

CARING FOR THE COAST

Building regulatory compliance through community action



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Text: Centre for Policy Research (CPR)–Namati Environmental Justice Program

Research Team: Bharat Patel, Debayan Gupta, Mahabaleshwar Hegde, Manisha Goswami, Manish Thavar, Maruti Gouda, Meenakshi Kapoor, Preeti Venkatram, Roopa Naik, Shakir A. Baloch, Swapnil Shukla, Vidya Viswanathan, Vijay Rathod, Vimal Kalvadiya, and Vinod Patgar

Editing and Proofreading: Brandt D'Mello

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Back Cover: Clam fishermen harvesting clam shells in the estuary of the Aghanashini River, Karnataka state, India

Contact Information: CPR–Namati Environmental Justice Program
Centre for Policy Research
Dharma Marg, Chanakyapuri
New Delhi - 110021

Design and Layout: Yashwant Rawat

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ABBREVIATIONS

CEPI	Comprehensive Environmental Pollution Index
CHG	Coal Handling Guidelines
CPCB	Central Pollution Control Board
CRZ	Coastal Regulation Zone
CTO	Consent to Operate
CZMP	Coastal Zone Management Plan
DLCCs	District-Level Coastal Committees
EC	Environmental Clearance
ELCs	Enviro-legal Coordinators
FMB	Field Measurement Book
GCZMA	Gujarat Coastal Zone Management Authority
GIDC	Gujarat Industrial Development Corporation
GPCB	Gujarat Pollution Control Board
GPS	Global Positioning System
KCZMA	Karnataka Coastal Zone Management Authority
MASS	Machimar Adhikar Sangharsh Sangathan
MMA	Mangrol Machimar Association
NCZMA	National Coastal Zone Management Authority
NOC	No-Objection Certificate
PDO	Panchayat Development Officer
PMA	Porbandar Machimar Association
RTC	Record of Rights, Tenancy, and Crops
RTI	Right to Information
SCZMAs	State Coastal Zone Management Authorities
VMA	Veraval Machimar Association

INTRODUCTION

The Centre for Policy Research–Namati Environmental Justice Program (CPR–Namati Program or Program) is an effort towards closing the environment regulation enforcement gap. It is presently operational in India, a country with robust laws but a very poor track record of compliance with environmental regulations. The Program has created a network of grassroots-level legal professionals or community paralegals who work with communities affected by pollution, water contamination, and other environmental challenges. They use the legal empowerment approach to make communities aware of laws and regulations that can help them find remedies to the problems that often arise out of noncompliance with or violation of environmental regulations and that have profound effects upon the environment, the lives of people directly dependent on it for their livelihoods, and the health of the inhabitants of the affected areas. Through the Program, community paralegals and the affected communities seek innovative ways to navigate existing environmental regulations to achieve better compliance and work towards crafting new remedies that is more attuned to ground realities.

The Program's community paralegals, called "enviro-legal coordinators" (ELCs), are community resource persons and mobilisers trained in basic law and legal procedures and in skills such as mediation, negotiation, education, community organisation, and advocacy. The ELCs combine their knowledge of the law, their range of skills, and their understanding of local contexts to help resolve environmental conflicts by empowering affected communities in the use of the law. They help communities gather and present evidence of injustice and appeal to the institutions accountable to citizens within existing law.

The ELCs focus on prompt local administrative actions rather than slow, distant, and expensive litigation. By performing the necessary task of interfacing between citizen and state, these paralegals help institutions better understand where citizens are coming from and help citizens better understand the issues involved in regulation. Thus, this approach also develops a collaborative space for institutions and citizens to craft practical and sustainable remedies, with the methodological assumption that only through participation in the crafting of remedies do we truly understand the impact of legislation and institutional action.

This publication is a compendium of a few cases undertaken by the CPR–Namati Program's ELCs working across the coastal belt in Gujarat and North Karnataka. These case-studies or stories capture the process and outcomes of our work and illustrate the systematic, evidence-based legal approach followed by the ELCs along with the affected coastal community members to resolve conflicts arising from noncompliance or improper implementation of environmental regulations and restore the rights of citizens, allowing them to live a life of dignity and safety.

These case stories are divided into three major thematic sections as follows:

- **Section 1:** *Establishment and Activation of Gujarat's District-Level Coastal Committees (DLCCs) as per Coastal Regulation Zone (CRZ) Notification, 2011*

This section includes case studies from Gujarat, where ELCs worked towards establishing or activating District-Level Coastal Committees, an institution set up for better implementation of CRZ regulations and protection of rights of traditional coastal communities. It details the process adopted by ELCs to bring these institutions to life in each district, make the community aware about them, and encourage community members to engage in their working.

- **Section 2:** *Securing Housing Clearances for Coastal Communities under Coastal Zone Regulation Notification, 2011 in North Karnataka*

This section includes case studies from Uttara Kannada, a district in North Karnataka, where ELCs supported members of coastal communities in securing housing clearances under coastal protection law and helped them understand the otherwise unclear procedure through a simple set of guidelines and steps.

- **Section 3:** *Legal Empowerment in Practice: Two Case Stories*

This section has two case stories from our field sites in Gujarat that illustrate the process and outcomes of legal empowerment through our work with communities. Each story chronicles the journey of community members' focussed efforts and creative strategies undertaken towards restoring environmental justice and demonstrates the transformative role of legal empowerment in this process.

ESTABLISHMENT AND ACTIVATION OF GUJARAT'S DISTRICT-LEVEL COASTAL COMMITTEES (DLCCs) AS PER COASTAL REGULATION ZONE (CRZ) NOTIFICATION, 2011

A BRIEF BACKGROUND

Released under the Environment Protection Act, 1986, the Coastal Regulation Zone Notification, 2011¹ (henceforth “CRZ Notification 2011”) was aimed at,

- ensuring livelihood security to the fisher communities and other local communities living in the coastal areas,
- conserving and protecting coastal stretches and marine areas and their unique environment,
- and promoting development in a sustainable manner based on scientific principles while taking into account the dangers of natural hazards in coastal areas.

The implementation of CRZ Notification 2011 was thrust into the hands of the National Coastal Zone Management Authority (NCZMA) and the State Coastal Zone Management Authorities (SCZMAs). However, the coasts are vast, so for proper enforcement, clause 6 (c) of CRZ Notification 2011 has a specific provision for setting up District-Level Coastal Committees (DLCCs) to assist the SCZMAs in enforcement of CRZ Notification 2011 and monitoring of the Coastal Regulation Zones (CRZs). Clause 6 of CRZ Notification 2011 further requires for the DLCCs to be set up under the chairpersonship of the District Collector and to have a minimum of three community representatives as a part of the committee. As per the clause, these community representatives should be from traditional coastal communities, including fisherfolk. Because it mandates the involvement of these local communities in the decision-making process, the DLCC enables participatory coastal governance and a more robust implementation of CRZ Notification 2011 at the ground level.

In addition to this, an order from the Forests and Environment Department, Government of Gujarat² (henceforth referred to as the Gujarat Government Order) was passed in October 2013, requiring DLCCs to be established in the various districts (please see Annexure 1). However, the Gujarat Government Order and CRZ Notification 2011 were both unclear about how the DLCCs are to be set up at the district level and how they are to be constituted.

To bridge this gap in knowledge, the CPR–Namati Environmental Justice Program (henceforth “CPR–Namati Program” or just “Program”) team in Gujarat decided to work towards activating these DLCCs across 10 districts in the coastal belt of Gujarat. The Program’s enviro-legal coordinators (ELCs), took the administrative route in order to push relevant government departments to form DLCCs on the guidelines stipulated in CRZ Notification 2011. In addition to this, local fishing communities were also apprised about this provision in the CRZ law and were encouraged to use this body in their efforts to safeguard their rights and interests. This

¹ Department of Environment, Forests and Wildlife (2011). “Coastal Regulation Zone Notification.” New Delhi: Ministry of Environment and Forests; F. No. 11-83/2005-IA-III. Available from: <http://www.moef.nic.in/downloads/public-information/CRZ-Notification-2011.pdf>

² Forests and Environment Department (2013). “Constitution of District Level Committee to assist the GCZMA for enforcement and monitoring of Coastal Regulation Zone 2011 in the State of Gujarat.” Gandhinagar: Government of Gujarat; G.R. No. ENV-10-2011-800—E dated October 14, 2013. Available from: <http://www.gczma.org/uploads/news/Constitution%20of%20District%20level%20Committee%20to%20the%20GCZMA.PDF>

encompassed a systematic follow-up procedure with the government institutions, coupled with community mobilisation to ensure genuine local community representation in the DLCCs. Through activating DLCCs, the ELCs pushed their meagre existence on paper to actual on-the-ground implementation. Currently, the ELCs constantly encourage community members to approach DLCCs and apprise them of the CRZ violations happening in their jurisdictions. Through continues interaction with the DLCCs, ELCs and community members ensure that this committee is active and it works for safeguarding the rights and interests of vulnerable coastal communities.

The team activated DLCCs across 10 districts, including Devbhoomi Dwarka, Jamnagar, Surat, Valsad, Bharuch, Navsari, Kutch, Gir Somnath, Junagarh, and Porbandar. While the process followed for activating DLCCs was uniform across the districts, each case had distinct intricacies in terms of institutional response, procedural approach, and community involvement. In each district, ELCs worked along with the traditional coastal communities to activate the DLCC through complaint letters, RTI applications and regular follow-up office visits. The team of ELCs also wrote a joint letter to the Member Secretary of Gujarat Coastal Zone Management Authority (GCZMA), at Gandhinagar (please see Annexure 2). This letter contained the details of the efforts taken up by the ELCs to set up DLCCs in their respective districts. In the process, communities were not only apprised about the importance of the DLCCs in safeguarding their rights but also about the process to activate these DLCCs through constant pursuit with the officials. The following sections document these intricacies along with the strategies adopted by the ELCs to initiate activation of DLCCs in their districts. We have documented the process for eight of the ten districts where this initiative was undertaken.



Bharat Patel, a CPR–Namati EJ team member, convening a meeting with community members in Gujarat
Photograph: Kanchi Kohli

Case 1: Activation of the Devbhoomi Dwarka DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

In the light of the Gujarat Government Order, Shakir Ahmed Bloch, the CPR–Namati Program’s ELC in Devbhoomi Dwarka, Gujarat, filed an RTI application with the Collector’s Office in May 2014. The application sought information regarding the formation of the DLCC in the region. No response was received from the District Collector in this regard. Therefore, the ELC sent a letter to the District Collector addressing this. A copy of CRZ Notification 2011 was also attached to this letter. The letter requested information on the formation of the DLCC in the region, and in case it was already established, information related to community representation of the coastal communities was asked for.

Timeline of DLCC activation in Devbhoomi Dwarka	
Step/Action	Month/Date
RTI filed seeking information about formation of DLCCz in the district with the Collector’s Office	May 14, 2014
Letter sent to the District Collector requesting information about DLCC formation	May 22, 2014
Response from the District Collector, copied to ELC, asking the officials at GPCB, Jamnagar to take necessary steps to set up the DLCC	June 5, 2014
Letter sent to Additional Chief Secretary, GCZMA emphasising the need for establishment of DLCCs and requesting them to direct the District Collector to form the DLCC	June 9, 2014
Meeting with Piyush Dabay, Regional Officer, GPCB, Jamnagar	July 1, 2014
Meeting with fishing community to take suggestions for community representatives	July 2014 (3rd week)
Letter containing suggestions for community representatives sent to District Collector and copied to GPCB, Jamnagar and Hardik Shah	July 21, 2014
Letter containing briefs of the previous two letters and a copy of the order sent to the GPCB by the District Collector sent to the Collector’s Office	July 30, 2014
Letter requesting the setting up of the DLCC along with all communications made with the Collector’s Office sent to the GPCB	July 30, 2014
Letter from Forests and Environment Department instructing the GPCB to set up DLCCs	September 17, 2014
Visit to the GPCB office in Jamnagar	November 3, 2014

A response was received from the District Collector, directing the officials at the Gujarat Pollution Control Board (GPCB), Jamnagar to take necessary steps for the formation of the DLCC in the region. A copy of the ELC’s letter to the District Collector was also attached.

Following this direction, the ELC wrote a letter to the Additional Chief Secretary, GCZMA emphasising the need for the formation of the DLCC and asking the GCZMA to request the District Collector to form the DLCC. A copy of CRZ Notification 2011 was attached to the letter, and a copy of this letter was also sent to the GPCB, Gandhinagar.

Approximately after a month of the letter being sent to the GCZMA and the GPCB, the ELC visited the office of the GPCB, Jamnagar. He met Piyush Dabay, Regional Officer, and discussed the prospects of the formation of the DLCC in the region. He was informed by Dabay that the DLCC in Devbhoomi Dwarka had already been formed. Further, when Shakir asked for information regarding the formation of the DLCC, he was informed that this information was with the District Collector. While Dabay assured Shakir that DLCC members had been selected keeping in mind the guidelines in CRZ Notification 2011, he also revealed that community representation was missing. He further asked the ELC for his help with finding community representation in the DLCC and gave assurance that he would forward the names of suggested representatives to the District Collector. The ELC found the officer responsive and willing to cooperate.

Within a few weeks, the ELC held meetings with members of the fishing community and the Sagar Khedu Fisherfolk Association (which works for the well-being of fisherfolk) to decide on the names of the possible community representatives for the DLCC. Through these meetings, the community finally decided on three members to represent them in the DLCC. Once the names were decided, the ELC sent a letter to the

RTI filed with the Collector's Office seeking information on what action had been taken by the District Collector on applications sent earlier by ELC	November 11, 2014
RTI filed in GPCB, Jamnagar seeking information on what action had been taken by them on applications sent earlier by ELC	November 11, 2014
GPCB, Jamnagar responds to the RTI applications filed with respect to formation of the DLCC	December 12, 2014
Letter written and sent to the Fisheries Department suggesting names of community representatives	December 19, 2014
Visit made to the Fisheries Department, Jamnagar	January 1, 2015
Response to RTI filed on November 11, 2014	January 13, 2015
Meeting with the Assistant Director of the Fisheries Department	January 20, 2015
Visited the GPCB Jamnagar Office and received the letter with names of community members	February 15, 2015
<i>Date of DLCC formation: January 28, 2014</i>	

District Collector (who is also the DLCC's chairperson) with the names of the suggested representatives; this letter was signed by 32 fisherfolk who were present for the community meetings. A copy of this letter was also sent to the GPCB, Jamnagar; Member Secretary, GPCB; and the GCZMA.

After receiving no responses from either the Collector's Office or the GPCB, the ELC wrote two separate letters to the District Collector and the GPCB, enclosing all the correspondence with each department until this point. Both the letters stressed how, even after repeated requests, the authorities have not acted on DLCC formation or on informing the applicant about its current status. The letters also mentioned the missing aspect of community participation in the DLCC while referring to the suggestions made by the fisherfolk to the District Collector. The letter to the District Collector also highlighted how, in spite of his directions, the GPCB had failed to take any action to date. The Forests and Environment Department, Government of Gujarat and Member Secretary of the GPCB were sent copies of these letters. The ELC received a response from the Forests and Environment Department, directing the GPCB, Gandhinagar to quickly form the DLCC.

According to the ELC, the situation at this juncture was getting complicated as there was lack of accountability and no authority had provided or seemed to possess accurate information regarding the formation of the DLCC. After a few months, he visited the GPCB, Jamnagar to follow up on his requests. The head clerk assured the ELC that action regarding the formation of the DLCC would be taken shortly and that he would soon receive a letter confirming the formation of the DLCC. However, no reply was received from the GPCB. In the meanwhile, in August 2014, Hardik Shah, Member Secretary of the GPCB, sent a letter to all District Collectors in Gujarat to immediately formulate DLCCs on the CRZ Notification 2011 guidelines, if the committee was not already formed.

In November 2014, after receiving no response from either the GPCB or the District Collector, the ELC filed RTI applications with both the departments. The RTI application filed with the Collector's Office sought information regarding the action taken on previous applications/letters sent to his office with respect to DLCC formation, while that with the GPCB, Jamnagar sought information about the actions taken on the applications made by the ELC about the directions by the Forests and Environment Department. Copies of all the previous correspondence were duly attached with these RTI applications.

Finally, a month after the RTI applications were filed, the ELC received a response from GPCB, Jamnagar. It stated that the DLCC was formed on January 28, 2014. The GPCB also attached a letter confirming its formation. This letter included the posts of the members who formed the committee. It had three Chief Officers from three different regions—Salaya, Dwarka, and Okha. This was done keeping in mind all the regions that fell under the DLCC's supervision. The letter also said that there was no participation from the fisherfolk in the DLCC and that actions to include them would be taken shortly. Apart from this, the response from the GPCB also included a letter sent to the Assistant Director of the Fisheries Department, Jamnagar (dated June 8, 2014) asking for the names of three representatives from the fishing community.

