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Protests Against Eco-sensitive Zones in Narmada District

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Why in News

Recently, **tribal communities in Gujarat have been protesting** against the **Ministry of Environment, Forest and Climate Change (MoEFCC)** order classifying 121 villages around the **Shoolpaneshwar Wildlife Sanctuary** in **Narmada district as eco-sensitive zones**.

- They have appealed to the centre to withdraw the notification to mitigate the protests.
- Tribes like **Tadvi and Vasava** have been concerned ever since **Kevadia village** of Narmada district was developed into a **tourism circuit around the Statue of Unity** (SoU).

Key Points

- **Reasons Behind Protests:**

- **Land falling in the eco-sensitive zone**, including land used for agricultural use and plots reserved for parks, **cannot be transferred for non-agricultural use** for commercial, industrial or residential purposes.
Any land that needs to be transferred can be done so **only after approval from the state government.**
- A process has been initiated to include the **state government as the co-owner** of the land in the 121 villages.
Tribals are apprehensive of the order as they **were not taken into confidence.**
- The notification, combined with the formation of the **SoU Tourism Authority** (SoUTA or also known as the **SoU Area Development and Tourism Governance Authority**), has **increased administrative needs owing to the booming tourism** and has **left tribals in a state of mistrust and fear.**
 - They feel the simultaneous implementation of the two government decisions **could dilute the “power” vested with villagers under the Panchayat (Extension of Scheduled Areas) Act (PESA Act), 1996**, implemented in areas notified under **Schedule V** of the Constitution.
 - **Fifth and Sixth Schedules** provide for **alternate or special governance mechanisms for certain schedule areas.**

- **Panchayat (Extension of Scheduled Areas) Act, 1996:**

- Gujarat notified the **State PESA Rules in January 2017**, applicable in 4,503 gram sabhas in eight districts of the state.
- The Act promised a **separate security force for the gram sabhas** that would have complete power to decide their issues.
- The provisions of the law deem the **gram sabhas as “most competent” to deal with matters related to their territories** for safeguarding their customs, traditions as well as the natural resources in the tribal areas.
- However, the **Act has not been enforced in letter and spirit**, according to legal experts.

Statue of Unity Tourism Authority

- The government passed the **SoU Area Development and Tourism Governance Authority or the SoU Tourism Authority (SoUTA) Bill in 2019.**
 - The Bill **sets aside Rs. 10 crore** from the **consolidated fund of the state** for the discharge of functions and duties by SoUTA.
 - While activists and legal experts feel the Act will overpower the provisions of PESA, officials say rules of SoUTA are yet to be clarified.

- **Functions:**

It will **largely work as a local body that will prepare and execute a development plan** or a town planning scheme, remove encroachments and provide civic amenities like water supply, transportation, power supply, drainage, hospitals, medical services, schools, public parks, markets, shopping places, and disposal of waste, among others.

- **Powers:**

- **Acquiring immovable property** under the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.**

- **Taking punitive action** against those violating/encroaching it.

- **Defining the limits** of the tourism development area.

- **Persons authorised can enter any land or building** between sunrise and sunset by giving its occupant a notice of at least 24 hours.

- **Shields the authority and its members from any legal proceeding or prosecution** for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made thereunder.

- **Assistance:**

- **Police can assist the authority in prohibiting any nuisance** being caused or prevent any such activity, process, the operation being carried out, if it opines that it will damage or deteriorate the “tourism potentiality” of the area.

- **Expenses and costs incurred**, if any, in removing or abating such nuisance, shall be **recovered as an arrear of land revenue from the person who has caused such nuisance.**

- **Punishments:**

Persons who fail to comply with directions given by the authority shall be **punishable with imprisonment for up to a month** or with a **fine up to Rs. 50,000, or both.** The offence will also be treated as “**cognisable and non-bailable**”.

Shoolpaneshwar Wildlife Sanctuary

- It was first declared a **protected area in 1982.**

- An area of 150.87 sq. km was called the ‘**Dumkhal Sanctuary**’, specifically created for the **protection of sloth bears.**

- In the years **1987 and 1989, more land was attributed** to conservation and the area of the sanctuary enlarged to 607.70 sq km. It was then **renamed** ‘Shoolpaneshwar Sanctuary’.

- **Flora:** It is made up of a mixed forest of teak, riverine forest and deciduous dry jungles.

- **Fauna:** Sloth bear, Leopard, Rhesus macaque, Four Horned antelope, Barking deer, Pangolin, Herpetofauna, birds including Alexandrine parakeet.

Source: IE