

പതിമൂന്നാം കേരള നിയമസഭ
ആറാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നം. 56

10.12.2012 ൽ മറുപടിയിൽ

ഗാഡ്ഗിൽ കമ്മിറ്റി റിപ്പോർട്ട്

ചോദ്യം
ശ്രീമതി.കെ.കെ.ലതിക

ഉത്തരം
ഉമ്മൻ ചാണ്ടി
(മുഖ്യമന്ത്രി)

(എ) മാധവ് ഗാഡ്ഗിൽ കമ്മിറ്റി റിപ്പോർട്ട് സംബന്ധിച്ച് സംസ്ഥാന സർക്കാർ കേന്ദ്ര സർക്കാരിൽ എതിരഭിപ്രായം അറിയിച്ചിട്ടുണ്ടോ;

(എ) ഉണ്ട്.

(ബി) ഉണ്ടെങ്കിൽ എന്തെല്ലാം കാര്യങ്ങളാണ് കേന്ദ്ര സർക്കാരിൽ അറിയിച്ചിട്ടുള്ളത്; പകർപ്പുകൾ ലഭ്യമാക്കുമോ;


(ബി) പശ്ചിമഘട്ട ആവാസ വ്യവസ്ഥാ വിദഗ്ദ്ധ സമിതി (WGEEP) യുടെ റിപ്പോർട്ടിലെ ശുപാർശകൾ സംസ്ഥാനത്തിന്റെ ഉത്തമ താല്പര്യങ്ങളെ എപ്രകാരം പ്രതികൂലമായി ബാധിക്കുമെന്ന് കേന്ദ്ര സർക്കാരിനെ അറിയിച്ച 31.01.2012 ലെ 3527/എ2/11/പരിസ്ഥിതി എന്ന സർക്കാർ കത്തിന്റെ പകർപ്പ് ഇതോടൊപ്പം വയ്ക്കുന്നു.

(സി) എതിരഭിപ്രായം കേന്ദ്ര സർക്കാരിൽ സമർപ്പിക്കുന്നതിനു മുമ്പായി ഇതു സംബന്ധിച്ച് എന്തെങ്കിലും പഠനം സംസ്ഥാന സർക്കാർ നടത്തിയിട്ടുണ്ടോ;

(സി) പശ്ചിമഘട്ടങ്ങളെപ്പറ്റി പഠനം നടത്തിയിട്ടുള്ള ശാസ്ത്ര-സാങ്കേതിക സ്ഥാപനങ്ങളുടെ പ്രതിനിധികൾ ഉൾപ്പെടെ ബന്ധപ്പെട്ട എല്ലാവരുടെയും അഭിപ്രായം തേടിയ ശേഷമാണ് മേൽപ്പറഞ്ഞ കത്തിലറിയിച്ച സർക്കാർ നിലപാട് സ്വീകരിച്ചത്.

(ഡി) ഇല്ലെങ്കിൽ ഒരു വിദഗ്ദ്ധ പഠനം നടത്തുന്നതിന് നടപടി സ്വീകരിക്കുമോ ?

(ഡി) സംസ്ഥാന സർക്കാരിന്റെ അഭിപ്രായങ്ങൾ അറിഞ്ഞ ശേഷം, ഇക്കാര്യങ്ങൾ പാലിച്ച് റിപ്പോർട്ടു സമർപ്പിക്കാനായി കേന്ദ്ര സർക്കാർ ഒരു ഉന്നതതല പ്രവർത്തന സമിതി പ്ലാനിംഗ് കമ്മീഷൻ അംഗം ശ്രീ.കെ.കണ്ണൂരിരംഗൻ അദ്ധ്യക്ഷനായി രൂപീകരിച്ചിട്ടുണ്ട്. ഈ സമിതി മുമ്പാകെ സംസ്ഥാന സർക്കാർ വിശദമായ മെമ്മോറാണ്ടം സമർപ്പിച്ചിട്ടുണ്ട്. ആകയാൽ സംസ്ഥാനതലത്തിൽ കൂടുതൽ പഠനം ഈ അവസരത്തിൽ ആവശ്യമില്ല.