Based on the direction from the GPCB to the Fisheries Department, Jamnagar, the ELC wrote a letter to the Fisheries Department suggesting the same three names of community representatives put forward to the District Collector in the ELC's previous letter. Copies of the letter were also sent to the District Collectors of Dwarka and Jamnagar and to the GPCB, Jamnagar. Subsequent to sending the letter, the ELC also visited the

Fisheries Department, Jamnagar and met the Assistant Director. They spoke about the letter and the three names of suggested representatives from the fishing community in the DLCC.

In January 2015, a response to the RTI application filed with the Collector's Office in November 2014 was received. The letter said that the District Collector had dispatched a letter to the GPCB directing it to take appropriate action. This response merely passed the buck from the Collector's Office to the GPCB.

The ELC next met the Assistant Director of the Fisheries Department in Okha, who informed him that he had already sent the representatives' names to the GPCB and assured the ELC that a copy of the same letter would be sent to him soon. After two to three days, the ELC met the head clerk of the Fisheries Department, who gave him a copy of a letter (dated December 30, 2014) that the Assistant Director had written to the GPCB. The letter suggested seven names for community representation. The three names suggested by the community members through the meetings the ELC conducted were included in the list.

RESULTS AND EXPERIENCE

It is very disappointing that despite the DLCC having been formed way back in January 2014, the officials had no information about it. It took almost one year to finally get the information. However, with the GPCB's information, it is now clear that the DLCC in Devbhoomi Dwarka has been formed.

As far as the experience of the ELC is concerned, the assessment of the actions taken suggests that the officials lacked clear understanding of the DLCC and the protocols for its formation. The DLCC had been formed way back in January 2014, and yet no department was aware about it. Even the District Collector, who is meant to be the chairperson of the DLCC, had no information about its formation. The ELC started the work for formation of a DLCC; however, upon learning that a DLCC was already in existence, he changed his strategy to push for inclusion of community representation in the DLCC.

Overall, whenever the ELC visited various departments, the officers were responsive but kept passing the buck to other departments. Lack of accountability and clear understanding around the DLCC and its formation amongst the government departments were the leading reasons for non-implementation of this legal provision within CRZ Notification 2011.

Case 2: Activation of the Valsad DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

In light of the Gujarat Government Order to set up DLCCs under the chairpersonship of the respective District Collectors, Manisha Goswami, an ELC working for the CPR–Namati Program and operating out of Vapi, filed an RTI application seeking information on the status of the formation of the DLCC in Valsad. This was followed up by a letter written on behalf of numerous fishing community members to the District Collector, asking the DLCC to be constituted as per CRZ Notification 2011 and stating that it should include members from the fishing communities. However, there was no acknowledgement of receipt of this application.

After a few weeks, the ELC visited the Collector's Office to check the status of the RTI application. The District Collector told her that he was not aware of any such committee being formed and passed the buck to the GPCB, claiming that the GPCB is responsible for setting up the DLCC. The ELC cross-checked this information with Ashok Chauhan, an environment engineer working as a clerk in the GCZMA, who informed her that the DLCC was to be set up under the chairpersonship of the District Collector and advised her to approach the Collector's Office along with a copy of the Gujarat Government Order directing that DLCCs be set up.

Within a month, a new District Collector took charge of the office; the ELC paid a visit to the office to meet the new official and discuss the status of the DLCC. However, the District Collector was unavailable, so the ELC met the Additional District Collector, who instead of answering her questions, posed one of his own: he asked the ELC what she would gain if the DLCC were to be set up. The ELC was prompt to rejoin with a question of her own, asking what the Collector's Office would gain if the DLCC was not set up. After this initial uncooperative response, the Additional District Collector called upon a clerk who was handling the replies to RTI applications and agreed on arranging a meeting for the ELC with the District Collector in the following week.

The ELC followed up with the Collector's Office to schedule the meeting numerous times, but she did not receive a clear response. Finally, she managed to get an appointment and met the new District Collector, Rakesh Pande, who was not only clueless about the setting up of a DLCC but also had no knowledge of CRZ Notification 2011. This was a great disappointment for the ELC.

Almost after four months of filing the first RTI application and getting no response, the ELC along with few team members of the CPR–Namati Program met with Hardik Shah, the Member Secretary of the GCZMA in Gandhinagar. A memorandum was submitted in this meeting, and Shah promised to look into the formation of the DLCCs. This memorandum contained details of CPR–Namati's initiative to enforce CRZ Notification 2011. It also detailed the efforts made by the ELCs to specifically set up DLCCs in various regions, which is also a mandate as per CRZ Notification 2011. After this meeting, Manisha made regular follow-up visits and phone calls to the GPCB and the District Collector's offices, but there were no substantial developments in the case.

To counter this unresponsiveness of the officials towards the ELC's RTI application, the team decided to file a fresh RTI application with the District Collector by the Machimar Adhikar Sangharsh Sangathan (MASS; a

Timeline of DLCC activation in Valsad	
Step/Action	Month/Date
RTI filed seeking information about formation of DLCC in the district with the Collector's Office	May 24, 2014
Visit paid to the Collector's Office	June 19, 2014
Change of District Collector	July 7, 2014
Visit paid to the new District Collector	July 14, 2014
Letters sent / follow-up visit made to the Collector's Office inquiring about the status of the formation of the DLCC	August 26, 2014
Meeting with Hardik Shah (Member Secretary of the GPCB) in Ahmedabad, attended by ELCs (CPR–Namati EJ team)	September 11, 2014
RTI application filed by Machimar Adhikar Sangharsh Sangathan with the District Collector inquiring whether the DLCC had been formed, and if so, its composition, minutes of meetings held, and any notification from the government regarding the DLCC	March 24, 2015
Response from GPCB received regarding status of DLCC formation	July 8, 2015
Date of DLCC formation: September 30, 2014	

fisherfolk union) under the name of Bharat Patel, the General Secretary of MASS (and also Program Manager, CPR–Namati Environmental Justice Program). The application sought information on formation of a DLCC, the members of the DLCC, minutes of meetings of the DLCC, and any government notification issued with respect to the DLCC. Since Bharat Patel is a well-known activist and MASS is a collective body of fisherfolk, the team anticipated that this move would build some pressure on the officials who had been indifferent thus far. However, the District Collector forwarded the application to the Geological Department. After this, another application was written to the District Collector, enclosing the Gujarat Government Order, which directed the District Collector to be the chairperson of the DLCC. This was done to inform the District Collector about his responsibilities.

The Collector forwarded the application to the GPCB, Vapi, which in turn forwarded it to the GPCB, Sarigam (regional offices of the GPCB in Valsad are present at both Vapi and Sarigam). GPCB, Sarigam acknowledged receipt of the application and assured a response to it.

Within two months, the Public Information Officer (PIO) at GPCB, Sarigam sent a letter stating that the Valsad DLCC was already formed on September 30, 2014 (10 months before this application was sent to GPCB, Sarigam). A list of members of the DLCC was also enclosed, along with minutes of a meeting held after its formation. As per the members list, there were five community members in the DLCC.

RESULTS AND EXPERIENCE

Initially, there was lack of information amongst the concerned officials about the responsibility to set up the DLCC. The authorities kept passing the buck from one institution to another without giving clear information. The people responsible—the District Collector and his office staff—were quite uncooperative and unresponsive. Lack of awareness among the appropriate authorities was the primary reason for the behaviour encountered at the Collector’s Office.

Finally, after repeated filing of applications and the continuous efforts made by the ELC, a response was received that the DLCC had already been formed. Interestingly, the DLCC was formed in the same month when the team had met Hardik Shah (Member Secretary of the GPCB) in Ahmedabad, but even after its formation, the District Collector could not respond to the RTI applications and kept passing the responsibility onto the GPCB. The formation of the DLCC in Valsad was absolutely necessary in order to address the excessive pollution and effluent discharge rampantly increasing in the area.



A fisherwoman cleans fish for sale in Kolak village in Valsad
Photograph: Aubrey Wade

Case 3: Activation of the Bharuch DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

Following up on the Gujarat Government Order that directed the District Collector to formulate DLCC under his chairmanship, Manisha Goswami, the CPR–Namati Program’s ELC, filed an RTI application with the District Collector in May 2014 inquiring about the status of the formation of the Bharuch DLCC. When no response was received from the Collector’s Office, the ELC decided to visit the Collector’s Office to inquire about the application.

She paid a visit to the Collector’s Office in Bharuch in July 2014, accompanied by Bharat Patel (Program Manager, CPR–Namati Environmental Justice Program). The District Collector, however, was on leave. Goswami and Patel instead met the Nayak Mamlatdar, Raju Bhai, who was unaware of the existence of any DLCC in the region. Meanwhile, a clerk in the office, Sonpal Solanki, assured them that the application would be presented before the District Collector as soon as possible.

The ELC met the District Collector in the second week of July. The official was uncooperative and did not give enough time to listen to the issue in hand. According to the ELC, the District Collector gave more time to industrial representatives who were present at the time rather than to the people who were affected by those industries. The District Collector suggested that the ELC meet GPCB officials as the application had already been forwarded to them. However, the ELC could not meet the GPCB officer that day as he was on leave.

A follow-up letter was sent to the District Collector and the GPCB. In August 2014, the ELC had a conversation over the phone with a GPCB Regional Officer, Rathore, to enquire about the status of the establishment of the DLCC. Rathore assured her that action would be taken. Further, it was decided that if no response was received in due time, all the applications sent and details of the visits made by the ELC would be shared in writing with the GCZMA, who could be called upon to intervene.

In the final week of August 2014, Rathore informed the ELC over the phone that the DLCC had already been formed and a DLCC meeting had also taken place. He said that in order to get more information regarding the DLCC, they must send an email seeking the information and that GPCB would provide the required information. Acting upon this, the ELC, with the help of Meenakshi Kapoor at the CPR–Namati Delhi office, sent an email seeking information from the GPCB. However, even after one week of sending the email, no response was received. In the meanwhile, all the District Collectors across Gujarat received a letter from the Member Secretary of the GPCB instructing immediate formulation of DLCCs wherever they had not been formed.

Timeline of DLCC activation in Bharuch

Step/Action	Month/Date
RTI filed seeking information about formation of DLCC in the district with the Collector’s Office	May 10, 2014
Visit paid to the Collector’s Office; met Nayak Mamlatdar	July 3, 2014
Follow-up visit paid to the District Collector and GPCB	July 2014 (2nd week)
Follow-up letters sent to the Collector’s Office and the GPCB	July 30, 2014
Telephonic conversation with GPCB officer about the status of the formation of the DLCC	August 9, 2014
Meeting with Hardik Shah (Member Secretary of the GPCB) in Ahmedabad, attended by CPR–Namati team	September 11, 2014
A follow-up visit to the GPCB office in Bharuch; ELC assured required information would be provided within a week	September 26, 2014
Two fresh RTI applications filed with the District Collector and GPCB asking for copies of directions from the GCZMA, applications filed for formation of the DLCC, and the actual order of DLCC formation along with meeting minutes	November 11, 2014
Two RTI applications under the name of Bharat Patel were filed with District Collector and GPCB, inquiring whether the DLCC had been formed, and if so, its composition, minutes of meetings held, and any notification from the government regarding the DLCC	March 23, 2015
Response from GPCB received on the status of DLCC formation	May 2015

Date of DLCC formation: October 2013

In the first week of September 2014, the ELC along with a few team members of the CPR–Namati Program met with Hardik Shah, the Member Secretary of the GCZMA in Gandhinagar. A memorandum was submitted in this meeting, and Shah promised to look into the formation of the DLCCs. This memorandum contained details of CPR–Namati’s initiative to enforce CRZ Notification 2011. It also detailed the efforts made by the ELCs to specifically set up DLCCs in various regions, which is also a mandate as per CRZ Notification 2011.

Next, the ELC visited the GPCB’s office in Bharuch on September 26, 2014. Rathore assured her that the requisite information would be sent within a week. However, no information came within or after a week.

A month later, the ELC went to the GPCB office again. The officer at the GPCB asked her to file an RTI application to get the information. He confirmed that the DLCC had already been formed and also stated that a meeting had taken place. The ELC then planned to include questions asking for copies of directions from the GCZMA, applications filed for formation of the DLCC, and the actual order of DLCC formation along with any meeting minutes (if the DLCC had already been formed) in her RTI application to get a better picture of the situation. In November 2014, these RTI applications were filed with the District Collector and the GPCB. This was done to get details about the DLCC because in spite of the officials saying that the DLCC had been formed, no proof of that whatsoever had been provided. After submitting the information fee, the ELC waited for a response. Again however, no response was received until the end of February 2015.

In the month of March 2015, two separate RTI applications were filed by the Machimar Adhikar Sangharsh Sangathan (MASS; a fisherfolk union) under the name of Bharat Patel, the General Secretary of MASS (and also Program Manager, CPR–Namati Environmental Justice Program), one with the Collector’s Office and the other with the GPCB. The GPCB responded within a month, asking the applicant to deposit money for the documents. In May 2015, a response was received stating that the DLCC had already been established far back in 2013 but that active participation of the community from that region was missing (which is a prerequisite for DLCC formation). The ELC shared this information with the local traditional coastal communities for them to nominate community representation for the DLCC.

RESULTS AND EXPERIENCE

It is now clear that the DLCC has been established in Bharuch. Initially, there was no clear information around DLCC formation in the region. The authorities claimed that the DLCC had been established way back in 2013; however, until now, it had no public participation and no scope of remedy. The absence of participation from the local community suggests that the concerned authorities have not followed proper formation guidelines. The whole idea of forming DLCCs is to ensure livelihood security for the fishing communities and other local communities through their participation. This calls for the local community to pressurise the officials so that the community is actively involved in the DLCC’s undertakings.

The Bharuch experience highlights the lack of responsibility shown by the concerned officials and the lack of information regarding the relevant laws amongst the officials. The Collector’s Office kept redirecting the ELC to the GPCB, and the GPCB kept assuring her of action but unnecessarily lengthened the process of providing information. The authorities did not take an active role to resolve the queries. However, with the constant efforts of and pressure from the ELC, the authorities provided the information after a year since the process of seeking information had begun. While the DLCC had been in existence on paper all this while, both the Collector’s Office and GPCB took almost a year to respond to the RTI applications and letters. These offices were visited a number of times to follow up on the applications. Since after it was confirmed that the DLCC was in existence and this information was made public, local communities have begun pushing the authorities to take representation from their communities in the DLCC and have begun to use this body to secure their rights and interests.

Case 4: Activation of the Surat DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

In May 2014, the CPR–Namati Program’s ELC Manisha Goswami filed an RTI application seeking information regarding the status of the formation of the Surat DLCC with the Collector’s Office. This was done in light of the Gujarat Government Order to set up the DLCC under the chairpersonship of the District Collector. The ELC received no response to her RTI application from the Collectors’ Office. She then sent a copy of the RTI application to the GCZMA.

In June 2014, the ELC visited the GCZMA, where Ashok Chauhan, a clerk there, suggested that she approach the GPCB’s office to inquire about the status of DLCC formation. She also visited the Collector’s Office, where it was suggested that she approach the GPCB office instead. Within a month, the ELC visited the Collector’s Office for a second time. The Collector, who was being transferred, informed her that the DLCC had not been formed and stated that the matter could be pursued with the new District Collector.

Once the next District Collector was appointed in July 2014, the ELC paid him a visit. Unlike his predecessor, he was very cooperative and even took notes. He assured the ELC that the process of establishing the DLCC would be completed within the next 10 days. However, no response was received from the Collector’s Office in the following weeks.

Finally, a letter was written to the District Collector, inquiring about the status of the activation of the DLCC at Surat. After waiting for a considerable amount of time, the ELC visited the GCZMA office and made submissions for the DLCC to be set up in the region. In August 2014, she called the Collector’s Office, but there was no response to the calls. The next plan was to continue to follow up on the already filed applications. The ELC had also planned a meeting with Hardik Shah, Member Secretary of the GPCB, after seeing his letter to District Collectors across Gujarat directing them to formulate DLCCs with immediate effect.

In the first week of September 2014, the ELC along with few team members of the CPR–Namati Program met with Shah in Gandhinagar who was also the Member Secretary, GCZMA and Additional Secretary, Forests and Environment Department. A memorandum was submitted in this meeting, and Shah promised to look into the formation of the DLCCs. This memorandum contained details of CPR–Namati’s initiative to enforce CRZ Notification 2011. It also detailed the efforts made by the ELCs to specifically set up DLCCs in various

Timeline of DLCC activation in Surat	
Step/Action	Month/Date
RTI filed seeking information about formation of DLCC in the district with the Collector’s Office	May 10, 2014
Visit paid to GCZMA; met with clerk at GCZMA	June 2014
Visit paid to the Collector’s Office	July 3, 2014
Change of District Collector	July 2014
Visit paid to the new District Collector	July 2014
Letters and phone calls made to the Collector’s Office inquiring about the status of the DLCC formation	July 28, 2014 (letter sent) August 26, 2014 (phone call made to Collector’s Office: no response)
Submissions made to GCZMA to form a DLCC in the region	August 2014
Meeting with Hardik Shah (Member Secretary of GPCB) in Ahmedabad, attended by ELCs (CPR–Namati team)	September 11, 2014
Two RTI applications filed with District Collector and GPCB inquiring whether DLCC had been formed, and if so, its composition, minutes of meetings held, and any notification from the government regarding the DLCC	November 11, 2014
Filing of RTI applications by Machimar Adhikar Sangharsh Sangathan, seeking information on the status of DLCC formation in the region and related documents	March 23, 2015
Letter sent to Collector’s Office about the Gujarat Government order on setting up DLCCs under the chairpersonship of District Collectors	March 2015
Response received from GPCB about the status of DLCC formation	June 4, 2015
Date of DLCC formation: June 3, 2015	

regions, which is also a mandate as per CRZ Notification 2011. He assured them that required action would be taken.

