# Supreme Court's Ecologically Sensitive Zones (ESZ) notification

## Why in news?

The Kerala State Assembly passed a resolution urging the Central government to exclude the State's human habitations, farmlands and public institutions from the purview of the Ecologically Sensitive Zones.

## What is the Supreme Court's notification on Ecologically Sensitive Zones?

- The Supreme Court directive to maintain a minimum Ecologically Sensitive Zone (ESZ) of 1 km for all the Protected Forests, including the national parks and wildlife sanctuaries.
- The court has also suggested that if the prescribed ESZ goes beyond 1 km, the "wider margin" shall prevail as the zone.
- The apex court has also noted that all the ongoing activities except the prohibited ones in the ESZ may continue with the permission of the Principal Chief Conservator of Forests.
- One needs to obtain the necessary permission for such activities within six months.
- The prohibited activities in the ESZ include
    - commercial mining, setting up of sawmills and major hydroelectric projects
    - commercial use of firewood
    - production of any hazardous substances
    - tourism activities such as overflying the national park area by any aircraft
    - hot air balloons
    - the discharge of effluents and solid waste to natural waterbodies or terrestrial areas.

## Why is Kerala opposing the notification?

- Kerala has 25 protected areas, including 18 wildlife sanctuaries, six national parks and one community reserve.
- While most of the protected areas have the minimum prescribed ESZ of 1

km, the Parambikulam Tiger Reserve has an ESZ of 10.09 km in the South West boundary.

- The Silent Valley National Park has
  - a zone of 9.8 km in the south west boundary
  - followed by the Chimmoney Wildlife Sanctuary (9.5 km in the west)
  - the Shendurney Wildlife Sanctuary (6.5 km in south)
  - the Wayanad Wildlife Sanctuary (4 km in both south and west boundaries.)
- Going by the court directive, some of the townships and human habitations located close to protected areas suchas Kumili and Painavu in Idukki and Batheri in Wayanad will come under the ESZ.
- This has stirred the hornet's nest in Kerala where any regulatory mechanism on land and land use patterns would have political ramifications.
- What worries the State is the possible impact of the apex court's order on its unique landscape.
- Nearly 30% of Kerala is forested land and the Western Ghats occupies 48% of the State.
- Moreover, there is the network of lakes and canals and wetlands and the 590-kilometres-long coastline, which are all governed by a series of environmental conservation and protection legislations, leaving little space for its 3.5 crore population to occupy.
- With an average population density of 900 persons per square kilometer, much higher than the national average, the demographic pressure on the available land is unusually high in the State.
- The State Government apprehends that the SC's notification may worsen the ground situation as it would adversely impact the interests of the State besides upsetting the lives of millions living near the protected areas.

## How did the State's earlier efforts to draft ESZ notifications go?

- Earlier, while preparing the draft ESZ notifications for its protected areas including the Malabar, Idukki, Aralam, Kottiyoor, Shendurney and Wayanad wildlife sanctuaries.
- The State Government had taken care to exclude the areas with high population density, government and quasi-government institutions, and public institutions from the ambit of the notification.
- The marking of the ESZ for the protected areas that shared the forest boundary with the neighboring States was a peaceful affair as there were no human habitations in between.

- However, the apex court's recent order has changed the picture and forced the State government to re-look the ESZs of at least 10 protected areas which were earlier marked as zero.

## What has been the reaction to the directive?

- The apex court order comes a decade after the **Western Ghats Ecology Expert Panel (WGEEP) report, aka Gadgil report**, that had radically influenced the socio-political, economic and ecological narratives in the State.
- Though not to the level of the high-pitched public unrest and protests that the State witnessed during the days preceding the WGEEP report, the ESZ notification too has triggered state-wide protests.
- The Kerala Catholic Bishops' Council, a powerful body catering to the special needs of the apostolate in the State, termed the apex court verdict as unfortunate.
- And it feared that the order will upset the lives of thousands of settler farmers and people living on the forest fringes.
- The forum apprehended that the order will effectively turn four lakh acres around the 23 wildlife sanctuaries in the State into buffer zones, thus hitting around 1.5 lakh families.
- The State government has also decided to explore the option of approaching the Central Empowered Committee, as directed by the Supreme Court in its order, to convince the forum of the need to maintain zero ESZ in the areas of human habitation.

## What is the way forward?

- Providing exceptions and amending the notification can address the issue in the State.
- The Kerala government may approach the apex court seeking exemption from the one-kilometer ESZ regime and to limit it to zero wherever required.
- Since 30% of Kerala is forested land and the Western Ghats occupies 48% of the State, the habitual population in the specified area will get affected.
- It will displace the people living in the specific region, causing an instability in the region, leading to demographic ramifications.

**Reference**

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