സെക്ഷൻ ഓഫീസർ

215
REGISTERED/ACKNOWLEDGMENT



GOVERNMENT OF KERALA
Environment (A) Department

No.3527/A2/11/Envvt.

Thiruvananthapuram,
Dated:31-01-2012.

From
Principal Secretary to Government

To
Dr. T. Chatterjee,
Secretary to Government of India,
Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex,
Lodhi Road, New Delhi-110 510

Sir,

Sub: - Western Ghats Ecology Expert Panel-Report -Comments -Furnished-Reg.

Ref: - (1) Letter No.1/1/2010-RE-ESZ dated 15.11.2010 from Dr.G.V.Subarmanyam,
Advisor, Ministry of Environment & Forests
(2) This Government letter of even number dated 23.11.2011

Attention is invited to the reference cited. With regard to the report of the WGEEP and the recommendations therein, I am directed to convey the following views of the Government of Kerala:

(i) The WGEEP has attempted to define the Western Ghats (WG) from an environmental view point. Conventionally in Kerala, WG is considered in the geographic point of view as the eastern most and elevated forest regions of the state. In the case of the eastern side of the WG, the panel adopted 500M as the cutoff elevation to determine the boundaries, while for the western edge, the cut off is 150m. (This is an approximation). The panel has admitted that the proposed WGEA will have to take another look at the boundaries since they have not been able to find the time to examine and refine these with enough care. Therefore the recommendations on the boundary are not objective and final.

(ii) The panel admits that a uniform set of regulations cannot obviously be promulgated under EPA for the entire region. Hence it adopted a graded or layered approach (ESZ-1, ESZ-2, and ESZ-3) i.e. region of highest sensitivity (1), high sensitivity (2), and moderate sensitivity (3). Protected Areas (PA) in forest are a separate category. When the boundaries

are not fixed, further zonation of the areas to be regulated seems without basis. Also the panel has admitted that zonation adopted was without full set of data as per the criteria adopted for demarcating ESZs, nor have it been able to cover all the criteria, due to lack of time. The zonations suggested in the report is totally faulty and unreliable as accepted by the authors. Some taluks and some areas are dragged into zones without any basis. Therefore the recommendation on demarcation of ESZs cannot be accepted as such.

(iii) WGEEP clarifies that ESZ-1 status is assigned only to such grids (a 9x9 km spatial differentiation) as having a score at least equaling or higher than the lowest scoring grids falling within the existing PAs. Such a criterion is not seen adopted for SEZs-2 and 3. WGEEP leaves it to the proposed WGEA, to be done through a participatory process when it is put in place. WGEEP recommends that as a first step, the MoEF may provisionally notify the initial limits of the ESZs at block or taluk level as suggested. In Kerala 15 taluks come under SEZ-1, 2 under SEZ-2 and 8 under SEZ-3. As the zonation is not after ground level verification, provisional zonation is arbitrary. It may be pointed out that in Thiruvananthapuram the 9x9 zonation covers the entire breadth of the coastal area! Such sweeping and overwhelming regulatory measures even if it is purported to be for general welfare may not be agreed to.

