assessments of post-tsunami relief and rehabilitation, undertaken mostly by international non-governmental organizations and local NGOs, highlight the significant gaps that exist between goals and achievements as well as recognize that the felt needs of local people have been inadequately addressed. While many, including fishers, are arguing that initial relief was quite effective, though restricted to the villages near the main roads, rehabilitation has been haphazard with no clear goals both for the rehabilitator and the rehabilitated. Many NGOs entered the rehabilitation arena completely ignorant about the socio-economic issues relevant to coastal communities and consequently blamed the shortcomings of delivery on poor implementation and local political and social dynamics. But such explanations are unfinished. To understand developments in fishing villages and issues of coastal communities, it is necessary to delve into the uneven antiquity of coastal management in the context of shifting urgencies along the coast. This description will also highpoint the challenges gaining for integrated coastal zone management. Besides the physical damage, the tsunami left an indelible stamp on people's minds that a fear intensified by requirement of NGOs and the governmental intervention. Post-tsunami relief and rehabilitation exertions have not agonized from a lack of funds but due to a lack of governance and legal uncertainty. The coastal areas which have been customarily inhabited by traditional fishing communities are also antagonized with large-scale industrial growth and development. The coastal hazards are aggravated by rapid urbanization and unplanned human settlements, poorly engineered construction, lack of adequate infrastructure, poverty, and inadequate environmental practices such as deforestation, mangrove destruction, land degradation, etc. Thus, the coastal policies should corroborate the need for proper risk assessment as this would aid the coastal community in planning and responding to coastal hazards, making the coastal population safer from the risk of disasters. The 1992 Earth Summit in Rio de Janeiro, contributed to new perspectives about coastal management including the role of education in engaging people to work towards a more sustainable future for the world's coastal areas. In



response to these challenges and international trends, governments at all levels and non-governmental organizations should develop policies, strategies, and programs to support more integrated and effective coastal disaster reduction.

Since the inception of the CRZ notification, fishing communities of several states have been trying to negotiate with the MoEF for the protection of their customary rights and representation in the decision-making process. To maintain social stability and promote distributional justice, local coastal communities should be allotted clearly drafted, specific use and property rights in specific areas. Fishing collectives and environmental groups objected to the latest CRZ 2019 notification which opened India's coastline for enhanced commercial activities, primarily on the following grounds.

- No prior consultation was held with coastal communities, especially the fisher folks.
- The lifting of development restrictions would be disastrous for the coastal environment and traditional communities living there.
- Interfering with ecologically sensitive coastal areas would leave them more vulnerable to natural hazards.

The CRZ notification is critical to the lives and livelihood of communities comprising 170 million people or 14% of the Indian population living across 70 coastal districts, 66 mainlands, and four island territories. Their future especially that of the marginalized communities, is directly linked to the health and disaster preparedness of coasts.

The 2019 CRZ notification violates the balance between ecosystem and development. The property rights and economic development in coastal zones are severely hampered by several unrealistic and unachievable restrictions when applied with a common yardstick throughout the country. The mandatory 50-meter buffer zone for mangrove forests in private land with an expanse of more than 1,000 sq.m has been taken by the present notification. This will affect the coastal ecosystem. The notification has given relaxation in Coastal Regulatory Zone and this will be helpful for people with small land holdings but the disastrous impact of it on ecology will be against the coastal community.



Environment Scientists and green activists have expressed their concerns regarding unbridled construction activities on the coastal areas and its negative impact which are to be addressed. They have also warned the government against gifting coastal areas to the tourism sector in the name of fishermen. As huge populations live in the coastal areas, their need for economic development and subsistence activities infringe on the quality of the environment in that region.

According to National Disaster Management Authority, up to 36 million Indians are likely to encounter coastal floods due to rising sea levels by 2050. So, ensuring the protection to coastal populations and structures from risk of inundation from extreme weather and geological events is the need of the hour. It should guarantee that the livelihoods of coastal populations are not unduly hampered by these frequent amendments. To maintain social stability and promote distributional justice, local coastal communities should be assigned clearly drafted, specific use property rights in specific coastal areas. The coastal communities often have established experiences and practices to manage local ecosystems sustainably. It is proved in many cases that assigning exclusive rights to local communities can also help to protect coastal ecosystems. Accordingly, the rights and obligations laid down in CRZ notification should have clear and increasingly comprehensive content that will be enforceable in the Courts.

