



Eco-Sensitive Zones, also known as Ecologically Fragile Areas, are designated protected areas, National Parks, and Wildlife Sanctuaries.[1] by the Ministry of Environment, Forest and Climate Change (MoEFCC). The notification of the Eco-Sensitive Zone in India aims to create a "shock absorber" for protected areas by regulating and managing activities in nearby areas. The primary objective of ESZs is to safeguard natural resources, maintain ecological balance, and protect the environment of the region.

The concept of creating Eco-Sensitive Zones in India is based on the interdependence between living organisms and their natural surroundings. These zones have a radius of 10 kilometers around the protected areas, depending on the specific area, and were notified according to the National Wildlife Action Plan (2002-2016) of the MoEFCC.[2] ESZs are subject to strict regulations on land use and developmental activities to minimize human impact on the environment. Activities such as mining, logging, and industrial development are restricted in the eco-sensitive zone.

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Permissible Activities in Eco-Sensitive Zones

Eco-Sensitive Zones (ESZs) are designated protected areas that require strict regulation to preserve their natural resources, ecological balance, and environment. The Ministry of Environment, Forest and Climate Change (MoEFCC) has identified certain permissible, regulated, and prohibited activities in these areas.

Prohibited Activities:

Certain activities are strictly prohibited in ESZs, such as commercial mining, establishment of major hydroelectric projects, commercial use of wood, and industries that cause pollution to water, air, soil, noise, etc. Additionally, tourism activities that can harm the ecosystem, such as hot air balloons over National Parks, discharge of effluents or production of hazardous substances, or any kind of solid waste are also prohibited.

Regulated Activities:

Some activities are regulated in ESZs to minimize their impact on the environment. These include the establishment of hotels and resorts, commercial use of natural water, felling of trees, drastic changes in the agriculture system, erection of electrical cables, use of pesticides, widening of roads, and adoption of heavy technology.

Permitted Activities:

Certain activities are permitted in ESZs, such as horticulture practices, rainwater harvesting, use of renewable energy sources, adoption of green technology for all activities, and organic farming.

It is essential to maintain a balance between development and conservation in eco-sensitive zones. Adherence to the permissible, regulated, and prohibited activities identified by MoEFCC can help protect the environment and sustain natural resources for future generations.

Significance of ESZs

1. Preservation of biodiversity- ESZs are essential for preserving the natural ecosystems and protecting the diverse flora and fauna in the area, these zones act as a buffer between human activities and natural habitat, which helps to maintain ecological balance.
2. Protection of water resources- Any kind of human activity close to water bodies is likely to pollute them. Therefore, eco-sensitive zones help to protect water resources such as rivers, lakes, and other water bodies by restricting human activities in these areas.
3. Mitigation of climate change- ESZs act as carbon sinks, absorbing atmospheric carbon and mitigating the impact of climate change. These zones also help to retain soil moisture, regulate water cycles, reduce soil erosion, and maintain the ecological balance.
4. Prevention of natural disasters- ESZs help to prevent occurrences of natural disasters like floods, landslides, and droughts by regulating water cycles, reducing soil erosion, and retaining soil moisture.
5. Promotion of sustainable tourism- ESZs attract tourists who take an interest in nature-based tourism. These zones provide employment opportunities for local people and promote sustainable tourism.

Judicial Ruling

- In 2022, [3] a petition was filed in the Apex Court for the protection of forest lands in the Nilgiris district of Tamil Nadu. The court directed that

every national park and wildlife sanctuary in the country must have mandatory eco-sensitive zones of at least one kilometre from its demarcated boundaries.

- However, the order has created some disturbance in the human habitations falling within the proposed eco-sensitive zones. The Centre approached the court seeking modification of some of the previous directions.
- The order prohibits the construction of permanent structures for any purpose, including the reconstruction of houses or basic structures for the improvement of the villagers' lives. It also prevents the Forest Departments from conducting eco-development activities near national parks and sanctuaries that are required for wildlife protection and providing benefits to local communities.
- This ruling could potentially permanently prohibit various regulated and permissible activities, including a few projects of national and strategic importance.

Updates on the 2022 Order: A recent order of 2023[4]

In April 2023, the Supreme Court revised its earlier 2022 order regarding eco-sensitive zones (ESZs). The Court clarified that the 2022 order will not apply to areas covered by the Ministry of Environment, Forests, and Climate Change's draft ESZ notification. The notification exempts inter-state borders or areas that share common boundaries with national parks and wildlife sanctuaries from the ESZ regulations.

