



## SC Judgement on Eco Sensitive Zone

**For Prelims:** Eco Sensitive Zones, Environmental (Protection) Act, 1986, National Wildlife Action Plan, National Park, Wildlife Sanctuary, Protected Forests

**For Mains:** Biodiversity and its Conservation, Eco Sensitive Zones, Environmental (Protection) Act, 1986, National Wildlife Action Plan

### Why in News?

Recently, the [Supreme Court](#) directed that every protected forest, national park and wildlife sanctuary across the country should have **a mandatory eco-sensitive zone (ESZ) of a minimum one km** starting from their demarcated boundaries.

- The judgment came on a petition instituted for the protection of forest lands in the Nilgiris district of Tamil Nadu.

### What are the Key Highlights of Judgement?

- The **Centre** had while coming out with **February 2011 guidelines on ESZ** had prescribed a **10-kilometre boundary** based on responses received from states and UTs.
  - The Court was conscious of the fact that **a uniform ESZ for all national parks and sanctuaries would not be feasible** as it noted special cases such as Sanjay Gandhi National Park in Mumbai and Guindy National Park in Chennai which are situated very close to the metropolis.
- If the existing ESZ goes **beyond the 1 km buffer zone** or if any statutory instrument prescribes a higher limit, then **such extended boundary shall prevail**.
- **Mining** within the national parks and wildlife sanctuaries **shall not be permitted**.
- The judgement would **apply in all such states/UTs** where the minimum ESZ is not prescribed.
- The **minimum width of ESZ may be diluted in the overwhelming public interest**.
  - The state or UT concerned shall approach the Court-appointed **Central Empowered Committee (CEC) and MoEFCC** (Ministry of Environment Forest and Climate Change) and both these bodies shall give the respective opinions or recommendations before this Court based on which this Court shall pass appropriate order.
- The Court directed the **Principal Chief Conservator of Forests (PCCF)** of each state and UT to submit **a report in three months** to the Court providing a list of activities continuing in the ESZ of every national park or wildlife sanctuary.
- The Court entrusted the PCCF to ensure that **no new permanent structure comes up within ESZ** and those already carrying out any activity will have to apply for permission afresh from the PCCF within six months.

### What are Eco Sensitive Zones?

- **About:**
  - The [National Wildlife Action Plan \(2002-2016\)](#) of the [Ministry of Environment, Forest](#)

and Climate Change (MoEFCC) stipulated that state governments should declare land falling within **10 km of the boundaries of national parks and wildlife sanctuaries** as eco fragile zones or **Eco Sensitive Zones (ESZs)** under the **Environmental (Protection) Act, 1986**.

- **Purpose:**
  - The purpose of declaring ESZs around national parks, forests and sanctuaries is to create some kind of a **“shock absorber”** for the protected areas.
  - These zones would act as a **transition zone** from **areas of high protection** to those involving **lesser protection**.
- **Prohibited activities:**
  - Commercial mining, saw mills, industries causing pollution, establishment of major hydroelectric projects (HEP), commercial use of wood.
  - Tourism activities like hot-air balloons over the National Park, discharge of effluents or any solid waste or production of hazardous substances.
- **Regulated activities:**
  - Felling of trees, establishment of hotels and resorts, commercial use of natural water, erection of electrical cables, drastic change of agriculture system, e.g. adoption of heavy technology, pesticides etc, widening of roads.
- **Permitted activities:**
  - Ongoing agricultural or horticultural practices, rainwater harvesting, organic farming, use of renewable energy sources, adoption of green technology for all activities.
- **Significance:**
  - **Minimize the impact of development activities**
    - To minimize the impact of urbanization and other developmental activities, the areas adjacent to protected areas have been declared as Eco-Sensitive Zones.
  - **In-situ conservation:**
    - ESZs help in in-situ conservation, which deals with conservation of an endangered species in its natural habitat, for example the conservation of the One-horned Rhino of Kaziranga National Park, Assam.
  - **Minimize Forest Depletion and Man-Animal Conflict**
    - Eco-Sensitive Zones minimize forest depletion and man-animal conflict.
    - The protected areas are based on the core and buffer model of management, through which local area communities are also protected and benefitted.

## What are the challenges to Eco-Sensitive Zones?

- **Developmental activities:**
  - Activities such as construction of dams, roads, urban and rural infrastructures in the ESZ, create interference, negatively impact upon the environment and imbalance the ecological system.
- **Governance and new laws:**
  - The Environmental Protection Act 1986 and the Wildlife Protection Act 1972 ignore forest communities' rights and fail to stop poaching of animals. This is in order to support development activities in ESZs.
- **Tourism:**
  - To cater to the increasing demand for eco-tourism, land around parks and sanctuaries is being cleared through deforestation, displacement of local people etc.
- **Introduction of exotic species:**
  - Exotic species like Eucalyptus and Acacia auricularis etc., and their plantations create a competing demand on naturally occurring forests.
- **Climate change:**
  - Climate change has generated land, water and ecological stress on the ESZs. For example, frequent forest fires or the Assam floods which badly affected the **Kaziranga National Park** and its wildlife.
- **Local communities:**
  - Shifting cultivation, pressure of increasing population and the rising demand for firewood and forest produce, etc. exert pressure on the protected areas.

## Way Forward

- The States should act as a trustee for the benefit of the general public in relation to natural resources so that sustainable development can be achieved in the long term.
- The government should not confine its role to that of a facilitator of economic activities for the immediate upliftment of the fortunes of the State.
- Afforestation and reforestation of degraded forest, regeneration of lost habitats, promoting carbon footprints can be done.
- Propagating Conservation techniques and creating awareness about overexploitation of resources and its adverse impacts among masses.

### UPSC Civil Services Examination, Previous Year Question

**Q. In which one among the following categories of protected areas in India are local people not allowed to collect and use the biomass? (2012)**

- (a) Biosphere Reserves
- (b) National Parks
- (c) Wetlands declared under Ramsar Convention
- (d) Wildlife Sanctuaries

**Ans: (b)**

**Exp:**

- **National Park:** It is an area, whether within a sanctuary or not and can be notified by the state government to be constituted as a National Park, by reason of its ecological, faunal, floral, geomorphological, or zoological association or importance, needed for the purpose of protecting and propagating or developing wildlife therein or its environment. **No human activity is permitted** inside the national park except for the ones permitted by the chief wildlife warden of the state under the conditions given in Chapter IV, Wildlife Protection Act, 1972.
- **Biosphere Reserves:** These are large areas of biodiversity where flora and fauna are protected. These regions of environmental protection roughly correspond to IUCN Category V Protected areas. Biosphere Reserves of India often include one or more National Parks or sanctuaries, along with buffer zones that are **open to some economic uses**. Protection is granted not only to the flora and fauna of the protected region, but also to the human communities who inhabit these regions, and their ways of life.
- **Wildlife Sanctuary:** It is defined by the State Government via notification. There is no need to pass a legislation by the state assembly to declare a wildlife sanctuary. Fixation and alternation of boundary can be done by the state legislature via resolution. No alteration of boundaries in wildlife sanctuaries can be done without approval of the NBWL (National Board of Wildlife). **Limited human activities are permitted** in the sanctuary.
- **Wetlands under the Ramsar convention do not bar locals from collecting biomass** from the wetlands rather they make local people a stakeholder in **the conservation of the wetland**. Therefore, option (b) is the correct answer.

**Source: TH**