In November 2014, the ELC filed two fresh RTI applications asking for details about the DLCC. One was filed with the Collector's Office and the other with the GPCB. These applications never received the due responses from the concerned authorities.

In March 2015, the ELC again filed separate RTI applications with the Collector's Office and the GPCB at Surat. A copy of the Gujarat Government Order regarding DLCC formation was attached with each of these applications. These RTI applications were not filed under the name of the ELC but under that of Bharat Patel in his capacity as General Secretary of Machimar Adhikar Sangharsh Sangathan, a fisherfolk union. This tactic was applied with the anticipation of creating some pressure on the otherwise non-responsive officials.

The District Collector forwarded this application to the Forests and Environment Department and the GPCB. To this end, a letter was drafted and sent to the Collector's Office under Bharat Patel's name, apprising them of the Gujarat Government Order to set up DLCCs under the chairpersonship of the District Collector. The Collectors' Office didn't respond to this application.

Finally, on June 4, 2015, the GPCB sent in a letter stating that the DLCC had been formed on June 3, 2015. As per the list of members provided with this letter, there was one community representative in the committee. This information was shared with the local community to encourage them to suggest community representatives for the DLCC. The community took this matter up with the GPCB and the District Collector.

RESULTS AND EXPERIENCE

Constant pressure from the ELCs and unending pursuit of their goal led to yet another victory. The ELC's effort led to official formation of the DLCC in this region. This DLCC had just one community member, but representation was improved in due course of time with the involvement of the coastal community. The authorities informed the ELC within a day after DLCC was formed, which illustrates that the constant pursuit by the team pushed the authorities to address the concerns and formulate the DLCC.

In the beginning, the authorities did not take proper cognizance of the issue at hand, and therefore, the ELCs had to shuttle between the Collector's Office and the GPCB office. Another major problem is the lack of response from officials to RTI applications; none of these authorities abide by the Right to Information Act, 2005,³ which mandates that they respond to applications within 30 days of their being filed.

The ELC in this case shares that in order to get proper results, a person must keep at addressing the issues with the concerned authorities with regular followup. At first, the officials do not take the matter seriously, but constant pursuit pressurises the authorities to take action. The new District Collector in this case was cooperative and was interested in hearing the issues. He forwarded the RTI application to the GPCB for it to answer, which led to the formation of the DLCC. It took almost a year, but the desired result was achieved. These institutions, which are generally formed on paper with no information provided to the general public, have been activated through our efforts, and information about their existence is being widely shared for the communities to participate and actualise the benefits of the DLCC.

Case 5: Activation of the Kutch DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

In line with the Gujarat Government Order on DLCC formation, a letter was written to the District Collector of Kutch, Harshad Patel, in November 2013. This letter was sent by Vimal Kalavadiya, the CPR–Namati Program’s ELC in Kutch, and the members of the Mundra Hit Rakshak Manch, a forum of affected people and community-based organisations (CBOs) who have been raising concerns related to large-scale industrial expansion in the Mundra region of the Kutch district of Gujarat. This letter was an appeal to the District Collector to recognise the provisions of law and requested him to set up the DLCC under his chairmanship. It also contained requests to ensure adequate community representation in the committee to serve the interests of the affected communities across Kutch. There was no response to the letter, and the steps to initiate the formation of the DLCC were undertaken by the CPR–Namati Program, and the communities were incorporated into the process.

In May 2014, the ELC sent applications to the Collector’s Office and to the GCZMA, requesting each institution to undertake the formation of a DLCC in Kutch. This was followed by an RTI application in June 2014 enquiring on the status of the formation of the DLCC while highlighting the numerous CRZ violations that were taking place in the district. The ELC received a reply with the meeting minutes, which were sought in the RTI application. The minutes also listed the attendees of the meeting. However, it was not clear whether the DLCC had been formed and who its members were. It was decided that the team would wait for another months’ time for further, clearer information on the status of DLCC formation. If the institutions failed to respond, the ELC decided to visit the Collector’s Office with a few community members.

Within a few days, the ELC took Kasim, a community member who he had worked with before, along to meet the District Collector. The official assured them that he would look into the clauses about the DLCC and asked them to pay a visit to the GPCB officer. Since a GPCB officer had not been appointed at the time, the ELC decided to seek an appointment for a meeting later on.

The ELC followed up with the GPCB office several times to meet the officer, but the new GPCB officer had not joined until then. The ELC did not give up and visited the Collector’s Office, where the Additional District Collector gave the same reassurances as his senior, those of looking into the matter at the earliest. In July 2014, the ELC was redirected by the Collector’s Office to the GPCB office for the list of community representatives on the DLCC stating that GPCB was responsible for formulating the list of DLCC members. The ELC met the new GPCB Regional Officer, C. A. Shah, once he joined in last week of July 2014. Shah was under the

Timeline of DLCC activation in Kutch	
Step/Action	Month/Date
Letter sent to District Collector by Mundra Hit Rakshak Manch and ELC for formation of DLCC under District Collector’s chairpersonship	November 21, 2013
Letters sent to Collector’s Office and GCZMA requesting a DLCC to be established in the district	May 2014
RTI application filed by ELC to enquire about the status of formation of the DLCC	June 3, 2014
Visit to Collector’s Office by the ELC and Kasim	June 19, 2014
Visits to GPCB office (unsuccessful due to unavailability of the officer in question)	June 2014
Follow-up visit to Collector’s Office	July 13, 2014
Meeting with new GPCB regional officer, C. A. Shah	July 28, 2014
Visit to Shah’s office (unsuccessful due to Shah’s unavailability)	August 21, 2014
Meeting with Hardik Shah (Member Secretary of GPCB) in Ahmedabad, attended by the CPR–Namati team	September 11, 2014
Letter sent to GPCB and Collector’s Office asking for a dialogue with the community	December 18, 2014
Letter campaign undertaken and initiated in nearby areas	February 23, 2015
Letter prepared in the campaign sent to the GCZMA	April 26, 2015
Final response from GPCB received on the status of DLCC formation	June 2, 2015
Date of DLCC formation: October 2013	

impression that the DLCC had already been formed; however, he was not sure about this and said he would cross-check with his colleagues and confirm the status. The ELC made multiple follow-up calls and visits to the GPCB regional office for clarity on status but failed to meet the regional officer, owing to his continuous unavailability.

In September 2014, the ELC and a few other team members of the CPR–Namati Program met Hardik Shah, Member Secretary at the GCZMA head office in Gandhinagar. The team discussed the continued efforts of the ELC towards activating DLCCs despite their being mandated under CRZ Notification 2011 and shared the difficulties faced so far. Shah assured them that he would meet the District Collectors and discuss DLCC formation; he was aware of the request for an increase in community participation.

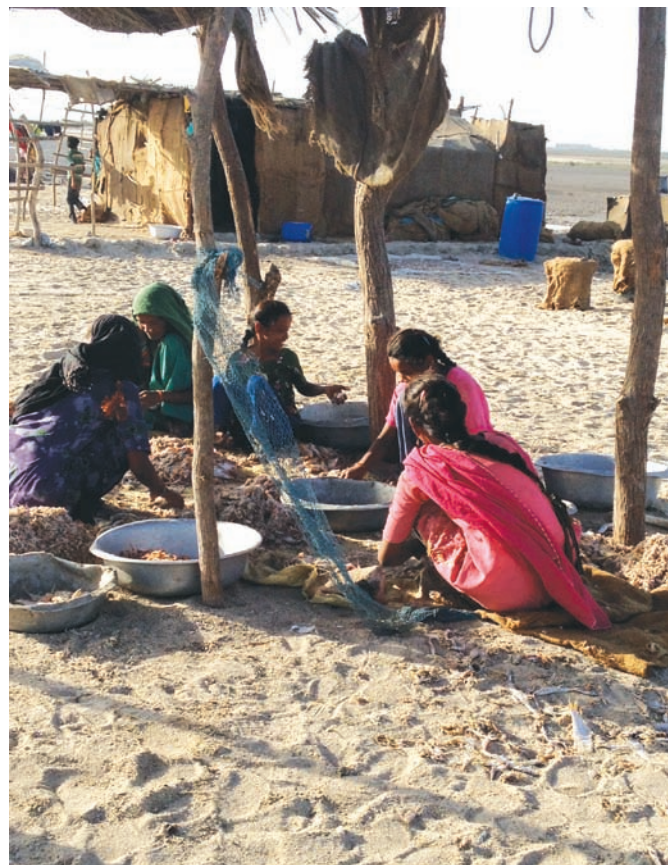
After this meeting, the ELC sent another letter to the GPCB and the Collector's Office seeking a meeting on the behalf of community members of Bhadreshwar in Kutch. With no response from the authorities for over two months, the team decided to undertake a letter campaign. This letter was prepared in Gujarati, requesting for formation of DLCC in their region. It was circulated to all the surrounding villages. This letter was to be sent to the GCZMA and Collector's offices after obtaining the necessary signatures from the fishing communities.

This letter with the signatures of 65 community members along with other letters written separately by various community members from different villages was collectively sent to the GCZMA. Finally, the ELC paid a visit to the GPCB office and met the officer in charge, Mr. Jayaswal, as the Regional Officer was absent. This official told the ELC that the DLCC had already been formed, and the various official letters to increase community participation and the member list were shown to that effect. Jayaswal also mentioned that these letters would be dispatched once the Regional Officer approved them.

RESULTS AND EXPERIENCE

Even after the DLCC was formulated in 2013, relevant community representation in the DLCC was missing and the community had no knowledge of its existence. The activation undertaken by the ELC did not only help the community members to understand about an institution responsible for safeguarding their rights but also pushed the relevant officials to acknowledge their responsibilities. With the continuous efforts of the ELC, the DLCC included Bharat Patel (Program Manager, CPR–Namati Environmental Justice Program, and Secretary of MASS) as one of the community representatives along with others. The process took over a year because of the unavailability of the Regional Officer at the GPCB office. The community took an active role in the letter campaign that was led by the ELC. They were persistent even when the authorities were unresponsive. As a result of these efforts, the awareness regarding CRZ Notification 2011 has increased in the area. Now, the community knows how to use the DLCC as an institution to protect their land and their livelihood from being destroyed by rampant industrialisation.

This body can easily address the various CRZ violations happening in the area. Before the formation of the DLCC, complaints would only be submitted to the GCZMA, which comprised only of government officials. With the presence of community representatives, the DLCC allows the community to pursue matters of violation in the appropriate forum and make sure that required action is taken.



Fisherwomen segregating fish catch on the coast in Kutch, Gujarat
Photograph: Kanchi Kohli

Case 6: Activation of the Junagarh DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

Encouraged by the Gujarat Government Order to formulate DLCCs, Manish Thavar, an ELC with the CPR–Namati Program, filed an RTI application with the Collector’s office. Filed in May 2014, this application requested information on the composition of the Junagarh DLCC along with minutes of any meetings held since its inception. This application was followed up with a letter drafted by the ELC and the Mangrol Machimar Association (MMA), sent to the Collector’s Office in June 2014. It invoked CRZ Notification 2011, pointing out that each coastal district is required to have a DLCC, and requested that one therefore be formed as soon as possible in their own district. Later, a copy of this letter was sent to the GCZMA office.

In July 2014, the ELC had still not received any response to the RTI application and decided to visit the Collector’s Office, where he met with the Additional District Collector, who informed him that the process of setting up the DLCC had already commenced.

The follow-up process on this case was delayed owing to unforeseen reasons such as the upcoming Nagarpalika elections and the unavailability of Velji Masan, the leader of the MMA, whose involvement was of consequence in the outcome of the case as the letter to the GCZMA had been sent via the MMA.

Upon Masan’s return, a letter was drafted on behalf of the MMA, suggesting names of community representatives for inclusion in the DLCC that was being set up. This letter was sent to the Collector’s Office in the first week of August 2014.

In the meanwhile, a letter was sent from Hardik Shah, Director of GCZMA and Additional Secretary at the Forests and Environment Department, to the District Collectors in Gujarat, directing them to set up DLCCs immediately. The letter also reminded them of the fact that a report on actions taken in this regard and in response to the Gujarat Government Order dated October 14, 2013 had previously been called for vide a letter dated May 5, 2014.

In September 2014, the ELC and few of his team members from the CPR–Namati Program met with Shah (who was also the Member Secretary of the GCZMA) in Gandhinagar. During the meeting, a memorandum was submitted, which contained an explanation of CPR–Namati’s initiative around enforcing CRZ Notification 2011. Shah promised to take the desired action.

In the final week of September, the ELC visited the Collector’s Office once again and was verbally informed that the names of the community members from Mangrol and Choravad regions have been finalised. However, there was no documentary evidence of the finalized community members’ names for the DLCC. To get a clear picture, the ELC filed an RTI application in the final week of October 2014 seeking information about the composition of the DLCC and minutes of any meeting that may have been held since its formation.

In December 2014, the ELC Manish Thavar left the Program and Bharat Patel (Program Manager, CPR–Namati Environmental Justice Program) took over this case. As the institutions had failed to respond to the earlier RTI

Timeline of DLCC activation in Junagarh	
Step/Action	Month/Date
RTI applications filed with Collector’s Office inquiring about the composition of the DLCC and minutes of the meetings since its inception	May 9, 2014
Follow-up letter sent by Mangrol Machimar Association (MMA) to District Collector, requesting formation of DLCC as per CRZ Notification 2011	June 2014
Visit to Collector’s Office and meeting with Additional District Collector	July 14, 2014
Letter sent by MMA suggesting names of community representatives for DLCC	August 2014 (1st week)
Meeting with Hardik Shah (Member Secretary of GPCB) in Ahmedabad, attended by CPR–Namati Team	September 11, 2014
Follow-up meeting with District Collector	September 2014
RTI applications filed by ELC for composition of DLCC and meeting minutes	October 2014 (final week)
RTI applications filed by Bharat Patel with Collector’s Office and GPCB	March 23, 2015
Final response from GPCB received on status of DLCC formation	May 2015
Date of DLCC formation: March 7, 2015	

applications, Patel filed two separate fresh RTI applications in March 2015. The first was with the Collector's Office at Junagarh and the second with the GPCB, enquiring about the status of the formation of the DLCC, names of the community representatives, and minutes of any meetings that may have been held. Within a month, a response was received from the GPCB requesting the applicant to submit the fee for the document copies, which was duly submitted. In the first half of May 2015, the team received the final reply, which stated that the DLCC was formed on March 7, 2015 and that a meeting of the committee would take place soon. The list had names of community members as committee members.

RESULTS AND EXPERIENCE

For the activation of the DLCC at Junagarh, the District Collector had to have names of potential community representatives suggested and be given continuous reminders. It took a slew of applications, letters, follow-up letters, and office visits for the concerned authorities to form the DLCC. The continuous efforts of the ELC and the fishing community members pushed the authorities to implement the provision of CRZ Notification 2011 in its true spirit. This outcome celebrates the dogged perseverance and constant determination of the people to fight for their rights.



A coastal village in Gujarat
Photograph: Kanchi Kohli

Case 7: Activation of the Gir Somnath DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

In May 2014, Manish Thavar, the CPR–Namati Program’s ELC in Gir Somnath district submitted a letter to the Collector’s Office. This letter was submitted on the behalf of the Veraval Machimar Association (VMA), which stated the need to enforce the Gujarat Government Order directing concerned institutions to formulate DLCCs under the chairpersonship of District Collector. This letter was quickly followed up with an RTI application filed with the Collector’s Office, inquiring about the composition of the Gir Somnath DLCC and asking for minutes of its meetings since inception.

In the following month, the ELC visited the Collector’s Office and learnt that the DLCC had not been formed. After gaining this information, the ELC promptly sent a copy of the letter that had earlier been sent to the Collector’s Office to the GCZMA, stating the need to formulate the DLCC. Since the ELC had received a positive response from the District Collector in his previous visits, the ELC decided to visit the Collector’s Office again in the event of no response from the GCZMA within a week.

As the GCZMA did not respond within this time, the ELC visited the Collector’s Office but found that the District Collector has been transferred and a new officer was yet to be appointed. In the meanwhile, the ELC contacted the Additional District Collector, who directed him to the GPCB office. The ELC went to the GPCB office and deposited money in order to collect the documents related to the formation of the DLCC.

In the following weeks, the ELC waited for a response from the Collector’s and GPCB offices. He had a follow-up meeting with an officer of the Revenue Department, who informed him that the process of the DLCC formation had been started. The officer also shared that the District Collector had asked the Additional DC to suggest names of people from coastal communities to be on the DLCC.

