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Petition for Declaring ESA Unconstitutional

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Why in News

Recently, a Kerala-based NGO for farmers has moved the **Supreme Court** (SC) to declare the draft notification on the **Western Ghats Ecologically Sensitive Area** (ESA) unconstitutional.

It has sought a direction to the government to **not implement the Madhav Gadgil and Kasturirangan committees' reports** on the conservation of the Western Ghats.

Key Points

- **Background:**
 - The **Western Ghats Ecology Expert Panel** (WGEEP), also known as **Gadgil Committee**, and the **Kasturirangan Committee, a High-Level Working Group**, were constituted to **conserve and protect the biodiversity of Western Ghats** while allowing for sustainable and inclusive development of the region.
 - They recommended that **identified geographical areas falling in the six States of Kerala, Karnataka, Goa, Maharashtra, Gujarat and Tamil Nadu** should be declared as ESA.
 - A **draft notification related to the same was issued in 2018** mentioning the areas to be notified in the ESA.

- **Issues Highlighted by the Petition:**
 - The draft notification would declare 123 agricultural villages in Kerala as ESA **converting the semi-urban villages in the region into forests with no facilities and roads.** It will **affect 22 lakh people** and **cripple the economy** of Kerala.
 - The Centre had **wrongly branded people** who had been residing in the Western Ghats area, **as the “destroyers of the biodiversity and agents of ecological damage.”**
 - Apart from that, it suggested that **ESA in Kerala should be restricted to reserved forests and protected areas.**
- **Gadgil Committee:**
 - It recommended that **all of the Western Ghats should be declared as the ESA** with only limited development allowed in graded zones.
 - It classified the Western Ghats into **ESA 1, 2 and 3** of which **ESA-1 is a high priority zone** where almost all of the **developmental activities** (mining, thermal power plants, etc) should be **restricted.**
 - It also recommended the **constitution of Western Ghats Ecology Authority (WGEA)**, as a statutory authority under the Ministry of Environment, Forests and Climate Change (MoEFCC) with the powers under **Section 3 of the Environment (Protection) Act, 1986.**
 - It was **criticised for being more environment-friendly and not in tune with the ground realities.**
- **Kasturirangan Committee:**
 - It sought to **balance the development and environment protection** in contrast to the system proposed by the Gadgil report.
 - The committee’s **major recommendations were:**
 - Instead of the total area of Western Ghats, **only 37% of the total area to be brought under ESA.**
 - A complete **ban on mining, quarrying and sand mining** in ESA.
 - **No thermal power projects** to be allowed and **hydropower projects to be allowed only after detailed study.**
 - **Red industries** (highly polluting industries) to be strictly **banned.**
 - Exclusion of inhabited regions and plantations from the purview of ESAs making it a **pro-farmer approach.**

Ecologically Sensitive Areas

- **Eco-Sensitive Zones or Ecologically Fragile Areas** are located **within 10 km of Protected Areas, National Parks and Wildlife Sanctuaries.**
- ESAs are **notified by the MoEFCC under Environment (Protection) Act 1986.**

- **Aim:** To regulate certain activities around National Parks and Wildlife Sanctuaries so as to minimise the negative impacts on the fragile ecosystem encompassing the protected areas.

Way Forward

- The matter pertains to the debate of 'Development versus Conservation', which highlights that destruction in the name of development should not be encouraged and sustainable development should be given priority.
- A proper analysis based on scientific study followed by consensus among various stakeholders by addressing respective concerns is required to solve the differences in a timely manner.
- Delays in implementation will only accentuate degrading of the prized natural resources of the country hence, with a holistic view of threats and demands on the forest land, products and services, devising strategies must be developed to address them.

Source: TH