## **Contravention of Rights of Coastal Population in India**

**Right to Life and Livelihood:** Strengthening the livelihoods of fishing communities and maintaining coastal ecologies and biodiversity are vital for the sustainability of coastal regions of India. The rising environmental vulnerabilities expand the deprivation of coastal ecosystems and the livelihood security of coastal communities. Traditional and customary rights in relation to fisheries and living space, as well as historic rights of coastal fishing communities are not recognized in the Coastal Regulation Zone Notifications. Ensuring traditional coastal community rights is of great significance and possibly to ensure social justice for traditional fishing communities is to designate a zone to protect their right through which only we can sustain their fundamental right to life and livelihood.



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**Right to Pollution-Free Environment:** This right is included indirectly as a part of Art. 21 by various judicial interpretations. Environment deterioration can eventually endanger life of present and future generations. It includes the right to survive as species, quality of life, the right to live with dignity, the right to a good environment and the right to livelihood. All these rights are implicitly recognized as Constitutional rights. In *Sub-ash Kumar v. State of Bihar*, it was held that the right to life includes right to the enjoyment of a pollution-free environment and if anything endangers or impairs that quality of life in derogation of laws a citizen has recourse to Art. 32 for removing the pollution which is detrimental to his life. Further in a series of cases like *M.C. Mehta v. Kamal Nath*, *Enrico-Legal Action v. Union of India* reiterated the same opinion that the right to a pollution-free environment is a part of India.

The poor and the underprivileged classes of coastal people and other indigenous classes of people are usually suffering the burden of environmental glitches. Ironically, the crisis is due to unsustainable and destructive models of development. Anyway, the right to pollution-free environment as a part of Art. 21 through the decisions of the Supreme Court have become the bedrock of environmental jurisprudence. So, the destruction and depletion of the coastal ecosystem and its people depending on the natural/coastal resources of their own locality to meet their basic needs will be violative of their fundamental right. They also have the right to enjoy life, livelihood, cultural sustenance, and aesthetics of natural surroundings. The violations of these rights may lead to other violations such as displacement and sustainable common property management, loss of access to productive land, destruction to life support system etc. So, a better understanding of diverse coastal systems should be there to assure the coastal communities' right to a pollution-free environment as their fundamental as well as a human right.

**Right to Development:** Prof. Upendra Baxi said that development is a participatory process of implementing all rights for all people. Right to development is a holistic concept and development vis-a-vis environment has been a placard of all concerned stakeholders. In Coastal issues also, the most discussed area is whether we should give priority to environment or to development. But, in *Vellore citizens Forum v. Union of India*, the court already settled that development and ecology are no longer opposed to each other and



sustainable development has to be accepted as a viable concept to eradicate poverty and improve quality of human life while supporting the surrounding ecosystems. So coastal communities also have the right to development along with sustainable development of Coasts. It should be kept in mind that development encompasses much more than economic well-being and includes the whole spectrum of civil, cultural, economic, political, and social process for the improvement of people's wellbeing and realization of their full potential. Therefore, while implementing new policies for coastal development, the above- mentioned concepts should be considered for the protection of coastal community. Present coastal law regime in India mainly focuses on development of coastal areas only and unfortunately does not include the development of coastal population. So, experts argue that both should go hand in hand to achieve the expected sustainable development in coastal regions of India. Further in *Nature Lovers Movement v. State of Kerala*,...case it was held that there should be an adjustment and reconciliation in between preservation of environment and development of economy. Therefore, while implementing guidelines of an appropriate developmental policy to coasts it should also analyse the obstacles and implementation deficits in sustainable coastal management.

**Right to Participation in Coastal Management:** Public participation is recognized as crucial in making environmental governance more robust. 'Participatory' mechanisms in environmental governance are advocated for a variety of reasons, including an implied emphasis on participation as furthering justice and equity, ambitions to make participative or deliberative measures as supplements or alternatives to representative democracy, and enhancement of legitimacy of controversial environmental decisions. In connection with the notion of sustainable development, the Rio Declaration stated that environmental concerns are to be solved with the participation of all concerned people at the relevant level. Despite of the agreement on the importance of public participation in environmental decision-making, there is a clear lack of consensus on what public participation is supposed to mean and more importantly on what it is supposed to accomplish. The Preamble of Aarhus convention says that involvement of stakeholders and public at large will improve the substantive quality and outcomes of Environmental decisions. It is said that consultation with public and interest groups may unquestionably increase knowledge and help to make more technical and holistic



environmental decisions.