With this information, it was decided that the VMA would suggest names of people from the coastal communities who would be part of the DLCC. This would be in pursuance of the earlier application filed regarding the composition of the DLCC.

As it was off season for fishing, community members were not easily available for the community meeting to collectively decide on the names of representatives.

Finally, in the first week of August 2014, a letter was sent to the Collector’s Office with a list of names of the nominated community members. Interestingly, this submission was coupled with a letter from Hardik Shah, Member Secretary at GCZMA and Additional Secretary at Forests and Environment Department, to the District Collectors of Gujarat, directing them to set up DLCCs immediately. Hence, by the final week of August, the Collector’s Office told the ELC that the representation from community members had been finalised and that the DLCC would be formed within the next month.

Timeline of DLCC activation in Gir Somnath	
Step/Action	Month/Date
RTI applications filed with Collector’s Office inquiring about DLCC composition and minutes of meetings since its inception	May 9, 2014
Follow-up letter sent by Veraval Machimar Association (VMA) to District Collector, requesting formation of DLCC as per CRZ Notification 2011	May 12, 2014
Follow-up visits to Collector’s Office and GPCB; met with Additional District Collector and Revenue Department officer	June 2014 (1st & 2nd week) June 30, 2014 July 14, 2014
Letter sent by VMA to District Collector, suggesting names for of community representatives for DLCC	August 2014 (1st week)
Meeting with Hardik Shah (Member Secretary of GPCB) in Ahmedabad, attended by CPR-Namati team	September 11, 2014
RTI applications filed by ELC for composition of DLCC and meeting minutes since its inception	October 2014
ELC quits CPR–Namati Environmental Justice Program	December 2014
RTI applications filed by Bharat Patel with Collector’s Office and GPCB	March 23, 2015
Final response received from GPCB on status of DLCC formation	May 5, 2015
Date of DLCC formation: August 27, 2014	

As a followup of ongoing efforts across the various regions of Gujarat, a few team members from the CPR–Namati Program met with Hardik Shah (also Member Secretary at GPCB) in Gandhinagar. A memorandum detailing CPR–Namati’s initiative to enforce CRZ Notification 2011 through the setting up of DLCCs across various districts in Gujarat was submitted in this meeting.

A few unwarranted delays, such as the unavailability of the District Collector and its being off season for fishing, slowed the process of our follow-up efforts. In October 2014, fresh RTI applications were filed with the Collector’s Office enquiring about the status of the DLCC.

In December 2014, the ELC Manish Thavar left the Program and Bharat Patel (Program Manager, CPR–Namati Environmental Justice Program) took up the case. In March 2015, he filed two RTI applications, one with the Collector’s Office at Gir Somnath and the other with the GPCB at Junagarh, seeking information on the status of the DLCC.

From May 2015 onwards, a new ELC, Vijay Rathod, took up this case. He followed up on the RTI applications with office visits and phone calls and got a reply from the GPCB. It stated that the DLCC had been formed on August 27, 2014 and that representatives from the local community were included in the DLCC on February 12, 2015. Minutes of a meeting held on February 19, 2015 were also provided along with the reply. However, upon inspection of the member list, it was discovered that the members representing the community were owners of various sea-food companies and not from the actual fishing community. In May 2015, an application was filed through the local community with the Collector’s Office asking for the composition of the DLCC to be revised so as to include the appropriate community members. With due efforts from the coastal communities and the ELC, the local community members were eventually included in the committee.

RESULTS AND EXPERIENCE

As a result of our sustained efforts and constant followup with the concerned institutions, the DLCC at Gir Somnath was formed. For the activation of the DLCC, names had to be suggested to the District Collector for local community representation and continuous reminders had to be sent. Only after a host of applications, letters, and follow-up letters, did the institutions get spurred into action and formed the DLCC. Had the authorities known about how to go about setting up the DLCC, it would perhaps have been formed much earlier. However, it was found that the DLCCs did not have the appropriate fishing community representations, which was brought to the notice of the fishing community associations for them to take this issue up with the District Collector.

Case 8: Activation of the Porbandar DLCC

STEPS TAKEN TO ACTIVATE THE DLCC

After the Gujarat Government Order directing the formulation of DLCCs under the chairpersonship of the District Collectors, the CPR–Namati Program’s ELC at Porbandar, Manish Thavar, met with the Porbandar Machimar Association (PMA) in July 2014. He explained to them the clauses of CRZ Notification 2011, especially the one regarding the formation of the DLCC and the provision for coastal community representation in the committee. The association was encouraged to use this avenue to protect their livelihood rights by demanding the setting up of a DLCC and nominating members for community representation.

The next item in the plan was to write a letter to the Collector’s Office and the GPCB to seek information on the status of the DLCC. This was done in July 2014, and the letter was signed by the Director of the Gujarat Fisheries Producer Cooperative, Arvind Panjri. However, no letter was sent to GPCB as opposed to what was earlier decided.

Meanwhile, the Coast Guard issued a notice regarding the requirement of smartcards for fishing around the Gujarat coast. This issue diverted the attention of the fishing community members from the DLCC case and the PMA could not immediately follow up on the DLCC letter with the Collector’s Office.

However, after the District Collectors of Gujarat received a letter from Hardik Shah, Member Secretary at GCZMA and Additional Secretary at the Forests and Environment Department, at the end of August 2014, directing them to set up DLCCs immediately, the CPR–Namati team called a meeting with Shah in Gandhinagar in September 2014. The meeting was attended by Vimal Kalavadiya, Manish Thavar, Manisha Goswami, Bharat Patel, and Kanchi Kohli (all associated with the CPR–Namati Program). A memorandum was submitted in this meeting, and Shah promised to look into the formation of the DLCCs. This memorandum contained details of CPR–Namati’s initiative to enforce CRZ Notification 2011. To enforce CRZ Notification 2011, DLCCs would need to be set up, and the details of the efforts that had been made by the ELCs in this regard were submitted to Shah.

In the final week of September, the ELC Thavar visited the Collector’s Office along with a few members of the community. The District Collector was not aware of the formation of the DLCC, so he advised the ELC and the community members to instead meet the Deputy Conservator of Forests.

CRZ Notification 2011, however, puts the District Collector in charge of the DLCC, and thus he was approached again in the month of November. This time, the District Collector told the ELC that he would be informed once the DLCC was set up.

In December 2014, Thavar left the CPR–Namati Program. This case was then taken up by Vijay Rathod, a new ELC who joined the Program in May 2015. After several rounds of follow-up visits, he finally received a reply from the Collector’s Office. As per this communication, the DLCC in Porbandar had already been formed on

Timeline of DLCC activation in Porbandar	
Step/Action	Month/Date
Letter from Director of Gujarat Fisheries Producer Cooperative, Arvind Panjri, sent to Collector’s Office inquiring about the DLCC composition and minutes of the meetings since its inception	July 25, 2014
Meeting with Hardik Shah (Member Secretary of GPCB) in Ahmedabad, attended by CPR–Namati team.	September 11, 2014
Meeting of District Collector with community members; community members redirected to Deputy Conservator of Forests	September 2014 (final week)
Meeting of District Collector with community members; community members assured information would be provided once DLCC was formed	November 2014
ELC quits the CPR–Namati Environmental Justice Program.	December 2014
Follow-up visits to the Collector’s Office by the new ELC Vijay Rathod	May 2015
A final response was received on the status of DLCC	May 2015
Date of DLCC Formation: April 24, 2014	

April 24, 2014. Since the PMA was occupied with resolving the smartcard issue, they were apprised of the formation of the DLCC and were encouraged to engage with the committee through nominating community representatives to participate in its workings.

RESULTS AND EXPERIENCE

In this case, ELC efforts helped activate the DLCC, which had just been formed on paper, and bring the knowledge of its existence out in public; bringing this knowledge to the intended beneficiaries of the DLCC enables them to use it to protect their rights. Often, communities are not even aware of various provisions in the law, which can be used for safeguarding their interests. This whole experience of involving the PMA lead to awareness generation amongst the actual beneficiaries of this provision under CRZ Notification 2011. A committee that had been set up in 2014 came to life only in 2015 through sustained efforts of our ELCs and with community participation. These efforts also proved helpful in pushing the District Collector to officially acknowledge the existence of the DLCC under his chairpersonship, which furthers his accountability towards the local fishing and coastal communities.

SECURING HOUSING CLEARANCES FOR COASTAL COMMUNITIES UNDER COASTAL REGULATION ZONE (CRZ) NOTIFICATION, 2011 IN NORTH KARNATAKA

A BRIEF BACKGROUND

In 2011, coastal laws underwent a sea change with the Coastal Regulation Zone Notification (CRZ Notification 2011) coming into force. This revision brought substantial changes to the 1991 Notification that preceded it and led to a lot of confusion among the coastal communities. From July 2014 onwards, the CPR–Namati Environmental Justice Program (henceforth, “the CPR–Namati Program” or just “the Program”), has been spreading awareness about CRZ Notification 2011 in Uttar Kannada, a coastal district in Karnataka.

In order to do this, the Program’s enviro-legal coordinators (ELCs) conducted several street plays in Kannada, the local language, wherein hypothetical Coastal Regulation Zone (CRZ) violation issues were explained to the people in a simplified manner. After each street play, discussions would be held to get an understanding of the kind of problems that the people were facing with respect to CRZ Notification 2011. One common problem that the ELCs realised existed was that people were not aware of how to get clearances to either build new houses or reconstruct/repair old houses within the CRZs. CRZ Notification 2011, which was essentially made for the protection of the coast and its endemic communities, was becoming a prime reason for them to be deprived of government housing schemes and basic infrastructure facilities. In view of this, the ELCs started to support the people living in CRZ areas to get clearances for housing purposes as per this law. Since the objective of the Program is to help people know, use, and shape the law, the ELCs decided to take up these individual house clearance cases and work with the community members to resolve them.

CPR–Namati ELCs helped around 40 families to get housing clearances and then decided to develop simple guidelines to do this. The following procedure was developed by the ELCs while they helped community members to secure clearances for the people whose houses were located within the CRZs:

1. The first task is to understand the case properly. This is done by speaking to the community partner¹ seeking assistance in order to get a better understanding of their needs (whether the construction of a new house or the reconstruction of an already existing house, under what scheme they received money to construct/reconstruct their house, and so on).
2. Obtaining information related to the survey number and ownership of the land is next on the agenda. This is important for identifying the exact CRZ subzone² under which the community partner’s land falls. To complete this formality, the ELCs accompany the community partners on visits to the Panchayat and assist with finding out the survey number of their land. Sometimes, the ELCs also refer to the Coastal Zone Management Plan (CZMP) map for this information. Though the ELCs accompany the community partners, they encourage them to collect the documents on their own and only go with them in case of any assistance being required.

For a house clearance in a CRZ, CRZ Notification 2011 specifically mentions a list of documents that a person must possess to obtain housing clearance under the law. The ELCs, based on their experiences in solving these cases, put together two easy-to-understand checklists of documents required to obtain CRZ clearance

¹ A member of the affected community who is actively involved in the case resolution process.

² CRZ Notification 2011 divides coastal areas into subzones based on certain criteria. Each subzone has restrictions and limitations on the activity and infrastructure allowed within it, which differ from subzone to subzone.

for construction and reconstruction of property (see Boxes 1 and 2 at the end of this list). Documents listed in both checklists can be obtained from the following sources:

- For areas falling under CRZ-II³: The municipality office
 - For areas falling under CRZ-III: The Panchayat or Tahsildar's office
3. After the documents are collected, they are submitted to the Regional CRZ Office . The ELCs give the contact numbers of the CRZ officers to the community partners and encourage them to visit the office themselves to submit documents and do the subsequent followup.
 4. Once the Regional CRZ Office is satisfied with the paperwork and all the documents submitted, it carries out a site visit.
 5. After the site visit, the documents are forwarded to the Karnataka Coastal Zone Management Authority (KCZMA) office, Bengaluru, for issuance of the final clearance letter.

Box 1: Document checklist prepared by ELCs

Documents required for construction of a new house

- Annexure-IV (CRZ Notification 2011)
- Form-I (procured from the Regional CRZ Office; mentions the checklist of documents required for clearance)
- Record of Rights, Tenancy, and Crops (RTC) / land ownership records
- Survey map
- Field Measurement Book (FMB) map of the land's survey number
- Permitted construction height as of February 19, 1991
- Letter from a fisheries union or horticulture/agriculture union validating the community partner's traditional occupation
- Blueprint of proposed building
- Blueprint of the area of construction
- Undertaking by the applicant regarding proper waste disposal

Box 2: Document checklist prepared by ELCs

Documents required for reconstruction of an existing house

- Annexure-IV (CRZ Notification 2011)
- Form-II (procured from Regional CRZ Office; mentions the checklist of documents required for clearance)
- Record of Rights, Tenancy, and Crops (RTC) / land ownership records
- Map showing area of construction (three copies)
- Field Measurement Book (FMB) map of the survey number
- Photograph of the old house
- Confirmation letter from the Panchayat office regarding house tax voucher, water bills, or electricity bills dated before 1991
- House tax voucher dated before 1991
- House tax voucher of recent years (2013-14)
- House number
- Undertaking by the applicant regarding proper waste disposal

³ In the cases that we have encountered, construction of houses falls under subzones II and III.

The communities across Uttara Kannada now refer to these simple guidelines put together by the ELCs to obtain CRZ clearance for housing and approach the ELCs for any ad hoc consultation. The initiative has thus been able to empower the communities to get CRZ clearances on their own. In addition to this, the team has also developed a pocket diary on CRZ Notification 2011,⁴ available in English and Kannada, as an easy-reference material for the communities. This pocket diary explains the basic zones and permitted uses of coastal land as per CRZ Notification 2011 and includes the checklists of documents required for housing clearance for construction and reconstruction of houses by fisherfolk (please see Annexure 3).



Maruti Gouda, a CPR–Namati ELC, distributing the CRZ Notification 2011 pocket diary to fishing community members during a community meeting in Uttara Kanada, Karnataka
Photograph: Aubrey Wade

During the process of working on clearances with members of the community, it was observed that each application must go to KCZMA, Bengaluru to obtain CRZ clearance even though the Regional CRZ Offices and District-Level Coastal Committees (DLCCs) were functional in the state of Karnataka. This essentially meant that the communities were pushed to follow up with the state office, which was logistically difficult for these vulnerable communities. Based on this observation, the team made submissions (see Annexure 4) to the KCZMA, Bengaluru on May 20, 2015, recommending decentralisation of authority to the Regional Directors of the Regional CRZ Offices for granting housing permissions. This recommendation was made keeping in mind that regional offices would be more accessible to the community members than the KCZMA office in Bengaluru. This recommendation was approved by the KCZMA within two months and now, the housing clearances are granted by the regional CRZ offices only.

In the following section, we list a few of the initial successful case stories of obtaining CRZ housing clearances that our ELCs worked on with various community partners. These cases are indicative of the types of problems faced by the community partners with respect to obtaining CRZ clearances for their housing grants/requirements.

⁴ CPR–Namati Environmental Justice Program (2014). “The coast belongs to you.” Available from: <https://namati.org/resources/pocket-diary-on-coastal-regulation-zone-crz-notification-english/>

Case 1: Ankush Monje

Case details	
Community partner	Ankush Monje
Description of the problem	The community partner completed the construction of his house but could not get electricity supply because he did not possess CRZ clearance. He had been trying to obtain clearance for the past three years, but his applications were rejected each time due to lack of documents.
Remedy sought	Valid CRZ clearance in order to get a permanent electricity connection
Authorities approached	<ul style="list-style-type: none"> • Panchayat Development Officer • Regional CRZ Office, Karwar • KCZMA, Bengaluru
Remedial action	CRZ clearance was granted by KCZMA, Bengaluru
Case duration	4 months

Process followed for case resolution	
Step/Action	Date
A CRZ awareness street play was conducted in Dubanshashi. In the problem discussion session, the community partner approached the ELC with his problem.	August 19, 2014
The ELC visited the Panchayat office and discussed the problem that the community partner had raised with the Panchayat Development Officer and enquired about the list of documents required.	August 26, 2014
The ELC handed over the document checklist for CRZ clearance to the community partner.	September 6, 2014
The community partner collected all the required documents from the Panchayat office. The ELC and community partner then approached the Panchayat office and submitted the documents with an application for CRZ clearance.	November 11, 2014
The clearance letter from the KCZMA, Bengaluru was received.	January 2, 2015

A. BACKGROUND OF THE CASE

In this case, the community partner is Ankush Monje, a fisherman and resident of Nadumaskeri, Kumta. He completed the construction of his house but could not get electricity supply because he did not possess CRZ clearance. He had been trying to get clearance for the past three years, but his applications were rejected each time citing lack of documents. In response to one application, he received a letter from KCZMA, Bengaluru in English; he could not understand a word of its contents. He asked someone to translate it and was informed that his application had been rejected because he did not possess certain documents and that the list of these was mentioned. In one of the street plays on CRZ awareness conducted by the CPR–Namati Program in Dubanshashi, he approached Vinod Patgar, an ELC with the Program, with his rejection letter.

