Seashore as ‘Land’ - Maharashtra

Why in news?

The Maharashtra government has decided to treat a part of the Arabian Sea shoreline at Mumbai’s Nepeansea Road as “revenue land”.

What is the area in question?

- It is the part of the seashore lying between the low tide mark and the high tide mark in a particular part of South Mumbai.
- The part of the shoreline in question was marked as “sea” at the time of Mumbai’s last land survey.
- Since then, about 100 shanties (huts) have come up illegally on a portion of this land.
- Mumbai’s latest approved Coastal Zone Management Plan (CZMP) categorises it as an inter-tidal zone or foreshore.
- [Under The Maharashtra Land Revenue Code, 1966, ownership of foreshore areas vests in the state government.
- Revenue land, in other words, means land that is utilisable and disposable, and which can generate revenues.]
- It has been placed in the ecologically sensitive CRZ-1B category.
- The CZMP shows it as lying to the seaward side of the high tide line.

What is the recent decision?

- Maharashtra CM gave in-principle approval to a proposal for a survey, and to give a cadastral survey (CS) number to the identified portion of the shoreline.
- [A cadastral survey is done to determine the land boundaries of a city, ward, or plot.]
- The foreshore area was under water when the last survey was carried out, and exists beyond the current boundaries.
- So a survey is necessary to determine its boundaries. The survey will also effectively increase the ward boundaries.
- The Superintendent of Land Records carries out the survey and marks the new boundaries.
- After this, the Mumbai Collector’s office would be expected to decide the ownership of the newly formed land, and assign it a CS number.

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

What is the plan?

- Official documents show that the Revenue Department had processed the proposal for surveying the foreshore area.
- The CM has said that the "developability" of the newly surveyed "land" would be assessed in accordance with -
    i. Coastal Regulation Zone (CRZ) norms
    ii. rules governing construction activity in Mumbai
- Meanwhile, a developer has submitted an in situ slum redevelopment project for the land.
- This has been admitted by the state-run Slum Rehabilitation Authority (SRA).

Is it legally permissible?

- As per the CRZ notifications (2011 and 2019), no development or construction is permissible on this portion even if it is categorised as revenue land.
- Maharashtra's environment department has clarified this.
- The 2019 notification allows only foreshore facilities such as jetties, harbours, and ports in such places.
- However, slum-dwellers on this illegally reclaimed portion of the shore have come together to form a "housing society".
- They have authorised the developer to carry out in situ re-development.
- It is said that the decision to carry out the survey would amount to recognising illegal reclamation of the seashore.
- This, and other such claims, would expose the coastal areas to a fresh wave of construction.

What could be done?

- Instead of treating such proposals on a case-to-case basis, a policy should be framed in consultation with the affected groups and various stakeholders.
- The impact on coastal livelihoods and the environment should also be examined in this regard.
- It should be ensured that the CRZ notification under The Environment Protection Act, 1986 is followed in letter and spirit.

Source: Indian Express

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