- Restrictions on Permanent Structures- The Court reiterated that no permanent structures will be permitted for any purpose within the ESZs. However, the Court recognized that the 2022 order's blanket ban on permanent structures would adversely affect hundreds of villages situated within the ESZs. Therefore, the Court modified the order to allow the construction of small permanent structures in areas, including ESZs.
- Eco-Development Activities- The Court recognized that the 2022 order would make it impossible for Forest Departments to conduct eco-development activities near the protected areas, which are essential for the protection of wildlife and the provision of benefits to local communities. Thus, the Court modified the order to allow eco-development activities that involve the construction of small permanent structures in areas, including ESZs.
- Regulated and Permissible Activities- The Court emphasized that the previous order had prohibited many regulated and permissible activities, as well as certain projects of national and strategic importance. The revised order allows for such activities, including the construction of defence infrastructure, national highways, and railways.
- Permission for Existing Activities- The 2022 order mandated that the Principal Chief Conservator of Forests of every state or Union Territory approve even the continuation of existing activities. The Court recognized that this requirement would create significant hardships for farmers and others. Therefore, the Court ordered the State/UT and the Ministry of Environment, Forests, and Climate Change to follow the guidelines and provisions contained in the ESZ notifications concerning protected areas of prohibited activities, regulated activities, and permissible activities, making it easier for existing activities to continue without seeking additional permissions.

No Mining is permitted in the eco-sensitive zone

The Supreme Court Order directed that *mining within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary will not be*

allowed. The Apex Court issued an order in 2022 to establish a one km eco-sensitive zone that surrounds the protected forests in the country. In the order, the court-mandated restricting activities in the area to protect forest coverage. This decision was made after considering the environmental impact of mining activities on the surrounding areas, and the need to ensure the preservation of India's natural resources.

The MoEFCC also stated that any *mining activity in the Eco-sensitive zone*, whether it is located near the protected forest or not, will require prior permission from the government.^[5] This is to ensure that the mining activity does not cause any damage to the surrounding areas and is carried out responsibly and sustainably. It is a significant step towards preserving India's natural resources and protecting the biodiversity of the surrounding areas. This move will help in ensuring that mining activities are carried out responsibly and sustainably, while also protecting the livelihoods of local communities.

Conclusion

It is crucial to acknowledge that the establishment of an Eco-sensitive zone should be based on specific circumstances rather than a uniform limit for all protected areas. The government must provide incentives to farmers for adopting green practices within these zones to ensure the concerns and suggestions of all stakeholders are addressed. Communities residing near protected areas should promote the conservation of Eco-sensitive zones and participate in environmental policymaking.

The recent court order emphasizes that the primary objective of declaring an Eco-sensitive zone is to protect the environment and wildlife without hindering the daily activities of citizens. Thus, a balance must be maintained between conservation goals and developmental needs. This can be achieved through promoting eco-tourism, sustainable livelihoods, and green infrastructure within the zones. It is essential to monitor and enforce these zones effectively to prevent any illegal activities, encroachments, or violations.

In conclusion, the proper implementation of Eco-sensitive zones can help in maintaining the ecological balance and preserving wildlife habitats while supporting sustainable development. The government and communities must work together to ensure that these zones are effectively managed and monitored for the benefit of all.

FAQs

What is an eco-sensitive zone?

An eco-sensitive zone is a geographical area surrounding a protected area such as a national park or wildlife sanctuary. It aims to conserve the ecological balance of the area and protect the wildlife, biodiversity, and other natural resources.

What are the activities allowed in eco-sensitive zones?

The activities allowed in eco-sensitive zones include horticulture practices, rainwater harvesting, use of renewable energy sources, green technology adoption for all activities, and organic farming.

What are the activities prohibited in eco-sensitive zones?

The activities prohibited in eco-sensitive zones include sawmills, commercial mining, industries that cause pollution (water, air, soil, noise, etc.), the establishment of major hydroelectric projects, and commercial use of wood. Also, tourism activities such as hot air balloons over the National Park,

discharge of effluents or production of hazardous substances, or any kind of solid waste.

[1]<https://forestsclearance.nic.in>

[2][https://www.forests.tn.gov.in/tnforest/app/webroot/img/document/legislations/NATIONAL%20WILDLIFE%20ACTION%20PLAN%20\(2002-2016\).pdf](https://www.forests.tn.gov.in/tnforest/app/webroot/img/document/legislations/NATIONAL%20WILDLIFE%20ACTION%20PLAN%20(2002-2016).pdf)

[3]In Re: T.N.GodavarmanThirumulpad V Union of India &Ors, Writ Petition (Civil) No 202 of 1995.

[4]In Re: T.N.GodavarmanThirumulpad V Union of India &Ors, Writ Petition (Civil) No 202 of 1995.

[5]<https://parivesh.nic.in/writereaddata/ENV/Eco-sensitiveZone/19.pdf>

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