B. PROCESS IMPLEMENTED TO SECURE CLEARANCE

The following week, after Ankush shared his issue with the team, the ELC visited the Panchayat office and discussed Ankush's problem with the Panchayat Development Officer (PDO). Although the ELC already had the list of required documents, he wished to confirm it with the PDO in order to ensure that yet another application would not be rejected. The PDO, in response, listed all the documents and asked the ELC to collect these documents and apply again.

The ELC provided Ankush with the checklist of documents required for construction (see Box 1) prepared by him and the team of ELCs. He asked Ankush to collect all the documents from the Panchayat office, and after Ankush had done so, they approached the Panchayat office together and submitted the attested photocopies of the documents with an application for CRZ clearance. The PDO was asked to forward the application along with the documents to the Regional CRZ Office, Karwar.

In the next few days, the ELC and Ankush called the PDO to ask about the status of the application and were informed that he had forwarded the application

to the Regional CRZ Office. In this case, no site visit was conducted as the Regional Director, CRZ Karwar had already carried out a site visit in the past when Ankush had earlier sent the application. However, at that time the application had been rejected due to the absence of required documents.

Within two months of submitting the documents, a clearance letter from KCZMA, Bengaluru was received. Ankush was now legally entitled to get an electricity connection from the Panchayat.

C. RESULTS AND EXPERIENCE

The ELC felt that he could have solved this case much sooner but that a lot of time was wasted because this was his first CRZ house clearance case. Since he did not know much about the procedure, he faced difficulty in assisting Ankush. He had not known that once all the documents were received, he could have approached the Regional CRZ Office directly, without involving the Panchayat office.

The ELC says that he has learnt a lot from this case. He is of the opinion that in CRZ house clearance cases, a lot of attention should first be given to figure out the required documents and next to figure out the exact government departments from which to retrieve them. The rest, he says, is just a procedural matter and depends entirely on KCZMA, Bengaluru. He believes that the PDO did not have much knowledge about the process and could have guided him and Ankush more efficiently if he, the PDO, had the required knowledge. These experiences taught the ELC team to formulate a systematic procedure so as to approach CRZ housing clearance cases with much more clarity.



Homes of fisherfolk in Kumta taluka of Uttara Kannada, Karnataka
Photograph: Swapnil Shukla

Case 2: Shanti and Sitaram Naik

Case details	
Community partner/s	Shanti Naik and Sitaram Naik
Description of the problem	To be eligible to get funds under the Matsya Ashraya Scheme, a No-Objection Certificate (NOC) must be obtained from the Regional CRZ Office. The community partner's application was about to be approved, but she was unaware of the procedure to get an NOC from the Regional CRZ Office.
Remedy sought	To get an NOC from the Regional CRZ Office so that the community partner could receive funds under the scheme
Authorities approached	<ul style="list-style-type: none"> • Panchayat Development Officer • Regional CRZ Office, Karwar
Remedial action	Procurement of an NOC, the primary objective in the case, easily achieved
Case duration	2 months

to what the procedure for obtaining an NOC was. One of the Panchayat members knew Vinod Patgar, an ELC with the CPR–Namati Program, due to his frequent visits to the Panchayat office in connection with a few other cases. He knew that the ELC had some idea regarding CRZ Notification 2011. The member therefore approached him and asked whether he would be willing to help Shanti in getting an NOC from the Regional CRZ Office. The ELC agreed to help and asked the member to give his mobile phone number to Shanti so that she could contact him.

Process followed for case resolution	
Step/Action	Date
The community partner visited the ELC at his house. The ELC handed over the list of documents required to get an NOC.	August 28, 2015
The community partner handed all the documents over to the ELC, who then visited the Regional CRZ Office, Karwar to submit them.	September 4, 2015
The community partner and ELC together visited the Panchayat office and picked up the Domicile Acknowledgement Letter and submitted it to the Regional CRZ Office.	September 5, 2015

A. BACKGROUND OF THE CASE

Shanti Sitaram Naik of the village of Hubbanageri in the Kumta block of Uttara Kannada applied for the Matsya Ashraya Scheme, under which financial assistance is given to homeless members of the fishing community to enable them to construct houses for themselves. Applications are reviewed by the Panchayat Development Officer (PDO) and the Panchayat members before the applicant is given the funds to build their house. If the house falls within a CRZ, a No-Objection Certificate (NOC) has to be obtained from the Regional CRZ Office within three months of the application to the scheme being approved, failing which the application gets cancelled.

Shanti's application was about to be approved, but she had no idea of how to go about getting an NOC from the Regional CRZ Office. As a result, she approached a member of the Panchayat to enquire about how the NOC could be acquired. However, the Panchayat member was also not entirely certain as

B. PROCESS IMPLEMENTED TO SECURE CLEARANCE

Sitaram Naik, Shanti Naik's husband, visited the ELC at his house in Kagal village after fixing a suitable time over phone. They went through the checklist of documents required for construction (see Box 1) prepared by the team of ELCs. Sitaram had the Record of Rights, Tenancy, and Crops (RTC) and the Field Measurement Book (FMB) map. The ELC asked him to procure the remaining documents from the Panchayat office.

After having procured all the documents, Sitaram handed them to the ELC, who then visited the Regional CRZ Office in Karwar. He submitted copies of the RTC, FMB map, blueprints of the house, Annexure-IV (CRZ Notification 2011), Form-I, and the *Tajya Visarjana Baddatta Patra* (a document acknowledging that the applicant for building the

An officer from the Regional CRZ Office came down to carry out a site inspection and take GPS readings of the site	September 12, 2015
The ELC visited the Regional CRZ Office and followed up on the application.	September 16, 2015; October 7, 2015; October 17, 2015
The community partner received the NOC by post and submitted it to the Panchayat office.	November 3, 2015

house will comply with solid waste management guidelines). The CRZ officer whom the ELC met at the Karwar office said that a Domicile Acknowledgement Letter from the Panchayat would also be required. This acknowledgement letter would need to state that any person seeking clearance is a bona fide resident of Hubbanageri and had been living there. Sitaram did not want to attempt procuring this document alone as he was apprehensive about the procedure. Therefore, the ELC accompanied him to the Panchayat office and they obtained the acknowledgement letter together.

An officer from the Regional CRZ Office came down to carry out a site inspection and take Global Positioning System (GPS) readings of the site. The previously obtained acknowledgement letter was handed to this officer. Thereafter, the ELC visited the Regional CRZ Office on several occasions in connection with other cases that he was dealing with. He kept following up about the status of the NOC for the Naiks' case. Finally, within two months, the NOC was sent by post to the Naiks' address and the ELC asked them to submit the same to the Panchayat office.

C. RESULTS AND EXPERIENCE

The case was successful, and obtaining the NOC—the primary objective in the case—was easily achieved. The ELC felt that this case was slightly easier than other cases that were similar in nature. This was because the Naiks had most of the documents in place. Moreover, the documents were in Sitaram's name, not in the name of his father or forefathers. In cases where the community partners do not have proper documents and where the name on the land deed is of the head of a joint family (like the father of the husband or of his forefathers), it is more difficult to get clearance. However, with the ELC's support, the Naiks could get most of their documents in time (the applicant has only 3 months to get the NOC). Sitaram also felt motivated to visit these institutions to get the documents, which he might not have done alone due to the lack of trust between the community and government departments. He requested the ELC's support in his visits, which made him more confident in engaging with government institutions in the future.

Case 3: Somnath Naik

Case details	
Community partner	Somnath Naik
Description of the problem	The community partner was shortlisted for the Gram Panchayat Housing Scheme. However, he had not been given the funds as he did not have the required CRZ clearance. He needed the funds to reconstruct the house, and for that, a CRZ clearance was necessary.
Remedy sought	To get the CRZ clearance so that the community partner could receive funds under the scheme.
Authorities approached	<ul style="list-style-type: none"> • Panchayat office, Kagal • Tahsildar's office • Regional CRZ Office, Karwar • KCZMA, Bengaluru
Remedial action	CRZ clearance received by the applicant
Case duration	7 months

Process followed for case resolution	
Step/Action	Date
The community partner approached the ELC and explained the problem.	August 5, 2015
The ELC visited the Panchayat office in Kagal. A letter asking for the relevant documents required for the clearance was submitted.	August 6, 2015
The community partner visited the Tahsildar's office and got the Field Measurement Book (FMB) map. The remaining documents were also retrieved from the Panchayat office.	August 14, 2015
The ELC arranged all the documents and submitted them to the Regional CRZ Office, Karwar.	August 20, 2015
A site visit was conducted by the assistant of the Regional Director, Regional CRZ Office, Karwar.	September 12, 2015
The ELC paid the challan fee in the name of the Regional CRZ Office, Karwar at the State Bank of India, Kumta branch.	October 8, 2015
The community partner received CRZ clearance	November 3, 2015

A. BACKGROUND OF THE CASE

Somnath Naik, a bivalve collector living in Aghanashini village, had a mud house near the Aghanashini River. He wanted a CRZ clearance to reconstruct his house. He was shortlisted for the Gram Panchayat Housing Scheme given by the state government. However, he had not been given the funds as he did not have the required CRZ clearance. He needed the funds to reconstruct the house, and for that, a CRZ clearance was necessary. He was not educated and wanted assistance from the ELC to help him get clearance.

Somnath approached Maruti Gouda, an ELC with the CPR–Namati Program, and explained his problem, seeking his support. Somnath shared that he wanted to build a house and had also received the state grant for the same but did not have the requisite documents to complete the process.

B. PROCESS IMPLEMENTED TO SECURE CLEARANCE

Somnath had only two documents, namely the Record of Rights, Tenancy, and Crops and the Annexure-IV (CRZ Notification 2011) form. The ELC showed him the checklist of documents required for reconstruction (see Box 2) prepared by him and the team of ELCs.

The ELC visited the Panchayat office in Kagal. He submitted a letter asking for the relevant documents required for the clearance to ensure the checklist prepared by his team was exhaustive. In the meanwhile, Somnath visited the Tahsildar's office and got the Field Measurement Book map and also collected all the remaining documents from the Panchayat office.

The ELC and Somnath arranged these documents along with their attested photocopies and visited the Regional CRZ Office, Karwar to submit the application for clearance with the required documents. Within a few weeks, a site visit was conducted by the assistant of the Regional Director, Regional CRZ Office, Karwar. The ELC paid the challan fee in the name of the Regional CRZ Office, Karwar at the State Bank of India, Kumta branch.

After a few days, he followed up on the application by calling the Regional CRZ Office. An officer told him that the application had been forwarded to KCZMA, Bengaluru.

Since no further response was received, either from the Regional CRZ Office or from KCZMA, Bengaluru, the ELC visited the Regional CRZ Office and asked about the status of the application. The officer he had previously spoken to then issued an acknowledgement letter, stating that the concerned application had been forwarded to KCZMA, Bengaluru. Finally, in November 2015, Somnath received CRZ clearance from the authorities and was able to reconstruct his house.

C. RESULTS AND EXPERIENCE

For the ELC, the experience was not that pleasant. He felt that the process of getting the clearance should not have been so complex. The involvement of different authorities makes it tough for an unlettered man to understand the procedural requirements. According to the ELC, CRZ Notification 2011 explains the requirements in a very complex nature and a common person cannot decipher the legal requirements with ease. He also thinks that the authority to grant clearances under CRZ law must be delegated to district-level authorities as it's easier to approach district offices than state offices. Based on this experience, the CPR–Namati team in Uttara Kannada made a submission to KCZMA, Bengaluru requesting the delegation of authority to regional or district-level CRZ bodies to grant housing clearances.



Somnath Naik standing in front of his newly constructed house—he earlier had a mud house
Photograph: Maruti Gouda

Case 4: Honnappa Ambiga

Case details	
Community partner	Honnappa Ambiga
Description of the problem	In order to be eligible to be granted funds under the Matsya Ashraya Scheme, the applicant must possess CRZ clearance if the land falls in a CRZ zone. The community partner had applied for the scheme and needed to get clearance before receiving funds.
Remedy sought	To get CRZ clearance so that the community partner could get the funds under the scheme.
Authorities approached	<ul style="list-style-type: none"> • Panchayat office, Kagal • Tahsildar's office • Regional CRZ Office, Karwar • KCZMA, Bengaluru
Remedial action	CRZ clearance received by the applicant
Case duration	9 months

Process followed for case resolution	
Step/Action	Date
The case was officially registered.	May 1, 2015
The ELC and community partner went to the Panchayat office in Kagal and collected a recent house tax voucher, the blueprint of the planned house, and the solid waste management acknowledgement.	May 2, 2015
The ELC went to the Panchayat office in Kagal to pick up the blueprints of the existing house.	May 18, 2015
The community partner and ELC visited the Tahsildar's office in Kumta to collect the Field Measurement Book (FMB) map, survey number of the plot, and the Record of Rights, Tenancy, and Crops (RTC).	June 20, 2015
The community partner retrieved all the required documents for the clearance.	August 20, 2015
The ELC and community partner went to the Regional CRZ Office, Karwar and submitted all the documents.	August 28, 2015

A. BACKGROUND OF THE CASE

Honnappa Ambiga is a fisherman in Aghanashini, a village near a river of the same name. He owned a very small old house, which he wanted to reconstruct. For this purpose, he applied for the Matsya Ashraya Scheme. Under this scheme, fisherfolk are given financial assistance for reconstruction of their houses. Upon applying for the scheme, Honnappa was informed by the Panchayat Development Officer (PDO) that because his house fell in the CRZ area, he would be required to take permission from the Regional CRZ Office if he wanted to reconstruct his house. Maruti Gouda, an ELC with the CPR–Namati Program and an active social worker was well known in his village, and so Honnappa approached him, asking for his support in getting CRZ clearance.

B. PROCESS IMPLEMENTED TO SECURE CLEARANCE

When Honnappa approached the ELC with his problem, the ELC instantly agreed to support him. Using the checklist of documents required for reconstruction (see Box 2) prepared by the team of ELCs, the ELC and Honnappa went through the documents already in possession of Honnappa. As Honnappa did not have all the requisite documents for clearance, the ELC suggested that he acquire them in order to initiate the process of obtaining clearance. Honnappa and the ELC went to the Panchayat office in Kagal and collected a recent house tax voucher, the blueprint of the planned house, and the *Tajya Visarjana Baddatta Patra* (solid waste management acknowledgement, whereby the house owner agrees to dispose of solid waste in the area as per existing guidelines).

The ELC went alone to the Panchayat office in Kagal to pick up the blueprints of the existing house. Honnappa did not accompany him as he had to tend to his livelihood. Both the ELC and Honnappa then visited the Tahsildar's office in Kumta to collect the Field Measurement Book map, survey

A site visit was conducted as per the required procedure. GPS readings were collected.	September 12, 2015
An enquiry about the status of the application was made by the ELC.	December 3, 2015
CRZ clearance was received.	February 13, 2016

number of the plot, and the Record of Rights, Tenancy, and Crops. Within two months, all the documents as per the checklist had been collected. As the ELC was aware that photocopies of the documents would be required, he asked Honnappa to photocopy them and get them attested by a Grade I officer.

With all the documents in place, the ELC and Honnappa went to the Regional CRZ Office in Karwar and submitted the collected documents. A site visit was conducted as per the required procedure; the ELC escorted a CRZ officer to Honnappa's house for him to collect Global Positioning System (GPS) readings. An application fee of Rs. 100 was submitted in the State Bank of India, and a copy of the receipt was sent to the Regional CRZ Office.

Not having heard anything from the Regional CRZ Office for almost two months, the ELC went to enquire about the status of the application. He was told that the application had been forwarded by the regional office to the KCZMA head office in Bengaluru on November 3, 2015. The ELC collected an acknowledgement letter to this effect. He was further informed that the KCZMA was to have a meeting on December 15, 2015, during which the application would be discussed. In February 2016, Honnappa received his CRZ clearance from the authorities, using which he received the grant under the Matsya Ashraya Scheme.

C. RESULTS AND EXPERIENCE

Honnappa received CRZ clearance from the concerned authorities; however, the ELC felt that the whole process of getting clearance is a very long and tedious one. It requires the involvement of Panchayat officials without whom the documents required are difficult to procure. It also requires the involvement of the CRZ authorities, both at the regional and at the state level. The ELC felt that if the matter of giving out CRZ clearances for the construction and reconstruction of houses could be dealt with at the taluka or the district level, it would be much easier to get quicker results in such cases. However, the whole experience helped Honnappa obtain all the required documents for his housing clearance within two months, whereas, earlier, he did not even know the names of the documents that were required for the clearance process. He also got to know about official protocols such as carrying photocopies of documents, not submitting original papers, and the attestation of documents for official purposes through this process. Such ancillary knowledge builds the capacity of community members.



