



Supreme Court Modifies Order on ESZ

For Prelims: [Eco-sensitive Zones](#), [National Wildlife Action Plan \(2002-2016\)](#).

For Mains: Activities Around ESZs, Significance of ESZs, [Challenges Associated with ESZs](#).

Why in News?

The [Supreme Court](#) modified its previous judgment regarding [Eco-Sensitive Zones \(ESZ\)](#) around protected forests, stating that **ESZs cannot be uniform across the entire country**, and instead need to be tailored to the specific protected area.

What was the Earlier SC Judgement on ESZ?

- **Previous Judgement:**
 - In June 2022, the SC ordered that [ESZs of a minimum of one kilometer should be declared around protected forests, national parks, and wildlife sanctuaries across the country](#).
 - The court had said that ESZs would act as a "**shock absorber**" for the protected areas and prevent encroachment, **illegal mining, construction, and other activities that could harm the environment and wildlife**.
 - The court had also directed the **Centre and the States to notify the ESZs within 6 months and file compliance reports**.
- **Arguments by Centre and States for Challenging it:**
 - The June 2022 order affected hundreds of villages in the peripheries of forests. **ESZs cannot be uniform across the country and have to be decided on a case-by-case basis**.
 - Geographical features, population density, land use patterns, and other factors of each protected area need to be taken into account.
 - The **order would hamper the development activities and livelihoods of the people living in the ESZs**, as well as the conservation efforts of the forest departments.

What did the SC say in its Modified Order?

- The bench led by Justice B.R. Gavai agreed with the submissions of the Centre and the States and modified its previous order by saying that:
 - The purpose of declaring ESZs is **not to hamper the day-to-day activities of the citizens but to protect the environment and wildlife**.
 - A stringent observance of the June 2022 order would **cause more harm than good, as it would increase [man-animal conflict](#)**, prevent basic amenities and infrastructure for the villagers, and **hinder eco-development activities** around protected areas.
 - The **Centre and the States should notify ESZs as per their own proposals** or as per recommendations of expert committees within 6 months.
 - However, **mining within the national parks/wildlife sanctuaries and within an area of 1 km from their boundary shall not be permissible**.

What are Eco-Sensitive Zones?

- **Governing Statute:**
 - The [National Wildlife Action Plan \(2002-2016\)](#) of the 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](#).
- **Extent:**
 - While the **10-km rule is implemented as a general principle**, the extent of its application can vary.
 - **Areas beyond 10 km can also be notified by the Union government as ESZs**, if they hold larger ecologically important **“sensitive corridors”**.
- **Prohibited Activities within ESZs Include:**
 - Commercial mining
 - Sawmills
 - Industries causing pollution
 - [Major hydroelectric projects](#)
 - Commercial use of wood
- **Permitted Activities:**
 - Agricultural or horticultural practices
 - [Rainwater harvesting](#)
 - [Organic farming](#)
 - Use of [renewable energy sources](#)
 - **Adoption of green technology**
- **Significance:**
 - ESZs help in **in-situ conservation**
 - Minimize forest depletion and man-animal conflict
 - Minimize the negative impact on fragile ecosystems
- **Challenges Associated with ESZ:**
 - Climate change causing land, **water, and ecological stress on ESZs**
 - Impact on the **lives and livelihoods of forest communities** due to [forest rights](#) dilution

Way Forward

- **Tailoring ESZs to Specific Protected Areas:**
 - The modified order of SC acknowledges that ESZs cannot be uniform across the country and **need to be decided on a case-by-case basis**.
 - This approach can ensure that ESZs are tailored to the specific needs and vulnerabilities of each protected area and **minimize any adverse impacts on the people living in the peripheries**.
- **Consultation with Stakeholders:**
 - The Centre and the States should involve all stakeholders, **including local communities, forest departments, environmentalists, and experts, in the process of deciding the ESZs**.
 - This can ensure that the concerns and suggestions of all parties are considered and addressed in the final decision.
- **Balancing Conservation and Development:**
 - The modified order emphasizes that the purpose of declaring ESZs is not to hamper the day-to-day activities of the citizens but to protect the environment and wildlife.
 - The Centre and the States should, therefore, strike a **balance between the conservation goals and the developmental needs of the people living in the peripheries**.
 - This can be achieved by promoting **eco-tourism, sustainable livelihoods, and green infrastructure in the ESZs**.
- **Monitoring and Enforcement:**
 - The modified order directs the Centre and the States to notify ESZs within six months and file compliance reports.
 - It is important to ensure that the ESZs are monitored and enforced effectively to **prevent**

any illegal activities, encroachments, or violations.

- This can be done through **regular inspections, surveillance, and penalties for violators.**

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)

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