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PROTECTION OF NILGIRI ELEPHANT CORRIDOR: JUDICIAL INTERVENTION AND CONSERVATION

AUTHORED BY – VASUMATHI & MANGALASAKTHI

Abstract:

The Nilgiri Elephant Corridor case highlights the critical role of judicial intervention in protecting wildlife habitats and maintaining ecological balance. The Segur Plateau, a key migratory corridor for elephants in the Nilgiris, faced severe encroachment from private developments, leading to habitat fragmentation and increased human-elephant conflicts. Through Public Interest Litigations and the formation of inquiry committees, the courts emphasized the government's duty to protect ecological corridors under the Wildlife Protection Act, 1972, and the Forest Conservation Act, 1980. The judgments reaffirmed that development cannot compromise environmental sustainability and that safeguarding wildlife corridors is essential for biodiversity conservation and human safety.

Background of the Case:

The Nilgiri Elephant Corridor, also known as the Segur Plateau Elephant Corridor, is a vital migratory route connecting the Mudumalai Tiger Reserve in Tamil Nadu with forests in Karnataka and Kerala. It allows elephants and other wildlife to move safely between habitats in the Western Ghats.

Over time, private development, including resorts and homestays, began encroaching on this corridor. These activities caused habitat fragmentation, leading to increased human- elephant conflicts, crop damage, and threats to elephant survival.

Facts of the Case:

Private individuals and businesses acquired land in the corridor for resorts and tourism projects.

The Bombay Environmental Action Group (BEAG) type NGOs) and other conservationists raised concerns about ecological damage.

A Public Interest Litigation (PIL) was filed in the Madras High Court to protect the corridor and remove illegal constructions.

In 2020, the Supreme Court set up the Segur Plateau Elephant Corridor Inquiry Committee to identify private encroachments and recommend conservation measures.

Issues Raised:

1. Whether private developments violated wildlife and forest protection laws.
2. Whether the government had a duty to protect wildlife corridors under the Wildlife Protection Act, 1972 and the Constitution.
3. How to balance private property rights with ecological conservation. Arguments:

Petitioners / Conservationists:

Encroachments blocked elephant migration, causing human-animal conflicts. Government failed to enforce environmental and forest laws.

Corridors are protected under ecological principles and Supreme Court precedents. Respondents / Private Owners C Developers:

Claimed ownership rights over the land.

Argued that tourism development promotes local economy. Judgment / Court Orders:

Madras High Court and Supreme Court emphasized the importance of elephant corridors for ecological balance.

The courts directed the removal of illegal resorts and constructions inside the corridor.

Recommended the acquisition of private land in sensitive areas and declaration of such lands as reserved forests.

Stressed strict enforcement of Wildlife Protection Act, 1972 and Forest Conservation Act, 1980.

Legal Principles Involved:

1. Article 21 – Right to life (includes right to live in a healthy environment).
2. Wildlife Protection Act, 1972 – Protection of endangered species and habitats.
3. Forest Conservation Act, 1980 – Restriction on diversion of forest land.
4. Principle of Ecological Sustainability – Ensuring wildlife corridors remain functional.
5. Precautionary and Public Trust Principles – Courts' proactive role in environmental protection.

Impact / Significance:

Strengthened judicial intervention in wildlife and forest conservation.

Set precedent for removal of illegal encroachments in ecologically sensitive zones. Raised public awareness about human-elephant conflict and habitat protection.

Demonstrated that development cannot override ecological concerns. References:

1. Segur Plateau Elephant Corridor Inquiry Committee Report, 2020.
2. Nilgiri Elephant Corridor case judgments – Madras High Court C Supreme Court (2020–2024).
3. Wildlife Protection Act, 1972; Forest Conservation Act, 1980.