(iv) The WG region of the state is governed by the following extant legislations; These unique laws and statutes are sufficient to protect the environment:

FOREST

1. The Kerala Forest Act
2. The Kerala Private Forests (Vesting and Assignments) Act 1971.
3. Kannan Devan Hills (Resumption of lands) Act
4. The Kerala Restriction on cutting and destruction of valuable trees act 1974.
5. The Kerala Preservation of trees Act
6. The Kerala Forests (Vesting and management of Ecologically Fragile Lands) Act, 2003
7. Kerala Promotion of Tree Growth in non-forest Areas act- 2005

REVENUE

8. Kerala Promotion of River Banks and Regulation of Removal of Sand Act 2001.
9. Kerala Land Conservancy Act. 1957
10. Kerala Land Utilization Order 1967
11. Kerala (Restriction on Transfer of lands and Restoration of alienated lands) Act 1975
12. Paddy and Wet land Act, 2008

WATER RESOURCES

13. Kerala Irrigation and Water Conservation Act 2003
14. Pampa River Basin Authority Act, 2009.

CENTRAL ACTS

15. The Indian Forests Act- 1927
16. Forest (Conservation) Act- 1980/1988
17. Biodiversity Act, 2002
18. The Environment Act, 1986
19. The Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) act 2006.
20. Wild Life Protection Act. 1973

The above legislations take good care of the WG conservation as intended under the proposed WGEA. The WGEA is proposed to be a regulatory body under the Environment (Protection) Act. But all the above legislations authorize appropriate authorities (not being the WGEA) for implementation. **The WGEA would be extra legal to that extent.** The environmentally sensitive people of Kerala are its 'watch dogs' for protecting its environment. Therefore an additional authority would be redundant. If at all some more legislations are required to protect the environment, it should be left to the state Government; under the federal structure of our country. If at all an authority is to be formed, Kerala should be left out as it is geographically, environmentally, demographically and culturally different from other states sharing Western Ghats (WG).

(v) The state is conventionally divided in to 3 distinct geographic regions, the Highlands above 250' (76.2m) above msl the Midlands between 250, and 25', (7.6m) and Lowlands up to 25' (7.6m) msl. Area wise it is 18653.5, 16231.2, and 3979.3 km² respectively for each units. It may be pointed out that the EFL areas in 984 bits would come to 132.5 km² and that also comes within. Width of the state ranges from 1. 24 kms only. The Highlands include the High Ranges (>600m) its foothills (300-600m) and upland regions (100-300m) which are residential or agricultural lands. Any attempt to stretch the regulated areas beyond the existing boundaries of the WG (now regulated areas or lands classified as forest / plantations adjoining the forests) and/or governed by the existing laws as is applicable to each region would be counter productive and unnecessary for the sake of the WG. **The effort may be to administer the existing laws more effectively so as to achieve the objectives of the WGA under the existing dispensations.**

(vi) Total area of the state is 38,863 km². WG is 21,856 km² (56% of total land area). Inland and Coastal Wetlands extends to 1279.30 km². About 300 kms is under Coastal Zone Regulation. Paddy Lands coming under the ambit of the Kerala Paddy Lands and Wet lands (Conservation) Act comprise of 3818.3 km². In all the regulated areas in existence come to 26983.6km² (69.4%). Balance available for habitation, cultivation and development activities is just 11879.4km² (30.6%), that too subject to zonal restriction under Municipal Laws and the Kerala Building Rules. Though the state is only 1.1% of the total land area of the country, it supports 3.13% of the total population. A further regulatory regime on the effective land area for habitation and development would be grossly unjustifiable and unnecessary. Only 30 % of the land is at present outside the purview of zoning under some laws and introduction of further zones would make life impossible.

The report of the WGEEP makes special mention of the state in the matter of biodiversity conservation, and activities in furtherance of WG conservation. The panel has lauded the formation of Biodiversity Management Committees (BMC) in all the 978 Grama Panchayats in the state. (The first in the country to have this achievement) . the Udumbanchola Biodiversity Conservation Programme, (a conservation programme of direct WG ecology restoration), incentives for mangrove conservation activities etc. as models to be emulated. The state Government has further such plans like the Sabarimala Master Plan, Pampa Action Plan, Conservation of Biodiversity rich areas outside Protected Areas, etc: for conservation of the WG areas, which with possible incentives from the Govt: of India, could better achieve the goals of the WG conservation without further regulatory measures under a central Authority, seriously jeopardizing the development needs of the state.

