

**ENVIRONMENTAL PROTECTION LAWS IN RELATION TO MANGROVES IN
MAHARASHTRA****Komal Kothari**Assistant Professor, Anjuman-I-Islam's Barrister A.R. Antulay College of law
92, Dr. D.N. Road, Opp. CSMT, Mumbai – 400001, India.**Abstract –**

India is a home for various species of Flora. One such special species of Maharashtra state is Mangroves. These are the species growing along the coastal areas. This paper emphasizes on the meaning and importance of mangroves in coasts. It provides for a unique eco system taking care of the environment as well as diverse fauna of the area. From times immemorial mangroves have been an integral part of the coastal lifeline. From protection against erosion to wildlife conservation to preservation of habitat for the humans, mangroves have played a vital role. But with the developmental approach mangroves are facing threats. Increasing deforestation, disturbance in the salinity of coastal waters due to pollution and other factors mangroves are depleting at a fast rate. This paper focuses on compiling together all the protective measures under Statute or as per various case laws. Various protective measures have been taken under the Environmental laws of the state which includes declaring forest area as reserved and putting restriction on use of that land for non-forest purposes. Apart from statutory measures a Mangrove Cell has been established to look into the matter. It facilitates funding required for the purpose. Time and again degrading environment has proved to be fatal for the humans. It is high time we realize the importance of each ecosystem and understand the connectivity between different components of the environment. With the auspices of the UNESCO, International Day for Conservation of Mangrove Ecosystem is observed on 26th July. This is important to create awareness among the masses.

Key Words – Mangroves, Coastal Eco-system, Salt tolerant trees, Degradation, Environmental Protection, Vegetation, Mangrove Cell, Mangrove and Marine Biodiversity Conservation Foundation

Introduction-

India is a land full of diverse geographical features. It has plateaus and plains, deserts and coasts, mountains and oceans. Such diverse geography also gives scope for varied vegetation and wildlife. While we can find cactus and acacia in deserts, coconut and palm trees are common in South India. While the black soils of Gujarat, Maharashtra, Madhya Pradesh, Karnataka promote cotton, millets, citrus fruits, sugarcane, etc. the Himalayan region has deodar and oak trees. Similarly unique vegetation in the Coastal areas is Mangroves.

Meaning and Importance-

As per the Cambridge Dictionary, Mangroves are the tropical trees found near water whose twisted roots grow partly above ground. Mangroves grow along the coast or on the banks of large river. They are dense forests of salt tolerant trees and shrubs that thrive in intertidal



zones where land meets the sea. They are a habitat for a large number of plant and animal species. For example Sunderban hosts the Royal Bengal Tiger, Irrawadi Dolphin, Leopard Cats, etc.

Apart from this they are an integral part of the coastal ecosystem. They hold the Coastal mud together and protect from Coastal erosion. Mangroves absorb a significant amount of energy and thus protect the inland area and human settlements from devastating damages of tsunamis, hurricanes and cyclones.

Not just this, mangroves are a natural filter which remove pollutants and extra nutrients from coastal waters. It ultimately improves the health of marine eco-system and helps maintain a balance. Activities like bird watching, kayaking, eco-tourism, etc are also promoted. New channels of opportunities open up through these activities which contribute to the economic development. They stabilize climate by moderating temperature, humidity, wind, coastal fishery food chain.

A species of Mangroves, Agollocha which is also known as Agarwood is found to have anti-Tuberculosis components.¹

Thus we see that Mangroves are the vital elements of the coastal region.

Mangroves in Maharashtra-

Maharashtra being a coastal State has a diverse species of Mangroves spread across its coastline of 720 km. Mangroves can be found in Konkan districts of Mumbai City, Mumbai Suburban, Palghar, Thane, Raigarh, Ratnagiri and Sindhudurg. Having known the importance of mangroves for a balanced eco-system and as a habitat for various species, certain Environmental Protection laws have been passed centrally as well as in Maharashtra. Various Policies and initiatives are taken from time to time to conserve and preserve the mangroves.

Challenges to Mangroves in Maharashtra-

Mangroves are the most critically threatened ecosystem. Mangroves are at the verge of extinction. Climatic as well as Human factors are responsible for this.

Natural factors such as coastal erosion, tsunamis, cyclones, etc lead to degradation of mangroves.

Mangroves are highly sensitive to changes in ph and salinity of water. If their balance is disturbed the mangroves fail to cope up and dry out. Consequently habitat quality for wildlife and fishing community is also adversely affected.

¹ [Mangrove Cell, Mumbai | Facebook](#)



Along with this the heavily populated coastal areas and developmental projects going on there have also contributed to their depletion. There has been a constant race to make India a Developed country. And for that one after the other several developmental projects are introduced. Various Power projects are also streamlined. Such projects, though take the GDP of the country to a next level, they are detrimental to the environment and particularly to the Mangroves in coastal areas.

