

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 12/2020  
In  
Original Application No. 111/2018

Kachchh Camel Breeders Association

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Sanjay Upadhyay, Advocate  
Respondent(s): Mr. Maulik Nanavati, Advocate for State of Gujarat & GCZMA  
Mr. Sumit Goel, Advocate for DPT  
Mr. Gigi C. George, Advocate for MoEF&CC

**ORDER**

1. This application seeks enforcement of order of this Tribunal dated 11.09.2019 in *O.A. No. 111/2018, Kachchh Camel Breeders Association v. UOI & Ors.* The Original Application alleged violation of provisions of Coastal Regulation Zone Notification, 2011 (CRZ Notification) and Forest Conservation Act, 1980 by clearing of the mangroves by Deen Dayal Port Trust ('DPT') in Nani Chirai and Moti Chirai areas of Bhachau Taluka in District Kutch, Gujarat.

2. The application was contested by the DPT with the plea that allottees were to carry out demarcation. They had created *bunds* for salt pans for salt farming. Destruction of mangroves was not done by the DPT but by the encroachers and the miscreants.

3. This Tribunal considered the joint inspection report dated 27.04.2018 submitted by S/Shri Pratik Bharne and Kedarnath Dash of CPCB, K.B. Chaudhary, Manish G. Barad and Rikesh Virda of GPCB, concluding as follows:-

*“3.0 Conclusion*

- *The Substantial work of bunding, blocking of minors creeks, destruction of mangroves, in area took place without obtaining prior CRZ clearance which is a violation of CRZ Notification 2011 & amendment there off. During the inspection, no any activities like bund making, levelling of land, manual up-rooting of mangroves were observed at visited site.*
- *GCZMA should examine the matter of execution of lease deed of the said plots and liability which may arise due to violations of provisions of CRZ Notification 2011. **As the possession letters are not yet given by the DPT to allottees (salt industries), it is opined that the responsibilities lie with DPT for such activities and violations. Gujarat Coastal Zone Management Authority (GCZMA) should take appropriate action.***
- *There is urgent need of investigation by GCZMA for the destruction of mangroves for salt pan preparations and the duration of such activities carried out in surrounding area (Bhachau Taluka), violating provisions of CRZ Notification.*
- ***The constructed earthen bunds as well as blocking of minor creeks are restricting/blocking of the flow of tidal water to the mangrove areas which resulted into drying off/loss of mangroves, therefore, blockings/bunds to be removed on priority, so that mangrove area gets water and survive.***
- *Restoration plan needs to be prepared for the impacted and surrounding areas and effective implementation should be envisaged with appropriate monitoring mechanism by GCZMA.”*

4. The Tribunal held:-

*“14. In view of submissions made above by Respondent nos. 8 & 9, **the submissions made by the Respondent DPT that allotment of land for manufacture of salt was made by the State of Government cannot be accepted as Respondent nos. 8 & 9 had given their bid in response to the tender floated***

**by DPT on 29<sup>th</sup> July, 2016 for allotment of plots for the production of salt.** It appears that both DPT as well as State of Government had allotted lands to the salt manufacturers as there was no clear demarcation of boundaries between the land owned by the DPT and the state government which has resulted in destruction of mangroves in the area.

15 to 19 ....xxxxx.....xxxxx.....xxxxx

20. In view of the submissions made above, it is amply clear that there is no demarcation which are existing on the ground between the land belonging to the DPT and the revenue land with the result there has been several instances of encroachments in the revenue land as well as land belonging to the DPT and the people have taken advantage of the situation that was prevailing on the ground and the salt pans have been created by constructing bunds across creeks which has caused death of mangroves.

21. Mangroves are special class of trees which grow in estuaries and intertidal regions along the creeks and coasts. Mangrove forests are among the most productive ecosystem on earth and serve many important functions including water filtration, prevention of coastal erosion, carbon storage, and timber and biodiversity protection. They play extremely important role as windbreaks in coasts which protect coasts during cyclones and tsunamis. Because of dense root systems the mangroves trap sediments which help in stabilizing coastlines and prevent erosion from waves and storms. Mangroves are also the nursery grounds for several fish species and other marine fauna. Therefore, mangroves work as system that keeps coastal zones healthy and vibrant. It is because of these extremely important roles that mangroves play it is incumbent upon everyone concerned to conserve and protect the mangroves. Other than Sunderbans and Andaman & Nicobar Islands there are few locations in our country where mangroves thrive and Kachchh Coastline is one such location and, therefore, Gujarat Forest Department and Gujarat Coastal Zone Authorities have special responsibility to conserve and protect the mangroves in Gujarat coastline wherever they occur.

22. We, therefore direct as follows:

(i) There shall be no obstruction of any kind in the creeks and free and continuous flow of estuarine water in the creeks will be ensured.

(ii) The Forest Department, Government of Gujarat, GCZMA and Revenue Officials will jointly inspect the area to find out the persons who were responsible for obstruction of the creeks and take action in accordance with law including recovery of environmental damage and cost of restoration of mangroves damaged. This may be done within a period of one (1) month from today.

(iii) If there has been any activity which is in violation of

*CRZ Notification, 2011, the GCZMA will immediately take action in accordance with law.*

*(iv) If there has been any activity in the mangroves area which are in contravention of the Forest (Conservation) Act, 1980 or any other law, the Forest Department will immediately take action in accordance with law.*

*(v) There shall be no salt manufacturing activity in CRZ – 1 area without following the due procedures provided under law/notification. If such activity are found the GCZMA will take action immediately to stop forthwith and initiate appropriate proceedings.*

*(vi) The quantum of damage caused to the mangroves shall be assessed by the GCZMA in accordance with laid down procedures and the same shall be recovered from the persons responsible for the same within a period of one month from today.*

*(vii) The Forest Department, Government of Gujarat will take immediate action to restore the mangroves which are damaged within a period of six (6) months from hence.”*

5. This application was filed on 27.05.2020 with the allegation that GCZMA has not taken steps for enforcement of CRZ notification by stopping manufacturing activities, including salt manufacturing activities, no assessment and recovery of damage to the mangroves nor restoration of the mangroves had been carried by the Forest Department. This Tribunal issued noticed on 15.06.2020 to the MoEF&CC, Forest and Environment Department of the State, GCZMA, Chief Conservator of Forest, Gujarat, District Collector, Bhuj, Deen Dayal Port Trust, State PCB, M/s Jyoti Salt Industries and Shri Ram Salt Supply Industries.

6. In response to the above appearance has been filed on behalf of the MoEF&CC, State of Gujrat, DPT and GCZMA.

7. Learned counsel for the State of Gujarat and GCZMA submitted that in compliance of orders of this Tribunal a joint Committee was constituted which gave its report which has been approved by the GCZMA on 05.09.2020 holding that destruction of mangroves did take

place for which even though violators were not identified, liability was of the DPT. The amount to be recovered has also been quantified alongwith the area where damage took place.

8. In view of the above, let further steps be taken for enforcement of order of this Tribunal dated 11.09.2019. The amount determined be recovered expeditiously and restoration work be executed which may be overseen by a joint Committee comprising Forest Department and GCZMA. Forest Department will be the nodal agency for compliance. The joint Committee may ensure compliance of directions, including stopping and remedying violation of CRZ Notification, including any salt manufacturing activity and Forest Conservation Act, 1980. The joint Committee may file a compliance report with the Chief Secretary, Gujarat within three months.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 16, 2020  
E.A. No. 12/2020 In O.A. No. 111/2018  
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