Laxmi, wife of Honappa Ambiga, standing in front of their reconstructed house
Photographer: Vinod Patgar

Case 5: Parvathi Ambiga

Case details	
Community partner	Parvathi Ambiga
Description of the problem	The community partner was being denied an electricity connection and was not given a house number by the Panchayat because she did not possess the CRZ clearance. Further, the documents she possessed were in her father's name, and that made the procedure even more complicated.
Remedy sought	To get valid CRZ clearance so that Parvathi could get the electricity connection and house number.
Authorities approached	<ul style="list-style-type: none"> • Panchayat Development Officer • Regional CRZ Office, Karwar • KCZMA, Bengaluru
Remedial action	CRZ clearance received by the applicant
Case duration	8 months

Process followed for case resolution	
Step/Action	Date
The case was taken up by the ELC.	May 20, 2015
The ELC visited Kalmatte and handed over the document checklist for house constructions to the community partner.	June 2, 2015
The ELC called the community partner and enquired about the status of documents.	June 15, 2015
The ELC went to the Panchayat office to retrieve other documents. All the documents were in the name of the community partner's father; the Panchayat Development Officer asked the community partner to get a Vamshi Vadi Certificate (Family Tree Certificate; proving that she holds a right to the property) before the documents could be handed over.	August 20, 2015
The ELC submitted this certificate at the Panchayat office and retrieved the remaining documents.	September 2, 2015.

A. BACKGROUND OF THE CASE

Parvathi Ambiga, a resident of Kalmatte, Kumta, is a fish seller by occupation. Under the Matsya Ashraya Scheme, the Government of Karnataka grants funds to members of the fishing community who cannot afford to build their houses. In 2002, Parvathi was one of the women who were chosen to get the grant. She took a loan from a moneylender and completed construction of the house. After construction, she was denied an electricity connection and was not given a house number by the Panchayat because she did not have CRZ clearance. Parvathi did not know the department from where she could get clearance. The case was taken up by Roopa Naik, an ELC with the CPR–Namati Program after Kusuma Ambiga (one of the community partners the ELC was working with in another house clearance case) referred Parvathi to her. Kusuma had given the contact details of the ELC to Parvathi. In the month of May 2015, Parvathi's father called the ELC and asked for her assistance in getting a CRZ house clearance.

B. PROCESS IMPLEMENTED TO SECURE CLEARANCE

The case was taken up by the ELC. She visited Kalmatte and handed over the checklist of documents required for construction (see Box 1) prepared by the CPR–Namati team. The ELC asked Parvathi to collect the documents mentioned in the checklist from the Panchayat office.

In a couple of days, the ELC called Parvathi to enquire as to whether she had collected the documents from the Panchayat office. Parvathi informed her that she had obtained the Record of Rights, Tenancy, and Crops and Field Measurement Book map, but that other documents were still to be retrieved.

As Parvathi was unlettered, the ELC tried to give her the required support and accompanied her to the Panchayat office to retrieve the remaining documents. The Panchayat Development Officer (PDO) told the ELC that most of the documents being sought were in the name of Parvathi's father and that he was not sure whether Parvathi would get clearance based on these documents. The documents were of no

The ELC filled the Annexure-IV (CRZ Notification 2011) form for the community partner and collected from her all the documents that were to be filed in the Regional CRZ office.	September 14, 2015
The documents along with the application for clearance were submitted in the Regional CRZ Office, Karwar by the ELC.	September 16, 2015
The CRZ officials conducted a site visit.	Final week of November
The challan fee in the name of the Regional CRZ Office, Karwar was submitted at the Karwar branch of the State Bank of India.	December 11, 2015
The community partner received CRZ clearance.	January 28, 2016

relevance because the grants under the Matsya Ashraya Scheme are given only to applicants who want to build a house. Therefore, it was important that the relevant documents be in Parvathi's name.

While the document related to the proposed height of the construction was given, the remaining documents were not issued by the PDO. In June 2015, the ELC called Parvathi and asked her whether she had retrieved the remaining documents from the Panchayat office, but Parvathi had still not visited the Panchayat office. In the following months, the ELC was caught up with a few other cases and Parvathi too also could not follow up with the Panchayat office.

Finally, after two months, the ELC visited the Panchayat office and discussed the problem with the PDO. The PDO again told her that all the documents were in Parvathi's father name and this would not

help her case. They further discussed the case and reached the conclusion that if Parvathi could show the Vamshi Vadi certificate (Family Tree certificate) that certified her as her father's daughter, she could use her father's documents to get the clearance. Parvathi already possessed this certificate, which she then submitted at the Panchayat office and retrieved the remaining documents.

The ELC filled the Annexure-IV (CRZ Notification 2011) form in Parvathi's house and collected all the documents from her. Two days later, attested photocopies of the documents along with the application for clearance were submitted in the Regional CRZ Office, Karwar by the ELC. They were accepted, and a site visit was conducted.

The documents were forwarded to KCZMA, Bengaluru for final approval. The challan fee in the name of the Regional CRZ Office, Karwar was submitted in the Karwar branch of the State Bank of India.

In the month of January 2016, Parvathi received the CRZ clearance via post. She used the CRZ clearance to get an electricity connection and a proper house number from the Panchayat.

C. RESULTS AND EXPERIENCE

The ELC feels that she had very little experience, as far as CRZ house clearance cases were concerned, when she took up the case. However, she did not face much difficulty given that the government officials were cooperative. She thinks that this case was peculiar in a way because all the required documents were in Parvathi's father name. She had to look for an alternate solution to get the documents and had found the PDO to be responsive and helpful in solving the issue. Parvathi, who found it easy to get intimidated with the documentation work, was very happy with the ELC's constant support. She gained the confidence to fight for her rights with the help of the ELC and has finally received the clearance to get an electricity connection and a house number from the Panchayat.

LEGAL EMPOWERMENT IN PRACTICE: TWO CASE STORIES

A BRIEF BACKGROUND

Across the globe, the “development experience” of communities and citizens varies depending on their socioeconomic and political backgrounds. As a result of advancing developmental projects, a few communities are invariably made to pay a disproportionate share of the environmental costs in the form of exposure to toxic waste, loss of livelihood, and restrictions on mobility or access to common resources. These environmental costs are often the outcome of active noncompliance and violation of environmental regulations in the execution of the projects. The genesis of this issue of active noncompliance, could be located at poor enforcement of environmental laws by the relevant government institutions, which is further compounded by the gap in public knowledge on these laws.

At the CPR–Namati Environmental Justice Program, a network of community-based enviro-legal coordinators (ELCs) works with these affected communities using an evidence-based legal approach. As a part of this approach, the ELCs combine their understanding of the law, negotiation and mediation skills, and of local contexts to assist affected communities in the use of the law to resolve environmental conflicts. They help the communities to understand relevant laws and environmental regulations and support them in engaging with institutions using these laws for better enforcement of regulatory compliance on the ground. This approach also develops a collaborative space for institutions and citizens to craft practical and sustainable remedies for the impacts that communities experience. The purpose of this three-pronged approach of knowing the law, using the law, and shaping the law is to create legally empowered communities geared towards advancing environmental justice.

We present here stories from our field sites in Gujarat that illustrate the process and outcomes of legal empowerment in this work. These are cases taken up jointly by the ELCs and the affected community members to address environmental challenges arising out of regulatory noncompliance in their neighbourhoods. Each story takes you through the journey of the community members’ efforts at restoring environmental justice and demonstrates how placing the law within the reach of ordinary citizens empowers them to safeguard their right to live lives of dignity and safety.

Clearing the Dust

How a coastal community combated the problem of coal-dust pollution

Nestled on the shores of the Arabian Sea is a small village named Mul Dwarka in the district of Gir Somnath in Gujarat. This village is majorly populated by fisherfolk who have been traditionally engaged in fishing for many generations. Permeated with the odour of fish, Mul Dwarka is a bustling village in which men and women can be seen handling catch and fish nets or readying their catch for sale at all times of the day. However, one cannot overlook the huge captive jetty¹ of a prominent cement company standing right next to it. This edifice, barely a few metres from the village, is a storage facility for coal, which is brought via the captive Mul Dwarka port in cargo ships. Until a year ago, these coal stacks were often visible from a distance and stood at around 20–25 metres.

This facility has been a constant cause of concern for the villagers since its inception in 1985. In past 10–15 years, the villagers have witnessed continuous sand erosion and decline in fish catch around their shores. They suspect that these issues have been triggered by the establishment of the captive port on the shore.

Apart from these issues, one of the major ill effects of this facility has been from the coal dust emanating from the uncovered stacks of coal in the facility. According to the villagers, it has been a major source of air pollution in the area for years. The community has seen their houses and belongings getting covered in coal dust and their morning fish catch turning black by evening when kept out for drying. This issue has been rampant for the past few years, but the community had been unable to get it resolved until Vijay Rathod, an enviro-legal coordinator (ELC) with the CPR–Namati Environmental Justice Program, visited the village in 2016.

Recognising the legal aspect of the problem

Vijay visited the village as part of his routine recce to meet with communities reeling under the environmental impacts of development projects. It was during these visits that he observed that the company was violating the Coal Handling Guidelines (CHG)² issued by the Gujarat Pollution Control Board (GPCB) in 2010 under the Air (Prevention and Control of Pollution) Act, 1981³ (henceforth “Air Act, 1981”). He saw that, while the facility was loading and unloading coal, it had made no provision of green belt or water sprinkling systems to contain



Coal stacks visible well above the boundary wall that is shorter than 9 metres, the height prescribed by the Coal Handling Guidelines
Photograph: Vijay Rathod

¹ A port-based industrial company creates port facilities to import their industrial raw materials and export their finished products. The use of these jetties is allowed until the industry for which the jetty was constructed by the respective companies continues to operate.

² Gujarat Pollution Control Board (n.d.). “Guide lines for coal handling units.” Available from: <https://gpcb.gov.in/pdf/coal-handling-guidelines.pdf>

³ Parliament of India (1981). “The Air (Prevention and Control of Pollution) Act, 1981” New Delhi: Government of India; Act No. 14 of 1981. Available from: <http://www.envfor.nic.in/legis/air/air1.html>

the suspension of coal dust in the air. While the guidelines prescribed a nine-metre-high boundary wall for the facility, the boundary wall that had been built around the facility was much shorter, and the uncovered coal stacks were much taller than the wall.

Vijay approached the local community leaders (Patels) to discuss the violation and how it contributed to the coal dust problem. Initially, the leaders were not very keen on acting as they had already approached local politicians, the district collectorate, and the company officials about this but had made no headway. However, Vijay constantly met with the villagers and convinced the leaders that their problem had a legal solution. Mukeshbhai, one of the affected community members, says, “It was Vijaybhai [the CPR–Namati ELC] who told us that going to the local politicians wouldn’t solve our problem and that we needed to go to the GPCB. They are the relevant authority responsible for looking into such matters.”

Understanding and using the law

Once the community members were convinced about seeking remedies using legal provisions, Vijay introduced them to the evidence-based legal approach followed at the CPR–Namati Environmental Justice Program. As a first step to legally empower this community, Vijay held a series of community meetings in which he discussed the CHG with the community members. Since some of the community members were unlettered, he described each and every clause with its actual implication on the reduction of coal dust in the local language. These meetings helped the community members understand the guidelines and identify the legal violation committed by the company on their own. After these meetings, the community could list down the specific violations committed by the company in their noncompliance with the CHG. This exhaustive process helped the community to understand the law that would uphold their rights and interests.

After this, Vijay guided the community members on how to collect evidence to prove these violations. Kishore Koli, Praveen Kharwa, and Mukesh Kharwa from the community started collecting video and photographic evidence of violations committed by the company. Once the evidence was collected, Kishore, the newly elected village council leader, wrote a complaint letter to the GPCB with Vijay’s help. This letter cited all the violations by the company as per the CHG along with supporting evidence. In the following months, this issue was systematically followed up with the GPCB. A few active community members took the lead in creating pressure on the regional GPCB office in Junagadh through a constant flurry of complaint letters and applications filed under the Right to Information (RTI) Act, 2005, pushing the board to officially acknowledge the problem and take steps to resolve it. Community members even wrote a complaint letter to the Member Secretary of the GPCB at the head office in Gandhinagar to ensure all the levels of the regulatory body were apprised about the problem. Laljibhai Kharwa, a community partner, says, “Before Vijay came, we did not even know about laws like RTI, which can be used to get information and push authorities.”

During this process, these community members read, for the first time, official legal documents such as the Consent to Operate⁴, Environmental Clearance letters⁵, and reports of past site visits conducted by the GPCB. These documents reiterated the provisions of the CHG, and not only did reading them augment the knowledge of the community members about the legal provisions available to them, but the mention of these documents in their complaint letters also bolstered their case further.

⁴ As per the Water (Prevention and Control of Pollution) Act, 1974 [Parliament of India (1974). “The Water (Prevention and Control of Pollution) Act 1974.” New Delhi: Government of India; Act No. 6 of 1974. Available from: <http://www.envfor.nic.in/legis/water/wat1.html>] and the Air Act, 1981, it is mandatory to obtain Consent to Operate (CTO) from the respective State Pollution Control Board prior to commencement of production activities. CTOs are given for a specific period of time depending on the type of industry—any industry, operation, or process—based on the likelihood of its discharging sewage or effluents into a water body or polluting air.

⁵ For certain projects or activities—as listed in the Environment Impact Assessment Notification, 2006 [Ministry of Environment and Forests (2006). Notification (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), dated September 14). New Delhi: Government of India; S.O. 1533. Available from: <http://envfor.nic.in/legis/eia/so1533.pdf>—it is mandatory to obtain prior Environmental Clearance (EC). The EC usually contains a set of conditions that must be met to try to ameliorate/minimise the impact of the operation on the environment and the affected communities to the maximum possible extent.

A shift in balance

Finally, six months after the first complaint was made, the results of the sustained efforts of the community started to manifest. The GPCB issued show cause notices⁶ and a direction of action for the company to comply with the CHG with immediate effect.

Soon enough, the community celebrated their victory by sharing with Vijay pictures of covered coal stacks, green plantations, water-sprinkling systems, and a boundary wall of increased height. The community members were overjoyed and felt empowered at having achieved a remedy to this long-standing issue through the legal approach. Community members also observed that the problem of coal dusting had visibly reduced and now only occurred with strong winds.



A community member standing near the extended boundary walls—now 9 metres high—around the facility's coal storage area
Photograph: Vijay Rathod

However, the problem recently resurfaced with uncovered coal stacks rising above the boundary walls. This time, the community members did not call Vijay but decided to directly question the company. Kishorebhai and a couple of other community members downloaded a copy of the CHG on their mobile phones and went to meet the company officials. Equipped with legal knowledge of the guidelines, the community members pointed out to the company the particular clauses it was violating. This was enough for the company officials to ensure that the facility abided by the CHG in the presence of this legally empowered community.

⁶ A show cause notice is issued as a step to give an alleged violator an opportunity to explain their actions or failure to follow certain legal stipulations. It usually comes with a clear timeline within which the recipient has to respond.



Improved green cover around the boundary walls of the facility, in compliance with the Coal Handling Guidelines
Photograph: Vijay Rathod

This incident not only depicts community's faith in the law but also underscores the change in power equations between the company and the community. Mukeshbhai says, "Now the company officials listen to us and give us due respect. Earlier, they wouldn't even let us enter the company premises."

It is not just a story of a violating company complying with environmental regulations. It chronicles the legal empowerment of a disenfranchised community that fought for their rights to advance justice and won. The process of legal empowerment may have been slow but yielded sustainable results for this community. Laljibhai, a 65-year-old community leader, is an unlettered man, but when it comes to the CHG, he can easily list the conditions set down in the guidelines. He says, "Law doesn't distinguish between educated and uneducated. We need to understand these to use and shape them to protect our rights." He further adds that community meetings in which people are educated about the law in local languages must be regularly held so that members can be legally empowered to find solution to the problems.

With a renewed vigour and stronger conviction in the power of the law, this legally empowered community has now decided to address a few other long-standing community problems in their village with this approach. They not only feel strongly about securing legal compliance through this process but are also advocating for better laws to protect their rights and address the environmental challenges they are dealing with.

Against the tide

A fisherman's fight to save Vapi

Vapi, a city in Gujarat, is located at the southern end of a 400-kilometre-long stretch of the industrial hub known as the “Golden Corridor.” It houses the Vapi Industrial Estate, one of the largest industrial estates of the Gujarat Industrial Development Corporation (GIDC). The GIDC established the Vapi Industrial Estate in 1967-68 over 1,163 hectares of land.¹ Housing more than 3000² units, this industrial estate is the largest cluster of chemical industries across Asia. As can be expected, this has rendered Vapi one of the most polluted cities in the world. Active noncompliance with environmental regulations on waste disposal by these chemical industries has become one of the major causes of pollution in the area and led to Vapi being officially declared a Critically Polluted Area³ in 1989 and 2010 by the Central Pollution Control Board (CPCB), a regulatory body in India.⁴

This unwanted contamination of air, water, and land has not only adversely affected the living conditions of the residents but has also disrupted the livelihood of the fisherfolk. Being home to two rivers—the Kolak and the Daman Ganga—Vapi and its adjoining areas enjoy a distinct geographical advantage. These rivers flow through Vapi to join the sea and have been a source of livelihood for more than 5000 fisherfolk residing on their banks.⁵ Once a popular fishing ground for *pagariya* fishing,⁶ the number of traditional fisherfolk in the area has been steadily waning over the course of time as per the villagers. Due to the active and illegal dumping of toxic waste in the Daman Ganga and the Kolak, these rivers have also lost much of their ability to support biological life, leading to a dwindling of fish catch.⁷

While regulatory bodies such as the Gujarat Pollution Control Board (GPCB) and the Ministry of Environment, Forest and Climate Change have taken cognizance of the problem of pollution in Vapi, very little has been done to safeguard the livelihood interests of the fisherfolk affected by it. In 2010, the Vapi Action Plan⁸ was constituted to chalk out actionable points for the mitigation of pollution and its impact on the communities in this critically polluted area, but much of its suggested action exists largely only on paper.

