

Behind Maharashtra's plan to treat a portion of the seashore as land

Writer- Sandeep A Ashar (Editor)

This article is related to General Studies-
Paper III (Environment & Ecology)

Indian Express

30 July, 2019

"Earlier this month, Chief Minister Devendra Fadnavis gave in-principle approval to a proposal for a survey, and to give a cadastral survey (CS) number to the identified portion of the shoreline."

The Maharashtra government has decided to treat a part of the Arabian Sea shoreline at Mumbai's Nepeansea Road as "revenue land" — that is, land that is utilisable and disposable, and which can generate revenues.

Earlier this month, Chief Minister Devendra Fadnavis gave in-principle approval to a proposal for a survey, and to give a cadastral survey (CS) number to the identified portion of the shoreline.

The part of the shoreline in question (the black rocky patch in the picture) was marked as "sea" at the time of Mumbai's last land survey. Since then, about 100 shanties have come up illegally on a portion of this land.

And even as the Chief Minister has said that the "developability" of the newly surveyed "land" would be assessed in accordance with Coastal Regulation Zone (CRZ) norms and rules governing construction activity in Mumbai, a developer has submitted an in situ slum redevelopment project for the land, which has been admitted by the state-run Slum Rehabilitation Authority (SRA).

Official documents show the Revenue Department processed the proposal for surveying the foreshore area after the same developer forwarded a request to the CMO.

So where is this portion of the seashore that is proposed to be treated as "land"?

It is the part of the seashore lying between the low tide mark and the high tide mark in this particular part of South Mumbai. Mumbai's latest approved Coastal Zone Management Plan (CZMP) categorises it as an inter-tidal zone or foreshore, and places it in the ecologically sensitive CRZ-1B category. The CZMP shows it as lying to the seaward side of the high tide line (see map).



Officials of Maharashtra's environment department have clarified that as per the CRZ notifications of both 2011 and 2019, no development or construction is permissible on this portion even if it is categorised as revenue land. The 2019 notification allows only foreshore facilities such as jetties, harbours, and ports in such places.

Why then has the developer submitted a plan for this part of the shoreline?

Slum-dwellers on this illegally reclaimed portion of the shore have come together to form a "housing society", and have authorised the developer to carry out in situ re-development. Reached for a comment, the developer has told The Indian Express that he wants the land to build houses, if the laws permit. According to the builder, the slum has existed on the reclaimed portion since 1985.

Why is a land survey of the kind authorised by the CM necessary in this case?

A cadastral survey is done to determine the land

boundaries of a city, ward, or plot. Since the foreshore area was under water when the last survey was carried out, and exists beyond the current boundaries, a survey is necessary to determine its boundaries. The survey will also effectively increase the ward boundaries.

Once the Superintendent of Land Records carries out the survey and marks the new boundaries, the Mumbai Collector's office would be expected to decide the ownership of the newly formed land, and assign it a CS number. Under The Maharashtra Land Revenue Code, 1966, ownership of foreshore areas vests in the state government.

An independent property card will then be generated containing all the details. The CS number and the property card are essential documents for the assessment and development of any land.

A cadastral survey in Mumbai was carried out a century ago — between 1915 and 1919. Land maps have since been updated from time to time to reflect changes in boundaries. The Superintendent of Land Records has said that several new foreshore lands have surfaced across the city since the last full survey was carried out. In many cases, like the Nepeansea Road plot, land has been illegally reclaimed. Official reclamations were carried out in Backbay Reclamation and the Cuffe Parade area in the mid-70s.

Why is there criticism of the decision to carry out the survey?

Critics say this amounts to recognising illegal reclamation of the seashore. No policy framework exists for dealing with foreshore areas, and some senior officials fear this proposal might lead to similar demands at multiple places along the Mumbai Metropolitan Region shoreline, exposing the coastal areas to a fresh wave of construction. Instead of treating such proposals on a case-to-case basis, a policy should be framed in consultation with affected groups, the various stakeholders, and after examining the impact on coastal livelihoods and the environment, the officials say.