(vii) Over the last one century rural and urban population of Kerala increased by 4 and 18 times respectively registering a five fold increase on the whole. In 1901, the population of the state was only 6.4 million, which almost doubled in 40 years. The next doubling took only 30 years. The population density, a mere 165 persons/km² in 1901 increased to 819 in 2001, exerting significant pressure on land, as per capita land availability dropped from 0.61ha to 0.12ha. Demand on land on housing and urbanization rose many times resulting in the decline of availability of agricultural land. Kerala suffers from very high unemployment. Approximately 10% of India's unemployed population lives in Kerala. Unemployment fuels large scale migration both within and outside the state and country. This leads to migration to highlands in search of more agricultural lands which paves way for encroachment of forest lands. Further regulation of any kind in midlands and lowlands, on land use would only catalyze such environmentally denigrating activities.

(viii) All the WG states except Kerala have land east of their WG boundary, whereas the WG is the eastern boundary of Kerala with a land parcel of just 11-124 kms in breadth. Excepting the regulated areas, the free land would be a few islets sandwiched between the regulated areas. If the WGEEP proposals are accepted, the same region would be subjected to more than one zone. For example Coastal Zone Regulation and ESZ Regulations where the three ESZs would come in conjunction. In the case of development projects the EIA procedure under the EIA Assessment Authorities would be an added restriction, which altogether would make things impossible and may turn counter productive. As far as Kerala is concerned, WG is a geographically, geologically, and morphologically distinct and composite subunit of the state's landscape, unlike the eastern slopes which descend more gently and merge with the deccan plateau. Hence distinct conservation and regulatory measures can be adopted and implemented for the WG regions of the state as a separate entity, without the other geographic entities of the state. In fact the conservation of the WG proper is more important and relevant for the low altitude areas in midland and lowlands, rather than regulations in the low altitude areas for the benefit of the WG. Towards this end the state Government has already initiated various programmes such as empowerment of BMCs of Grama Panchayats as the authorized agency for the immediate cognizance of environmentally degrading activities in the Panchayats and to report to the concerned authorities for

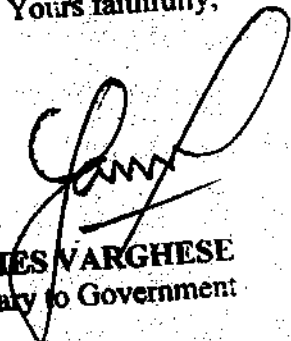
timely actions. The proposed WGEA is almost in the lines of the EIA Authority. Proliferation of the Authorities (State Government proposes to form the Vembanad Eco Development Authority there is provision to form the state River and wet land Authority, River Basin Boards etc;) having concurrent and overlapping jurisdiction might perhaps 'spoil the broth'. The existing laws, statutory popular fora like the BMCs in all the Grama Panchayats, and the hyper sensitive environmentalists of the state would more than serve the purpose. At the same time the conventional WG should be protected and conserved at all costs, for which the State Government is committed.

(ix) Some of the proposals in WGEEP report are draconian. ^{for} example, decommissioning of dams older than 50 years, would leave the State without power in a few years.

The above mentioned plausible adverse effects of the recommendations of the WGEEP and proposed WGEA may be considered while finalizing the Western Ghats Ecology Conservation Plans taking into due account of the genuine concerns and issues raised by the state.

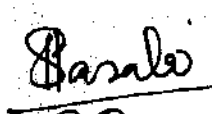
I am also directed to convey the alternative suggestion of the State Government that the Ministry of Environment & Forests may send the report to the state for appropriate action, at state level.

Yours faithfully,


JAMES VARGHESE
Principal Secretary to Government

Copy to:-

Dr.G.V.Subramanyam,
Advisor,
Ministry of Environment & Forests,
Paryavaran Bhavan,
C.G.O.Complex, Lodhi Road,
New Delhi-110 510.


S.D.