

GREEN ZONE CONSTRUCTION RESTRICTIONS – ENVIRONMENT

NEWS: Recently, the Supreme Court raised grave concerns about the ecological crisis in Himachal Pradesh and warned that unchecked degradation could lead to irreversible damage to the state.

Case Background: Challenge to Green Zone Construction Restrictions

A hotel group filed a petition challenging a Himachal Pradesh High Court (HC) order, which prohibited construction activities in areas classified as green zones by the state's Town and Country Planning (TCP) Department. The definition of a green zone refers to a protected area demarcated by the TCP Department where new construction activities are prohibited, particularly commercial and residential structures, in order to preserve the natural environment and ecological stability. The Supreme Court (SC) not only upheld the HC's decision but also treated the matter as a broader public interest issue, directing the state government to file a comprehensive response within four weeks.

Key Environmental Concerns Raised by the Supreme Court

Hydropower Projects:

These projects have led to lowering of water levels, failure to maintain minimum environmental flows, and have been linked to landslides and ecological disruptions. The Sutlej River, once a significant trans-Himalayan River, has reportedly been reduced to the level of a rivulet, raising serious concerns about the impact of unregulated hydropower expansion.

Unregulated Tourism:

Hill stations experience a seasonal influx of tourists, which leads to strain on local resources, waste management issues, and ecological degradation due to lack of infrastructure to manage the surge.

Unplanned Infrastructure Development:

Projects such as highways, tunnels, ropeways, and urban expansion plans have often bypassed environmental clearance norms, putting sensitive hill ecosystems at risk.

Irregular and Hazardous Construction Practices:

Steep hill slopes have been cut unscientifically without stabilisation, increasing the risk of landslides and soil erosion. Natural watercourses have been obstructed or diverted, severely impacting the region's hydrological balance and water availability.

Sutlej River: Environmental and Geographical Overview

Origin: Arises from Rakas Lake near Mansarovar in Tibet, where it is locally known as Langchen Khambab.

Entry into India: Enters through the Shipki La Pass in Himachal Pradesh.

Course Through Indian Territory: Flows west and southwest through Himachal Pradesh and Punjab, including the area around Nangal.

Confluence with Beas and Chenab Rivers: First joins the Beas River, and together they form a stretch of 105 km along the India–Pakistan border. Eventually merges into the Chenab River, covering an additional 350 km.

Final Destination: The combined waters of the Sutlej and Chenab form the Panjnad, which merges into the Indus River in Pakistan.

Constitutional and Legal Framework Referenced

Article 21 – Right to Life: The SC reaffirmed that a clean and safe environment is essential to the right to life, encompassing health, livelihood, and ecological integrity.

Directive Principles of State Policy (DPSP) – Article 48A: The court's stand aligns with Article 48A, which mandates the state to protect and improve the environment, including forests and wildlife.

Public Trust Doctrine: The SC indirectly invoked this principle, stating that natural resources are held in trust by the government for the benefit of the public and cannot be exploited recklessly for short-term revenue gains. The Court criticized state and central inaction, emphasizing that ecological responsibilities must take precedence over commercial interests.

Way Forward: Policy and Judicial Recommendations

Rethink Development Priorities: There is a need to shift from a revenue-centric development model to one that prioritizes ecological sustainability. Future project approvals must consider environmental viability along with economic feasibility.

Collaborative Himalayan Planning: All Himalayan states should pool scientific and financial resources to develop a climate-resilient development framework, ensuring region-specific safeguards.

Strengthening the Environmental Impact Assessment (EIA) Mechanism: EIAs should be made more rigorous, transparent, and inclusive. Expert inputs from geologists, environmental scientists, and local communities should be formally integrated into assessment processes.

Sustainable Tourism Promotion: Implement regulations to control tourist inflow in fragile hill towns. Encourage eco-tourism models and improve solid waste and sewage management infrastructure.

Enhance Inter-State Coordination: A unified Himalayan development policy should be adopted to guide disaster preparedness, sustainable infrastructure, and conservation efforts.

Judicial Oversight and Continuous Monitoring: By converting the case into a Public Interest Litigation (PIL), the SC has signalled long-term monitoring and could potentially establish binding environmental guidelines for governments.

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