Grappling with the problem of pollution for over a decade now is Ramesh Tandel, a 58-year-old fisherman, who used to fish in the estuaries of the Kolak since he was a teenager and resides on the riverbank, 10 kilometres away from Vapi Industrial Estate. He says, “Earlier, the fishes were in abundance here [in the Kolak estuary]

¹ Gujarat Industrial Development Corporation (n.d.). “Districtwise area statement of estates.” Available from: <http://gidc.gujarat.gov.in/pdf/Estate/estate-details-districtwise.pdf>

² Thomas, M. (2015). “GPCB orders closure of 42 units in Vapi for 2 months.” *The Times of India*; Apr 2. Available from: <https://timesofindia.indiatimes.com/city/surat/GPCB-orders-closure-of-42-units-in-Vapi-for-2-months/articleshow/46778667.cms>

³ The CPCB developed the Comprehensive Environmental Pollution Index (CEPI) to perform environmental assessments of industrial clusters. A cluster with a CEPI score greater than 70 (on a scale of 0 to 100) is considered Critically Polluted. [Central Pollution Control Board (2017). “Comprehensive Environmental Pollution Index (CEPI) Monitoring for Polluted Industrial Areas (PIAs).” Available from: <http://cpcb.nic.in/comprehensive-environmental-pollution-index-cepi/>]

⁴ Dinesh, K. and Patel, B. (2017). “Why Does Vapi in Gujarat Continue to Be Critically Polluted?” *The Wire*; Jan 5. Available from: <https://thewire.in/94114/vapi-polluted-gpcb-cepi/>

⁵ Department of Planning and Statistics (2013). *Statistical Diary (2012-13) – Union Territory of Daman and Diu*. Daman: U.T. Administration of Daman and Diu. Available from: http://www.daman.nic.in/websites/planning_daman/documents/2014/statistical-diary-2012-13WEbside.pdf

⁶ *Pagariya* fishing is conducted on foot. During low tide, fishermen walk into the sea, usually a little ahead of the waves where the water level is low. They fasten their nets to sticks planted in the mud. As the sea comes back in during high tide, the water covers their nets and brings in the fish from the Arabian Sea into the algae-rich intertidal zone where they come to feed. When the water recedes during the next low tide, the fish get caught in these nets on their way out. The fishermen walk to their nets and collect these fish.

⁷ Joseph, B. (2009). *Environmental Studies* (2nd edition). New Delhi: Tata McGraw-Hill. p. 197. Available from: <https://books.google.co.in/books?id=R1P4pBEV544C&printsec=frontcover#v=onepage&q=vapi&f=false>

⁸ Gujarat Pollution Control Board (n.d.). “Draft action plan for Vapi.” Available from: https://www.gpcb.gov.in/pdf/ACTION_PLAN_VAP_2010.PDF



The polluted river Daman Ganga in Vapi, Gujarat
Photograph: Bharat Patel

and everyone used to get a good catch, but now the catches have become smaller. We are further affected because customers avoid buying our fish fearing contamination from polluted waters. Almost 90% of people in my village who traditionally caught fish have been forced out of this livelihood. Most of these people now work as casual labourers in Vapi Industrial Estate.”

He and other fisherfolk adversely affected by the increasing contamination in the rivers have taken several routes to get heard by the government but to no avail. Ramesh says, “We wrote numerous applications to various officers at the district and regional levels about the rising pollution levels in the Kolak’s estuaries, but none of them responded to our concerns. We even met many of these officials in person, but we were only given false and hollow assurances.” However, Rameshbhai, as he is fondly called, has not yet given up on his cause of saving the rivers and safeguarding the rights of his community members.

In 2013, Manisha Goswami, an enviro-legal coordinator (ELC) with the CPR–Namati Environmental Justice Program in Vapi, who knew Ramesh from before, formally took up his case as a part of the CPR–Namati Program. She introduced Ramesh to the Program’s evidence-based legal approach to find remedies to his community’s problem. Ramesh, who earlier only resorted to writing letters to officials, now started looking at the problem from the legal lens of noncompliance with regulations by these industries and the impact of their actions.

From knowing the law to using the law

To begin with, Ramesh adopted a systematic way of approaching the government bodies to nudge them into action. With Manisha’s help, Ramesh and other community members read the regulations or conditions governing these industrial estates. Manisha held detailed discussions with the community members to ensure that they have a clear understanding of these legal clauses. Ramesh shares that reading and understanding Consent



The tidal flats of the Kolak river, where community members practice *pagariya* fishing
Photograph: Aubrey Wade

to Operate⁹ and Environment Clearance¹⁰ letters helped him to find the legal hooks with which to tackle his problem and gave him firm grounds on which to invoke the accountability of government officials. He and a few community members collected photographic evidence of pollution in the Kolak to support their claims. This evidence-based approach has also increased his awareness about the issue. He says, “While collecting evidence, I developed a deeper understanding of the problem.” Earlier, he knew the problem existed, but this process has enabled him to delve deeper into its genesis and understand the factors contributing to it.

After understanding the legal aspect of the problem, Ramesh proactively started writing complaint letters to the regional pollution control board citing clearly the instances of violation or noncompliance by industrial units. This change in approach transformed his complaint letters from accounts of problems faced by villagers to exhaustive documentations of legal violations by the industries with supporting evidence. When these letters were not responded to, Ramesh used applications under the Right to Information Act,

⁹ As per the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, it is mandatory to obtain a Consent to Operate (CTO) letter from the respective State Pollution Control Board prior to commencement of production activities. Under the Water Act, CTOs are given for a specific period of time depending on the type of industry—any industry, operation, or process—based on the likelihood of its discharging sewage or effluents into a water body. The Air Act has similar provisions under different conditions.

[Parliament of India (1974). “The Water (Prevention and Control of Pollution) Act 1974.” New Delhi: Government of India; Act No. 6 of 1974. Available from: <http://www.envfor.nic.in/legis/water/wat1.html>

Parliament of India (1981). “The Air (Prevention and Control of Pollution) Act, 1981” New Delhi: Government of India; Act No. 14 of 1981. Available from: <http://www.envfor.nic.in/legis/air/air1.html>

¹⁰ For certain projects or activities—as listed in the Environment Impact Assessment Notification, 2006 [Ministry of Environment and Forests (2006). Notification (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), dated September 14). New Delhi: Government of India; S.O. 1533. Available from: <http://envfor.nic.in/legis/eia/so1533.pdf>—it is mandatory to obtain prior Environmental Clearance (EC). The EC usually contains a set of conditions designed to ameliorate/minimize the impact of a project’s operation on the environment and the people to the maximum extent possible.

2005¹¹ to inquire about actions taken in response to his complaint letters. This systematic follow-up system created pressure on the authorities to respond to the complaint letters, where previously, even acknowledgements were seldom received from the officials.

These experiences have not only transformed Ramesh's perception about the law but reinforced his confidence in its efficacy in safeguarding the rights and interests of vulnerable communities. Motivated by the effectiveness of this approach, Ramesh started supporting the CPR–Namati team with seeking remedies to numerous other environmental violations, such as the pollution of the Daman Ganga and nonimplementation of the Vapi Action Plan, in addition to his original problem of pollution in the Kolak estuary.

Small yet significant victories

In 2015, owing to the continuous efforts of community members such as Ramesh to highlight rampant noncompliance with environmental regulations and legal conditions by means of complaint letters, the regional GPCB office finally issued a temporary closure notice to 53 RED Category¹² industrial units releasing hazardous waste into the Daman Ganga. These units were directed to install electronic monitoring systems in their outlets to keep a check on the toxicity of their waste if they wanted to avoid permanent closure. This was an unprecedented institutional response for our efforts.

To further combat the illegal dumping of hazardous waste in the Kolak estuaries, Ramesh and a few other community members have initiated collective action to keep a close watch on the riverbanks. In the event of illegal effluents being discharged into the water, they instantly inform the vigilance squad¹³ of the GPCB and provide photographic evidence of the violation. The role of the vigilance squad is to act fast and report to the highest levels (Chairperson and Member Secretary) for prompt action in case of violation or noncompliance. This constant monitoring by the community members (even at night) has not only significantly reduced the instances of illegal dumping in the Kolak but has also activated the vigilance squad of the GPCB. Prior to this, the community wasn't even aware of the existence of a vigilance squad or that it could be approached at any time and was designed to sweep into immediate action. Ramesh constantly writes complaint letters to authorities at every instance of these illegal dumpings, pushing the authorities to act. Manisha says, "If it were not for Rameshbhai, the Kolak river would not be as it is today."

These instances are small yet significant victories for Ramesh and the members of his community and have strengthened their faith in the regulatory system of our country.

Shaping the law

Equipped with the knowledge and practical experience of using the various laws put in place to check pollution, Ramesh has also started critically analysing these legal provisions to point out ways in which to shape them for better on-the-ground compliance. He has been able to suggest practical remedies to the regulatory authorities so as to close the enforcement gap and address the environmental challenges in an efficient manner.

In 2015, the CPR–Namati team decided to work with the community members, including Ramesh, to check on the status of implementation of the Vapi Action Plan. Ramesh was able to provide valuable suggestions to add teeth to existing legal provisions for better enforcement. For instance, he suggested installation of CCTV cameras to enable continuous remote monitoring of industrial areas to discourage noncompliance, in addition to the existing provisions of the plan. Manisha says, "Over the years, Rameshbhai has taken a keen interest in reading about laws on his own. Now he rarely needs my help to understand law and keeps coming up with suggestions to improve existing legal provisions, which is a true indicator of his legal empowerment."

¹¹ Ministry of Law and Justice (2005). "Right to Information Act, 2005." New Delhi: Government of India; Act No. 22 of 2005. Available from: <http://doj.gov.in/sites/default/files/rti-act-2005-Eng.pdf>

¹² RED Category industries are the industries identified by Ministry of Environment and Forests, Government of India as heavily polluting and covered under the Central Action Plan [Gujarat Pollution Control Board (n.d.). "Classification of industries (Red, Orange, Green)." Available from: <https://gpcb.gov.in/pdf/rog.pdf>].

¹³ The GPCB attends to complaints promptly by sending a vigilance squad to the site. The squad conducts inspection, monitoring, and verification and reports its findings to the GPCB.

With broader understanding of factors contributing to this problem, he has also critiqued various remedies proposed by regulatory bodies that he sees as being piecemeal. He believes that remedies implemented by the authorities are deliberately patchy and do not offer comprehensive solutions to the problem so as not to disturb the status quo. For example, he has suggested to the GPCB officials that the Vapi Action Plan's proposal of deep-sea pipelines to discharge waste deep into the sea to reduce pollution in the rivers would only displace the now with his broader understanding of this problem, impact. Ramesh says, "The problem is the toxic waste which is discharged and not *where* it is discharged. We need to remedy the actual problem. If the deep-sea pipeline comes, it will not be possible to monitor the waste getting discharged into the sea, which can adversely affect biodiversity." Community members like Ramesh with their lived experience and ground-level understanding of the problem are best equipped to inform policies with practical and effective remedies. He says, "Now the officials at the regulatory bodies listen to me as I quote the laws. This makes these officials feel accountable towards addressing our problems."

Leading by example

Despite the positives, Ramesh's journey in his fight for environmental justice has not been so smooth, and his community's problems are still far from resolved. The responsive actions of regulatory bodies such as the GPCB have not progressed much beyond the mere issuing of notices to violating units. Many projects still continue to operate in total disregard of environmental regulations, given the absence of stronger action by the regulatory bodies. Yet these roadblocks don't seem to quell Ramesh's faith in the evidence-based legal approach. He shares that, in his experience, it has been the most effective way to remedy the situation of environmental injustice.

Ramesh works constantly with the ELCs to improve the current situation and is also pushing for greater community participation by spreading awareness on legal remedies available at the institutional level. He says, "We need to legally empower communities so that they can actively collaborate with regulatory bodies towards ensuring that the law is enforced and justice is meted out."

People like Ramesh Tandel are not only instrumental in creating a legally empowered community geared towards securing environmental justice through the use of the law but also demonstrate the immense power of putting the law within the reach of the ordinary citizen to shift the balance of power towards justice.



Ramesh Tandel, set against the Kolak estuary
Photograph: Aubrey Wade

Annexure 1: The Gujarat Government Order requiring DLCCs to be established in the various districts

Constitution of District level Committee to assist the GCZMA for Enforcement and Monitoring of Coastal Regulation Zone 2011 in the State of Gujarat.

Government of Gujarat
Forests and Environment Department
G.R.No.ENV-10-2011-800--E
Sachivalaya, Gandhinagar
Dated 14th October, 2013

Read:

Coastal Regulation Zone Notification 2011 issued by the Ministry of Environment and Forest, Government of India, vide S.O19 (E) dated 6th January, 2011

Preamble:

The Ministry of Environment and Forests, Government of India, exercising the Powers conferred by Sub-Section (1) and clause (v) of sub-section(2) of the section 3 of the Environment(Protection)Act, 1986(29 of 1986), with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on the scientific principles taking into account the dangers of natural hazards in the coastal areas sea level rise due to global warming, declared the coastal stretches of the country and the water up to its territorial water limit, (excluding the island of Andaman and Nicobar and Lakshdweep and marine areas surrounded these islands to its territorial limit) as Coastal Regulation Zone (CRZ) 2011, vide S.O(E) dated 6th January,2011.

And whereas, the land area from High Tide Level (HTL) to 500 meters on landward side along the sea front and the land area between HTL to 100 meters or width of the creek whichever is less on the landward side under the tidal influenced water bodies that are connected to sea are declared as a Coastal Regulation Zone areas to be regulated under Coastal Regulation Zone Notification, 2011.

And whereas, the coastal areas which are ecologically sensitive and the geomorphologic features such as mangroves, salt marshes, turtle

nesting ground, Mudflats etc. are also covered in the Coastal Regulation Zone and designated as CRZ-I(A) area.

And whereas, the coastal areas that have been developed upto or close to shoreline are designated as CRZ II.

And whereas, the coastal areas that are relatively undisturbed and do not belong to CRZ I or CRZ II which include rural and urban areas have designated as CRZ III.

And whereas, the MoEF vide Rule (8) of CRZ Notification, 2011 has prescribed norms for regulation of activities in CRZ I, CRZ II, and CRZ IV.

And whereas, as per the above said Notification. the State Government or the Union territory Coastal Zone Management Authorities are primarily responsible for enforcing and monitoring of this notification at the State level and National Coastal Zone Management Authority is responsible at the Central Level and to assist for implementation, enforcing and monitoring of this Notification, the State Government and the Union territory is empowered to constitute District Level Committee under the Chairmanship of the District Magistrate concerned containing at least three representatives of local traditional coastal communities including from fisher folk;

And whereas, it was under consideration of the State Government to constitute the District Level Committees in the coastal districts of the Gujarat, to comply with the provision of the CRZ Notification, 2011 and to enforce for the purpose of implementation and enforcement of provisions of CRZ Notification in the State.

Resolution:

Therefore, in exercise of the powers conferred under provision of CRZ Notification, 2011, the State Government hereby constitute the District level Committees in the Coastal Districts of Gujarat as follows:

Sr. No.	Name and Designation	Status
1	District Magistrate and Collector	Chairman
2	Chief Officer of Coastal Nagar Palika/s	Member
3	Assistant Director, Fisheries/Concerned District Fisheries Officer	Member

4	Concerned Deputy Conservator of Forests/ District Forests Officer	Member
5	Three Representatives from the local traditional communities including fisher folk (To be decided by the District Collector and Chairman of the District Level Committee)	Member
6	District Town Planning Officer.	Member
7	Concerned Port Officer	Member
7	Regional Officer of the Gujarat Pollution Control Board from concerned District	Member Secretary

Powers and functions of the District Level Committee:

- 1) The District Level Committee shall assist the Gujarat Coastal Zone Management Authority for enforcement and monitoring of the CRZ Notification, 2011.
- 2) The District Level Committee shall verify the complaint regarding CRZ Notification violation in their respective jurisdiction, if any reported, take necessary actions and shall submit report to the GCZMA for further course of action.
- 3) The GCZMA shall give directions to the District Level Committee from time to time for effective implementation and monitoring of the CRZ Notification 2011.
- 4) The District Level Committee shall have to submit a report about the action taken based on the directions/instructions received from the GCZMA.
- 5) The committee shall have the powers to take measures for protecting and improving the quality of the coastal environment and for preventing, abating and controlling environmental pollution in the coastal areas of the State of Gujarat.
- 6) The committee shall take time bound steps for identification of violations of the provisions of CRZ Notification and the approved CZMP thereunder, for initiation of action under the Environment (Protection) Act, 1986.
- 7) The committee shall identify violation in CRZ - I areas (i.e. encroachment on Mangroves, Choupaty, Beach areas, etc.), CRZ - II areas and CRZ - III areas, within their respective jurisdiction and initiate action under Section 19 of the Environment

(Protection) Act, 1986, under the powers delegated to District Collector under Environment (Protection) Act, 1986 in their respective jurisdiction.