Environmental Protection through Judicial Activism: A Study of Bombay Environmental Action Group v. State of Maharashtra

Abstract: This paper analyses the landmark judgment of the Bombay High Court in the case *Bombay Environmental Action Group v. State of Maharashtra*, which emphasized the importance of environmental protection and sustainable development. The case reflects the growing role of the judiciary in safeguarding the environment against unregulated urban development. The Court upheld the principles of the right to a clean and healthy environment under Article 21 of the Constitution of India.

Introduction: The Constitution of India guarantees the right to life under Article 21, which includes the right to a healthy environment. The judiciary, through several judgments, has interpreted this right to impose duties on both the State and citizens to protect nature. The case of *Bombay Environmental Action Group (BEAG) v. State of Maharashtra* is one of the significant decisions that reflects this judicial commitment to environmental protection, especially against illegal and unplanned development in coastal and forest areas.

Background of the Case: In Mumbai, during the late 1990s and early 2000s, the government of Maharashtra started approving large construction and development projects along the western coastal areas, particularly in Versova, Juhu, Worli, and Bandra. These areas were Coastal Regulation Zones (CRZ), protected under the CRZ Notification, 1991 issued by the Central Government under the Environment (Protection) Act, 1986. The petitioners argued that the State of Maharashtra allowed several projects and constructions in the CRZ areas without proper environmental clearance, thereby violating environmental laws.

Case Story / Facts: The Bombay Environmental Action Group (BEAG), a registered NGO, filed a Public Interest Litigation (PIL) before the Bombay High Court against the State of Maharashtra. Many builders and developers started constructing luxury hotels, housing complexes, and clubs near the coast without proper environmental clearance. Some even reclaimed land from the sea to

expand plots. This caused damage to mangroves, pollution of seawater, and flooding in nearby residential areas. BEAG alleged that the State had failed in its duty to enforce the CRZ Notification and the Environment (Protection) Act, 1986.

Issues Raised:

1. Whether the State Government violated the CRZ Notification, 1991, by permitting illegal constructions along the coast.
2. Whether the right to life under Article 21 includes the right to a clean and healthy environment.
3. Whether the government is duty-bound to protect ecological balance and prevent environmental degradation.

Arguments: Petitioners (BEAG):

The constructions were in violation of the Environment (Protection) Act, 1986. The CRZ Notification had been ignored by authorities.

Environmental clearance is mandatory before approving such projects.

Respondents (State of Maharashtra):

Claimed that the constructions were approved by competent authorities. Argued that development was essential for economic growth.

Judgment: The Bombay High Court held that:

Environmental protection cannot be sacrificed for short-term economic gains.

The State must strictly follow the CRZ Notification.

The right to life under Article 21 includes the right to enjoy pollution-free air and water.

The Court directed the demolition of illegal structures and ordered strict enforcement of environmental laws.

Legal Principles Involved:

1. Article 21 – Right to Life (includes right to environment)
2. Articles 48A C 51A(g) – Directive Principles and Fundamental Duties 3.Environment (Protection) Act, 1986
3. Coastal Regulation Zone (CRZ) Notification, 1991
4. Doctrine of Sustainable Development 6.Precautionary Principle

Analysis: The judgment reinforced the judiciary's proactive role in ensuring environmental compliance. The Court's interpretation of Article 21 broadened the scope of environmental rights. It emphasized the need for balance between development and ecology, which is the essence of sustainable development. This case encouraged citizens and NGOs to approach the courts for environmental causes and made the government accountable for its actions.

Conclusion: The Bombay Environmental Action Group v. State of Maharashtra case is a milestone in Indian environmental jurisprudence. It highlighted that development must not come at the cost of ecological destruction. The decision serves as a guiding precedent for future cases concerning environmental violations and public interest litigation.

References:

1. Bombay Environmental Action Group v. State of Maharashtra, AIR 2005 Bom 367
2. The Constitution of India – Articles 21, 48A, 51A(g)
3. Environment (Protection) Act, 1986
4. Coastal Regulation Zone (CRZ) Notification, 1991