The marginalized coastal community in India is discriminated and always kept away from coastal policy making and it is also evident in the latest CRZ Notification, 2019. The coastal community remained silent spectators of development, but the obligation of environmental degradation usually affects them. These marginalized sections of people are away from material benefits and from environmental decision-making. Even the coastal zone management plans were not available to them and were against the basic concept of environmental democracy in coastal planning. In *Kaloor Joseph v. State of Kerala*, the court observed that the state cannot refuse the right of citizen's access to Coastal Management Plan. Right to information of Citizen is the right protected by our Constitution of India under Art. 21. State or Local authorities cannot refuse it and they have a duty to publish CZMP. The court also directed the government to give sufficient publicity to the management Plan prepared by the State so as to enable the public to know whether there is any deficiency in that plan and to ensure that CZMP was properly implemented and not violated by anyone and also to ensure that it's not violative of rights of coastal people. It is said that economic activities in ecologically sensitive areas should be able to assure social justice in distributing environmental resources also. So, implementation of the concepts of environmental justice and environmental democracy is the need of the hour otherwise the environmental/coastal resources will unequally be distributed between the capitalist and fishermen. The fishermen will become the scapegoats of the hazards of coastal degradation. Hence, the right to participate in coastal policy-making and awareness and informed consent for coastal development should be made available to the coastal community and all other stakeholders.

### **Securing and Enforcing Land Rights and Property Rights**

The Coastal community is oblivious to their land rights. The individual and collective rights of fishing communities over coastal lands became highly debated in recent years after the frequent amendments of CRZ Notifications in India, as communities do not even have titles and deeds for their houses and settlements even after 60 years of Independence. In the past few decades, fisher folk have prepared and planned to request land rights from the State because of the rapid development in these areas. There have been tourism/development



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projects, and interest groups who have been waiting to take over the coastal land and its abundant resources. However, the coastal community's traditional claims over coastal lands have precluded the scope of privatization in the coastal areas to some extent. When CRZ 2019 came into force the land mafia threatened the coastal community and purchased the coastal properties by saying that their properties will be displaced by the provisions of recent notification. So, proper alertness should be given to them by unambiguously defining property rights and assurance should be given to them that the policy changes will not adversely affect them. Then only they can be capably safeguarded against meddlers. The land ownership issues in coastal areas are gaining eminence with use-based entitlements. Construction of Special Economic Zones, land mafias/land acquisitions, non - recognition of coastal rights have changed the concept of land ownership in coastal zones. They tend to provide more handler-based rights in coastal Zones, where right is delegated over land for a demarcated commercial or development activity. Furthermore, under the Coastal Regulation Zone Notification, 2019 the coastal dweller's right to use coastal lands and the concept of coastal commons etc. are not recognized.

The fishing communities and coastal lands rapport is very intricate in nature. Most of the studies on fishing communities mention the absence of official legal ownership rights for fishers over coastal lands. One of the dominant rationales for the non-identification of their right is due to the poor condition of life and the inadequate conditions of the marine fishing populations in India. The gathering of the unabridged community on a narrow strip of land along the length of the coastline also increases their exposure and it is a consequence of the highly spread nature of the fishery resource and the dangerous of fishing operations by them. Every fisherman chooses to live on the seafront to spot the sea and to land his craft safely. This also have implications on whether their lands were considered 'authorized constructions' under the CRZ Notification or not. In general, the traditional occupation of fishing seems to need a closer association with the sea than with the land and it is decisive for signifying the interests of fishing communities. The fishing community people have been the traditional inhabitants of the coast. Their livelihood adjoining the sea is deep-rooted in their connotation with the sea. They never identified the need to prove their right over coastal lands through land titles. The triviality is that fishing community is also conferred to land-based regulations,





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but it is not recognized by them due to their social, economic, educational backwardness. The recognition of land rights of local inhabitants of coastal area is a necessity and it is claimed that the local inhabitants should be avoided from the strict application of CRZ notification. So, while considering the social preferences and beliefs regarding the land rights of coastal people, a liberal approach to ecosystem people and their traditional land accessibility is highly required as it has become a sensitive issue now a day.

### Conclusion

The coastal law regime in India faces a lot of turbulence in the present scenario and the CRZ notification leaves so many issues unaddressed and unclear. It is high time to identify the paths for improvement in Indian environmental law, especially the coastal regulations because the present CRZ is incompatible with its own objectives due to its deceptive mechanism, deficient procedures, and lack of transparency. The issues of coastal encroachments throughout the country are continuing and it is witnessing the lacunae in existing legislation. The concept of development has historically taken precedence over coastal protection, and it is not in conjunction with stakeholders as well. The Grant of coastal clearances is a key step in the statutory framework to balance ecological concerns of the coastal environment, and concerns of coastal communities about the quality of their immediate surroundings, including issues of sustainable access of poor and marginal communities to common property resources for their everyday subsistence. There is a need for public consultation and participation in coastal management, and a provision for such participation and consultation should be included in the Indian CRZ Regime.



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