In order to regulate building activity along India's coasts, and to conserve and protect the coastal environment, the union Ministry of Environment and Forests issued a CRZ notification in 1991 under The Environment Protection Act, 1986. The notification was revised in 2011 and 2018, and has been amended from time to time. But activists often complain that these laws are not being followed in letter and spirit.

GS World Team...

Coastal Regulation Zone (CRZ) Notification, 2018

Introduction

- Last year, the Union Cabinet had approved the Coastal Regulation Zone-CRZ Notification, 2018, to control the economic and development activities in the coastal areas in line with environmental standards.
- This will increase activities in the coastal areas, which will result in the increase of economic growth.
- This will not only create large numbers of jobs, but also ensure a better life as well as Value Addition in the country's economy.
- This notification will reduce the hypersensitivity of coastal areas as well as improve their condition. Simultaneously, the principles of conservation of coastal areas have also been kept in mind in this notification.

Background

- In view of the objective of conservation and protection of coastal areas in the year 1991, the Ministry of Environment, Forest and Climate Change had issued the Coastal Regulation Zone

notification, which was revised in 2011.

- From time to time, the paragraphs of the Coastal Regulation Zone-CRZ notification have been amended.
- Ministry of Environment, Forest and Climate Change, for comprehensive review of the provisions related to the provisions of 2011, especially the management and conservation of marine and coastal ecosystem, development of coastal areas, ecological tourism, livelihood related options of coastal communities and sustainable development etc. Considering the numerous memoranda received, steps like CRZ Notification, 2018 have been taken up.

Coastal Regulation Zone (CRZ)

- CRZ was notified in February -1991 by the Ministry of Environment, Forest and Climate Change under 'Environment Protection Act, 1986'.
- Its main objective is to regulate activities in sensitive coastal areas of the country.
- The area of the coastal area up to 500 meters from the high tide line, as well as the edges of the bay, estuaries, backwater and rivers, is



considered as CRZ region, but the ocean is not included in it.

- Under this coastal areas have been divided into four parts-
- **CRZ - 1** - This is an ecologically sensitive area between low and high tide lines, which maintains coastal ecosystem.
- **CRZ - 2** - This area is spread to the shores of the coast.
- **CRZ - 3** - It covers the external rural and urban areas of CRZ 1 and CRZ 2. In this area, certain activities related to agriculture have been allowed to be done.
- **CRZ - 4** - It extends to the territorial limits in the aquatic region. Fisheries like activities are allowed in this area.

Benefit

- Through the proposed CRZ notification, 2018 activities in coastal areas will increase significantly which will result in faster growth of economic growth.
- Simultaneously, the principles of conservation of coastal areas will also be taken into consideration. This will not only create large

numbers of jobs, but better life as well as value addition in India's economy will be ensured. As the new notification lowers hypersensitivity in the coastal areas, they are also expected to be developed

Key features

- According to current standards in CRZ areas, floor space index (FSI) or floor area ratio (FAR) will be allowed.
- More opportunities will be provided for the development of densely populated areas. For infrastructure, infrastructure related to tourism will be encouraged. The process of CRZ approval has been streamlined.
- For all islands, no development zone (NDZ) of 20 meters has been specified.
- All issues considered ecologically sensitive are given special significance. Focusing on reducing pollution has been especially focused.
- Defense and strategic projects have been given the necessary exemption. Two new categories, CRZ-3A and CRZ-3B, have been set for densely populated rural areas.

Expected Questions (Prelims Exams)

1. **Consider the following statements regarding the Coastal Regulation Zone (CRZ) Notification, 2018-**

1. Its objective is to regularise the activities in sensitive Coastal Regions.
2. Under this, Coastal Regions are divided into four parts.
3. According to current standards in CRZ areas, Floor space Index or Floor Area Ratio (FAR) will be allowed.

Which of the above statements is/are correct?

- (a) Only 1 (b) Only 2
(c) Only 3 (d) All of the above

Expected Questions (Mains Exams)

Q. **Why is cadastral survey necessary for determining the boundary of the land of any city, ward or landmass? Present your answer considering the incidents of Maharashtra recently.**

(250 Words)

Note: Answer of Prelims Expected Question given on 29 July. is 1(d).