- 8) The Committee shall send the details of the identified violations including action taken to the Forests & Environment Department and the Gujarat Coastal Zone Management Authority.
- 9) The Committee shall send its monthly report to the Additional Chief Secretary, Forests and Environment Department, Government of Gujarat and the Chief Secretary, Government of Gujarat.
- 10) The Committee shall be responsible for removal of encroachments and unauthorized structures in coastal areas of CRZ - I, CRZ - II and CRZ - III, if necessary, the District Collector being the Chairman of the Committee is directed to use powers as vested in him to levy penalty or to recover cost from unauthorized constructions.
- 11) The Committee shall also identify the areas which need special conservation and protection measures under its jurisdiction and recommend it to the Gujarat Coastal Zone Management Authority and the State Forests and Environment Department for further necessary action. If required the Committee may consult or obtain opinion of Expert agencies, Institutes, Universities etc. in the filed in this regard.
- 12) The Member Secretary of the Committee shall maintain all records of the Committee.
- 13) The Committee will also take on priority the issues/complaints of coastal communities including fishermen and if desired so, may recommend the matter to the concerned Department in the State Government for appropriate action and report to the GCZMA.
- 14) The Committee Shall undertake review of cases involving violation of the provisions of the said Act and the rules made thereunder or under any other law which are related to the project of the said Act, and if found necessary may refer such

cases, with comments, for review to the Forests & Environment Department / Gujarat Coastal Zone Management Authority.

- 15) The Committee Shall take up cases suo motu or on the basis of complaints made by and individual or representative body or through newspaper report or through GCZMA or an organization or any Member of the Committee. The Committee may refer cases to the concerned Authorities / Departments in the district for appropriate legal action, if needed. Committee shall submit its action taken report on complaints to the Forests & Environment Department/GCZMA.
- 16) The Committee Shall identify ecological sensitive areas in the CRZ and informed to the GCZMA and assist it to formulate area specific management plan.
- 17) The Committee may ,if need be, take help of the Police Authority in removing encroachment, unauthorized and illegal structures from Coastal Regulation Zone areas, in case of violations.
- 18) The materials and assets forfeited and confiscated from the site of violation can be kept in custody of Forests Department or Police Department as may be decided by the Chairman of the Committee.
- 19) Any appeal against the decision of the District Level Committee shall be reviewed by the Additional Chief Secretary, Forests & Environment Department and Chairman of GCZMA.
- 20) Committee will provide all assistance and will co-ordinate in preparing Coastal Zone Management Plan of the district and mapping of hazard line in the coastal areas as per the direction of the State and Central Government.
- 21) The District Level Committee shall have to comply with the any other condition/s as and when decided by the Forests and Environment Department/Gujarat Coastal Zone Management Authority

This Committee shall meet regularly to review the compliance of the CRZ Notification 2011 and attend the complaints of violations of the CRZ

Notification and other tasks entrusted to the Committee from time to time by the Forests and Environment Department. Minutes of the meeting shall be sent to State Government in the Forests and Environment Department and GCZMA immediately.

This issues with the approval of the State Government on this Department's file of even number dated

By order and in the name of the Governor of Gujarat,



(Hardik Shahi)
Additional Secretary

Copy to :

- 1) The P.S. to the H.E. the Governor of Gujarat, Raj Bhavan, Gandhinagar
- 2) The P.S. to the Hon'ble Minister (Forests and Environment), Swamin Sankul-1, Sachivalaya, Gandhinagar
- 3) The P.S. to the Hon'ble Minister of State (Forests and Environment), Block 2, Sachivalaya, Gandhinagar
- 4) The Principal Secretary , Urban Development and Housing Department, Sachivalaya, Gandhinagar__ For information and necessary action please. .
- 5) PS, Revenue Department, Sachivalaya, Gandhinagar For information and necessary action please.
- 6) Commissioner of Geology and Mines, Gandhinagar.
- 7) PCCF, Gandhinagar--- For information and necessary action please.
- 8) All Coastal District Collectors(Valsad, Navsari, Surat, Bharuch, Vadodara, Anand, Ahmedabad, Amreli, Bhavnagar, Jamnagar, Rajkot, Morbi, Kuchchh Porbandar, Junagadh, Somnath-Gir) --- For information and to constitute committee immediately.
- 9) All DCFs_ For information and necessary action please.
- 10) MS, GPCB, Gandhinagar---- For information and necessary action please.
- 11) The Deputy Secretary (A- Branch), Forests and Environment Department, Block 14/8, Sachivalaya, Gandhinagar.
- 12) Select file - Technical Cell

Annexure 2: Joint Letter written by the CPR–Namati team to the Gujarat Coastal Zone Management Authority regarding the setting up of DLCCs

29th August 2014

Shri Hardik Shah
Member Secretary, Gujarat Coastal Zone Management Authority
Block No: 14/8th Floor, New Sachivalaya,
Sector - 10A, Gandhinagar
Phone: 079 23252660, Email: gczma.crz@gmail.com

Subject: Regarding constitution of DLCCs on the Gujarat coast and request for a meeting
Dear Mr. Shah,

We, the undersigned are associated with the Namati-Centre for Policy Research (CPR) Environment Justice program and have been working to facilitate the effective implementation of the Coastal Regulation Zone (CRZ) notification, 2011 on the Gujarat coast.

We believe that one of the progressive clauses of this notification is the setting up the District Level Coastal Committees (DLCCs). We appreciate the fact that the Gujarat CZMA has taken steps in putting forward clear guidelines for the composition and responsibilities for DLCCs on 14th October 2013.

We have made specific suggestions for increasing the local representation on the DLCCs to more than the three members as specified as of now. In some instances we have also worked with coastal communities to help identify dedicated members for the DLCCs.

We would like to bring to your attention that we have been regularly following up with the District Collector (DC) and GPCB offices in ten districts towards ensuring the setting up of functional and effective DLCCs for the protection of the Gujarat coast. However, we have had varied responses and experienced tedious back and forth each time we have made requests or followed up with earlier ones. Our experience indicates that:

1. There continues to be confusion regarding the final responsibility of the constitution of DLCCs. District Collectors assume that GPCB officers will initiate this process, while GPCB officers do not always get communication from the DC or GCZMA to do so. As a result, DLCCs have not been constituted.
2. The district collectors are unaware of the CRZ notification and legal mandate to set up the DLCC or do not prioritize the same.
3. It has been difficult to get updates from the regional office of the PCB after the DCs have referred us to them for follow up on the setting up of DLCCs. While we do understand the work pressures of the Regional Officers, their cooperation is critical so that the DLCCs are constituted and are functional.
4. It is only after specific enquiries by us regarding requirement for community representation on the DLCC that the DC or GPCB office has initiated this process. In instances we have requested for increasing the composition for larger coastlines like in Kutch, we have been asked to refer the matter to the GCZMA.
5. We have had to file multiple Right to Information Applications and make several visits to these offices enquiring about the progress of the DLCC constitution and/or functioning.

As per our information, the current status of DLCCs in the ten states where we have followed up is presented here:

S.No.	DLCC	Status of DLCC formation (as per written or verbal communication to us)	Our Submission Pending with
1	Gir Somnath	DLCC constitution initiated	District Collector
2	Junagad	DLCC constitution initiated	District Collector
3	Porbandar	Not known	District Collector
5	Valsad	Not constituted	District Collector
6	Bharuch	Constituted and one meeting held so far	District Collector
7	Surat	Not constituted	District Collector
8	Dev Bhoomi Dwarka	DLCC constitution initiated	Regional Officer, GPCB
9	Jamnagar	DLCC constitution initiated	Regional Officer, GPCB
10	Kutch	Constituted but only one meeting held so far	Regional Officer, GPCB

We therefore request the GCZMA to provide us with an opportunity to share our experience and concerns with the DLCC process in Gujarat, in person. We hope you could give us time between 8th and 10th September to discuss the issues raised above and commit to some possible next steps including:

1. Communicating to all Regional GPCBs and District Collectors to set up DLCCs with a clear deadline, and initiate a mechanism for regular updates on the same.
2. GCZMA to issue clear directions and clarifications on the agency responsible for the implementation of CRZ notification at the district level and the setting up of the DLCCs.
3. In order to achieve effective coordination of the DCs, GPCB and GCZMA it would be important for the GCZMA to call for a coordination meeting of these agencies. We would request that this meeting be also open to community based and civil society representatives keen on ensuring effective and participatory implementation of the CRZ notification at the district level.
4. A clarification or modification of the 14th October 2013 guidelines to indicate the requirement of community/fisherfolk representation in DLCCs is 3 people at the minimum, but could be more. This is very important for districts with long coastlines and density of industrial and infrastructure projects.
5. Put in place a procedure to identify community representatives to be included in the DLCCs. GCZMA could put out a draft and seek feedback and subsequently issue these guidelines.

We would once again like to reiterate that the process of setting up DLCCs three and half years after the CRZ notification came into place and almost a year after the GCZMA's direction/note dated 14th October 2013; has been extremely slow. We are keen on working with the GCZMA for expediting this process and ensuring the functioning of high quality DLCCs.

We look forward to your response to meet you between 8th and 10th September at Gandhinagar so that we can share our experience in person and also discuss possible next steps for the protection of the Gujarat coast through the setting up of the DLCCs.

Sincerely,

Manju Menon
Program Director

Kanchi Kohli
Program Advisor

Bharat Patel
Project Manager

Manisha Goswami
Enviro-Legal Co-ordinator

Manish Thavar
Enviro-Legal Co-ordinator

S.A.Bloch
Enviro-Legal Co-ordinator

Vimal Kalavadiya
Enviro-Legal Co-ordinator

Annexure 3: Checklist of documents required for clearance under CRZ Notification 2011 for construction and reconstruction of houses¹

Documents Required for Clearance for House Construction and Reconstruction*		
Document	House Construction	House Reconstruction
Annexure-IV (CRZ Notification, 2011)	✓	✓
Form-I/II (to be procured from Regional CRZ Office)	Form-I	Form-II
Record of Rights Tenancy and Crops (RTC)/land ownership records	✓	✓
Field Measurement Book (FMB) map of the land's survey number	✓	✓
Letter from fisheries/ horticulture/agriculture union validating the applicant's traditional occupation	✓	
Blueprint of proposed building/area of construction	✓	✓
Map showing area of construction (three copies)	✓	✓
Undertaking by the applicant regarding proper waste disposal	✓	✓
Photograph of the old house		✓
House tax voucher before 1991		✓
A receipt for house tax paid in the last three years		✓
Attestation letter from Municipal Corporation (CRZ-II)/Panchayat (CRZ-III) regarding existence of the construction, if any house tax receipt/ water bill/electricity bill/etc. before 1991 is unavailable with the applicant		✓

File processing fee/scrutiny fee to be paid at any branch of State Bank of India:

- Rs. 100: < 1,000 sq ft
- Rs. 500: > 1,000 sq ft

(Note: Challan should have certification stamp by Taluka Treasury Officer)

** Most of the documents can be obtained from the Municipality (for CRZ-II) or the Panchayat and Tahsildar (for CRZ-III)*

¹ CPR-Namati Environmental Justice Program (2014). "The coast belongs to you." Available from: <https://namati.org/resources/pocket-diary-on-coastal-regulation-zone-crz-notification-english/>

Annexure 4: Submission made to the Karnataka Coastal Zone Management Authority by CPR-Namati EJ team in Uttara Kannada, Karnataka

Date: 20-05-2016

To

Mr. Vijay Kumar
Senior Director (Technical)
Department of Forest, Ecology & Environment
7th Floor, M.S. Building, Bangalore
560001

From

Dr. Mahabaleshwar Hegde
CPR-Namati Environmental Justice Program
C/o: Snehakunja Trust, Kasarkod, Honavar
Uttar Kannada – 581 342

Subject: Follow up on discussion happened on CZMA at your office

Dear Sir,

Thank you for giving us time to meet with you and listening about our work on the Coastal Regulation Zone Notification on 14th March, 2016. Despite not having you in the Dialogue on coastal challenges that took place in Mangaluru on 11th March, 2016, this meeting gave us an opportunity to hear your views on CRZ implementation.

The meeting was very informative for us and gave us a peep into the challenges and uphill tasks that Karnataka CZMA has committed itself to.

It has already achieved milestones particularly towards decentralisation by mandating that CZMA would look at matters only after they have been recommended by the DCZMC.

It is also leading the way on post-clearance monitoring by asking its regional directors (Environment) to start inspecting projects that have been granted clearance to ensure that they abide to the conditions of environment and CRZ clearance.

There were a few suggestions and requests from our side which you very kindly agreed to look into. I am placing these below for your convenience:

1. **Karnataka CZMA website-** The website was being regularly updated till March 2014. However after that it has been lying dormant. We request you to make the website active again. If the minutes of meetings of KCZMA and DCZMCs, decisions taken and report of actions taken and violations is provided through the website, people will be able to know of the decisions of the CZMA readily. This will also reduce the number of RTI applications that the KCZMA has to dispose.

2. **Kannada CRZ Pocket Diary for CRZ awareness-** As shared with you in the meeting, one point acknowledged by all participants of the Dialogue was that there was a need for creating awareness among the public and panchayats on the CRZ Notification. Namati-CPR has prepared a Kannada pocket diary which it has been using to create awareness on CRZ in Uttara Kannada. Karnataka CZMA may consider it in its next meeting for endorsing it and using it in the other two coastal districts- Dakshin Kannada and Udupi.

3. Housing Clearance pamphlet- Namati- CPR with the help of the Regional Director, Karwar had also prepared a pamphlet in Kannada on documents that are required for getting CRZ clearance for house construction/ reconstruction and repair. We will revise the same based on the new abridged checklist finalised by the Karnataka CZMA. Same can be distributed in the all coastal districts of Karnataka after due appraisal and endorsement by the Karnataka CZMA.

4. Giving more authority to Regional Directors: It was discussed that Regional Directors should have authority to grant housing clearance for traditional dwelling units and also need authority to take action against the non-compliance of CRZ clearance conditions. It was also agreed that it will be mentioned in the coming CZMA meeting.

5. Aghnashini CVCA- The local communities of Aghnashini have proposed that Aghnashini be notified as a CVCA. They had even submitted a proposal with Karnataka CZMA, RD, Karwar and DCZMA in 2014. The proposal maps the extent of CVCA, provides information on its ecological and livelihood importance. The same proposal was also shared with you in the meeting. We request you to table in the next meeting of the Karnataka CZMA for the authority to examine and consider it for notification.

6. Public Consultations on CZMP- As suggested by you, Namati-CPR will be happy to help the Karnataka CZMA in organising public consultations on the draft CZMP in the near future. We have strong community presence in Uttara Kannada and can utilise the same for the process of public consultation.

7. A Tourism Violation case- In the meeting we also shared details of a tourism project by Nayak Hospitality that has committed gross violations of CRZ notification. The project has also caused hardships to the people as it has encroached upon common village properties such as wells and graveyard. It also blocked people's access to the beach and forced them to take a long alternate route. As promised by you, we are expecting it to be tabled in the next meeting of Karnataka CZMA.

As shared by you that only those points are discussed in the KCZMA meeting that are recommended by the RD and DCZMC, we will contact them and try to get their opinions on the matters (although on our earlier visits they shared that the above points can be considered and we were surprised to learn that nothing on these points from them reached you so far), we seek that the Karnataka CZMA asks RD and the DCZMC to give their opinions on the matter as it seems our requests with them are not heading too far.

Besides, as suggested by you, we would be in touch and in regular correspondence with you to share our work and learning's on CRZ implementation and seek your cooperation in mitigating hardships for people.

This is just the beginning of a long working association with Karnataka CZMA

Regards,



Dr. Mahabaleshwar Hegde

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The Centre for Policy Research (CPR) has been one of India's leading public policy think tanks since 1973. The Centre is a nonprofit, independent institution dedicated to conducting research that contributes to a more robust public discourse about the structures and processes that shape life in India.

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About Namati

In a world where billions live outside the protection of the law, Namati is dedicated to putting the law in people's hands. It is building a global movement of grassroots legal advocates who work with communities to advance justice. These advocates are fighting on the front lines to ensure that people can protect their land, access essential services, and take part in the decisions that govern their lives.

www.namati.org