Urbanization calls for better infrastructure, sky-touching buildings, industries, fly-overs, etc. But unfortunately this urbanization is done at the cost of adverse effects to the growth and sustainability of the mangroves if not complete depletion. The plastic waste chokes up the mangroves and the saline water.²

Apart from these –

- reclamation of land for paddy cultivation,
- Salt Pan Scheme,
- Reclamation of land for Building activities and Dumping,
- Industrial Pollution of creeks,
- Cutting of trees for fuel etc.

have also been a great challenge in protecting and conserving the mangroves.

Steps Taken to Conserve Mangroves –

The recognition of mangroves as a unique ecosystem began with the landmark 1996 Godhavarman Judgment by the Supreme Court. This ruling established that the Forest Conservation Act of 1980 applied to all forests, including those on private land, to curb deforestation and maintain ecological balance.

The first ever recognition of this unique ecosystem came in 1996 **Godhavarman Judgement** of the Supreme Court that said that the Forest Conservation Act would apply irrespective of the mangroves were on private land or public land.

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof.³

Next in 2005 in an interim order on a PIL by the **Bombay Environmental Action Group** (BEAG) Bombay High Court ordered Mangroves on Government land to be tagged

²http://timesofindia.indiatimes.com/articleshow/93977223.cms?utm_source=contentofinterest&utm_medium=txt&utm_campaign=cppst

³[T.N. Godavarman Thirumulpad vs Union Of India & Ors on 12 December, 1996 \(indiankanoon.org\)](http://indiankanoon.org)



“Protected Forests” and those on private land as “Forests.” In spite of all the protection afforded by several Acts, the mangroves continued to face the onslaught hence in order to protect the remaining mangroves in and around Mumbai the Bombay Environmental Action Group (BEAG) filed a Public Interest Litigation No. 87 in 2006 in the Bombay High Court seeking the Court’s intervention to inhibit the destruction of Mangroves. An order was passed by the Hon’ble High Court on 6th October 2005 in PIL 87 of 2006 that clearly states that:

- i. There shall be a total freeze on the destruction and cutting of mangroves.
- ii. All construction and rubble/garbage dumping on the mangrove areas shall be stopped forthwith
- iii. Regardless of ownership of the land, all construction taking place within 50 metres on all sides of all mangroves shall be forthwith stopped.

From the list of “mangrove areas” so identified, Government owned lands will automatically be declared/ notified as “protected forests”. Likewise, privately owned lands from the list of mangrove areas so identified, the same will be declared/ notified as “forests”⁴

Restriction on the dereservation of forests or use of forest land for non-forest purpose- Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing

- i. that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii. that any forest land or any portion thereof may be used for any non-forest purpose;
- iii. that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- iv. that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re-forestation.⁵

Mangrove Cell- In response to these legal measures, the Maharashtra State Government established the Mangrove Cell on January 5, 2012, to oversee mangrove conservation and coastal biodiversity. This initiative led to the creation of the Mangrove Foundation in 2015, which operates under the Mangrove Cell. The Foundation provides financial support for

⁴ [Bombay Environmental Action Group And ... vs The State Of Maharashtra And Ors on 17 September, 2018 \(indiankanoon.org\)](#)

⁵ [Section 2 of Forest\(Conservation\) Act, 1980](#)



mangrove protection, implements sustainable livelihood programs for coastal communities, and conducts awareness and outreach activities to promote conservation.

The Foundation also conducts various types of awareness and outreach programmes for sensitising different groups of the society regarding the conservation of coastal and marine biodiversity.

The Mangrove Foundation also carries out capacity building and training programmes, mainly for the village beneficiaries who are part of the various livelihood activities.

The Mangrove Cell was able to leverage the networks within the Government to enter into agreements with external agencies such as UNDP-GEF and GIZ, which allowed the Mangrove Cell to implement various innovative and landscape-level conservation initiatives for mangroves and marine biodiversity in the State.

The foundation has the following specific objectives:⁶

1. To protect, preserve, conserve, regenerate, restore, enrich and maintain the biodiversity of coastal, island, wetland and marine, having direct or indirect impact on human life.
2. To promote livelihoods, culture, socio-economic development such as ecotourism and rights of communities dependent on these ecosystems.
3. To build research and academic capacity in the field of coastal, island, wetland and marine ecosystems that will inform policy-making, act as a repository of information and build the foundation for capacity building and welfare programs.
4. To contribute to the overall goal of coastal, island, wetland and marine conservation and be recognised as an institute of repute in the above said themes.

Conclusion –

The International Day for the Conservation of the Mangrove Ecosystem is celebrated every year on 26 July and aims to raise awareness of the importance of mangrove ecosystems as “a unique, special and vulnerable ecosystem” and to promote solutions for their sustainable management, conservation and uses.

This International Day was adopted by the General Conference of the UN Educational, Scientific and Cultural Organization (UNESCO) in 2015.

For conservation of mangroves foremost thing required is spreading awareness. Strict environmental laws setting boundaries for development of the state at the expense of the environment are the need of the hour.

⁶ https://sgnp.maharashtra.gov.in/Site/Upload/Pdf/3_Man.pdf#