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Right of Passage of the Animals

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Why in News

Recently, the **Supreme Court (SC) upheld the 2011 order of the Madras High Court (HC)** on the **Nilgiris elephant corridor**, affirming the **right of passage of the animals** and the closure of resorts in the area.

Key Points

- **Madras HC Judgement:**

- In 2011, the Madras HC upheld the validity of the Tamil Nadu government's notification (of 2010) declaring an 'Elephant Corridor' in the Sigur Plateau of Nilgiris District.
- It said that the government is fully empowered under the '**Project Elephant**' of the Union government as well as **Article 51 A(g)** of the Constitution to notify the elephant corridor in the state's Nilgiris district.

Article 51 A(g): It shall be the **duty of every citizen of India** to protect and improve the **natural environment** including forests, lakes, rivers and wildlife and to have **compassion for living creatures**.

- Further, it **upheld directions to the resort owners** and other private landowners **to vacate lands falling within the notified elephant corridor**.

- **Highlights of the SC Judgement:**


- It's the State's duty to protect a **"keystone species"** like elephants, which are immensely important to the environment.

Keystone species, in ecology, a species that has a disproportionately large effect on the communities in which it lives.

- Elephant corridors **allow elephants to continue their nomadic mode of survival**, despite shrinking forest cover, by facilitating travel between distinct forest habitats. These corridors **play a crucial role in sustaining wildlife by reducing the impact of habitat isolation**.
- The court also allowed the formation of **a committee** led by **a retired HC judge and two other persons** to hear the individual **objections of resort owners and private landowners** within the corridor space.
- However, during the hearings, the SC opined that the area is a fragile ecosystem, where the will of men must give way to elephants.

'ECOSYSTEM COULD BE UNALTERABLY UPSET'

“ The precautionary principle makes it mandatory for the state government to anticipate, prevent and attack causes of environmental degradation... it was necessary for it to limit commercial activity in areas falling in the corridor



The corridors allow elephants to continue their nomadic mode of survival, despite shrinking forest cover, by facilitating travel between distinct forest habitats

In their absence, elephants would be unable to move freely, which would affect other species and the ecosystem balance of several wild habitats would be unalterably upset

— **SC bench** comprising CJI S A Bobde, Justices S Abdul Nazeer & Sanjiv Khanna

- **Nilgiris Elephant Corridor:**
 - The corridor is situated in the ecologically fragile **Sigur plateau**, which **connects the Western and the Eastern Ghats** and sustains elephant populations and their genetic diversity.
 - It is situated near the **Mudumalai National Park** in the Nilgiris district.
 - It has the Nilgiri hills on its **southwestern** side and the **Moyar river valley** on its northeastern side.
 - There are about **100 elephant corridors** in India of which almost 70% are used regularly.
 - 75% of the corridors are in the southern, central and north-eastern forests.
 - There are an estimated 6,500 elephants in just the **Brahmagiri-Nilgiris-Eastern Ghats ranges**.
- **Challenges for Elephant Corridors: 'Right of Passage'**, an 800-page study released in August 2017, authored by experts and **published by the Wildlife Trust of India (WTI)** identifies and records details pertaining to 101 elephant corridors across India.
 - **Narrowing Passage Width:** Only 22% corridors are of a width of one to three kilometres in 2017, compared with 41% in 2005, pointing to how constricted corridors have become in the past 12 years.
 - **Human Encroachment of Corridors:** 21.8% of corridors were free of human settlements in 2017 compared with 22.8% in 2005, and 45.5% have 1-3 settlements in 2017 compared with 42% in 2005.
 - **Intercepted Corridors:** About 36.4% of the elephant corridors in northwestern India, 32% in central India, 35.7% in northern West Bengal and 13% of the elephant corridors in northeastern India have a **railway line passing through** them.
 - Almost **two-thirds of the corridors** have a **National or State Highway passing** through them, **fragmenting habitats** and hindering elephant movement further.
 - 11% of corridors have **canals passing through them**.
 - 12% are affected by **mining** and the extraction of boulders.
 - **Land-use Along Corridors:** In terms of land use, only 12.9% of the corridors are totally under forest cover in 2017 compared with 24% in 2005.
 - Two in every three elephant corridors in the country are now affected by agricultural activities.
 - All the corridors in northern West Bengal (100%) and almost all in central India (96%) and northeastern India (52.2% under **settled cultivation** and 43.4% under **slash and burn cultivation**) have agricultural land.

- There are **three subspecies of Asian elephant – the Indian, Sumatran and Sri Lankan.**

The Indian has the widest range and accounts for the majority of the remaining elephants on the continent.

- Escalation of poaching, habitat loss, **human-elephant conflict** and mistreatment in captivity are some common threats to both African and Asian elephants.
- **African elephants** are listed as “**vulnerable**” and **Asian elephants** as “**endangered**” in **IUCN Red List** of threatened species.
- **CITES status:**
 - **Appendix I** for **Asian Elephants.**
 - **Appendix II** for **African elephants** in Botswana, Namibia, South Africa and Zimbabwe.
- **Conservation Efforts:**
 - **Project Elephant** launched by the **Government of India in the year 1992** as a **Centrally Sponsored Scheme. Elephant census** is conducted once in 5 years under the aegis of Project elephant.
 - Establishment of elephant reserves and adoption of the “**World Elephant Day**” (**August 12**) to help conserve and protect elephants in India.
 - ‘**Gaj Yatra**’ a nationwide awareness campaign to celebrate elephants and highlight the necessity of securing elephant corridors.
 - The **Monitoring the Illegal Killing of Elephants (MIKE) programme, launched in 2003**, is an international collaboration that tracks trends in information related to the illegal killing of elephants from across Africa and Asia, to monitor effectiveness of field conservation efforts.

Way Forward

- The judgement sets the pace for better, more effective laws for the protection of elephant corridors across India.
- Illegal structures in these pathways should be removed without delay as the first step.
- Elephant Corridors are not fully protected areas. Therefore, the need is to ensure their protection. This needs political will.
- People should be encouraged to avoid critical elephant migratory routes.
Conservation is an achievement only if local communities are also involved in the process.

Source:DTE