
DILUTION OF CONSERVATION POLICIES IN THE WESTERN GHATS OF KARNATAKA: LEGAL IMPLICATIONS OF THE GADGIL AND KASTURIRANGAN COMMITTEE REPORTS - WITH SPECIAL REFERENCE TO THREATS AND CONSERVATION OF ELEPHANTS AND TIGERS IN WESTERN GHATS

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ABSTRACT

The Western Ghats, recognized as one of the world's biodiversity hotspots, play a critical role in ecological stability and wildlife conservation in India. In Karnataka, this ecologically sensitive region has increasingly faced threats arising from developmental pressures, land-use changes, and policy dilution. This research paper examines the legal and environmental implications of the Gadgil Committee Report (2011) and the Kasturirangan Committee Report (2013), with particular emphasis on how their recommendations have influenced conservation policies in the Western Ghats of Karnataka. While the Gadgil Report adopted a precautionary and community-centric approach by advocating strict regulation of ecologically sensitive zones, the Kasturirangan Report proposed a comparatively diluted framework allowing greater scope for developmental activities. The paper critically analyses how selective implementation and dilution of these recommendations have contributed to habitat fragmentation, human-wildlife conflict, and declining wildlife corridors.

Special focus is placed on the increasing threats faced by elephants and tigers, two keystone species whose survival is intrinsically linked to the ecological integrity of the Western Ghats. Encroachment, infrastructure projects, and mining activities have disrupted migratory routes and breeding habitats, undermining the objectives of existing wildlife protection laws. The study further evaluates the adequacy of the Wildlife (Protection) Act, 1972, environmental clearance mechanisms, and judicial interventions in addressing these challenges. It concludes by advocating for stronger implementation of conservation-oriented recommendations to ensure long-term ecological and wildlife security in the Western Ghats of Karnataka.

Keywords: Ecological stability, Wildlife conservation, Habitat fragmentation, Human-wildlife conflict, Encroachment.

INTRODUCTION:

The Western Ghats constitute one of the most ecologically sensitive and biologically diverse regions in the world. Recognised as a global biodiversity hotspot and a UNESCO World Heritage Site¹, the Western Ghats play a vital role in maintaining climatic stability, water security, and ecological balance in peninsular India. The protector of Indian Peninsula, Western Ghats has been the mother of various rivers. Some of them majorly include, Godavari, Krishna, Netravathi, Kaveri, Kunthi etc,. In Karnataka, this mountain system supports the forest landscapes and protected areas that sustain a rich diversity of wildlife. Among the most significant species inhabiting this region are the Asian elephant and the Bengal tiger, both of which are keystone species whose survival is intrinsically linked to the ecological integrity of the forest ecosystem. These two species are the major in nature, but now their extinction has posed a serious threat to the ecosystem.

However, in recent decades, the Western Ghats of Karnataka have been subjected to increasing anthropogenic pressures. Encroachment into the forest land, expansion of infrastructure projects such as highways and railways, mining operations, hydropower development, and plantation based land-use changes have contributed to habitat fragmentation and ecological degradation. These activities have disrupted elephant migratory corridors and fragmented tiger breeding territories, exploiting and increasing human–wildlife conflict and threatening long-term species survival. The resulting ecological imbalance such as natural calamities raises serious concerns regarding the effectiveness of existing conservation policies and regulatory mechanisms mainly the recommendations given by Gadgil and Kasturirangan Committee.

In response to these growing environmental concerns, the Government of India constituted expert committees to evaluate the ecological condition of the Western Ghats and propose a framework for sustainable governance of the region. The Western Ghats Ecology Expert Panel and the High Level Working Group on Western Ghats were tasked with assessing ecological vulnerability and recommending regulatory mechanisms to balance development with environmental protection.

BACKGROUND OF THE STUDY:

The development of environmental governance in the country has been marked by an incessant

¹ Western Ghats, <https://whc.unesco.org/en/list/1342/>

debate regarding the balance between environmental protection and economic development. While the constitution has laid out the responsibility for environmental protection as a duty for the State, as well as a duty for the citizens, under Articles 48A² and 51A(g)³, the implementation of such provisions has been marked by the debate regarding development. This has been particularly true regarding the Western Ghats, where the ecological stress has necessitated the need for environmental regulation.

In the wake of environmental concerns, the Government of India set up the Western Ghats Ecology Expert Panel in 2010 to conduct an assessment of the ecological status of the Western Ghats and recommend measures for the conservation of the area. The Panel's recommendation for a scientifically sound zoning system to classify the area into Ecologically Sensitive Zones with stringent regulatory mechanisms and the need for community participation in environmental governance were not accepted by the stakeholders on the ground.

In this context, the High-Level Working Group on Western Ghats was set up to examine the recommendations made by the Expert Panel. The Working Group's recommendations were a moderate version of the Panel's recommendation by reducing the area classified as ecologically sensitive and introducing the idea of "cultural landscapes," thereby permitting the conduct of developmental activities to be regulated. Although the Kasturirangan Committee's recommendation attempted to achieve the goal of balancing environmental protection with economic development, it has been criticized for watering down the stringent regulations recommended by the Gadgil Committee. This change from the Gadgil to Kasturirangan model marks an important paradigm shift in the environmental governance from precautionary ecological protection to a more developmental regulatory approach. Such a change has considerable legal implications, especially in Karnataka, which has continued to face problems of forest fragmentation and disruption of wildlife habitats affecting elephants and tigers. The issue that arises here is whether this policy change is consonant with the constitutional directives under Articles 21 and 48A, statutory requirements under the Wildlife Protection Act of 1972⁴, and environmental principles like sustainable development and precautionary principles.

² Article 48A, Constitution of India

³ Article 51A(g), Constitution of India

⁴ The Wildlife Protection Act, 1972

CONSTITUTIONAL PERSPECTIVE:

One of the significant milestones was the Forty-Second Amendment to the Constitution of India, which introduced specific provisions relating to environmental protection in our Constitution. The amendment introduced Article 48A into the Directive Principles of State Policy, which states, “The State shall endeavour to protect and improve the environment and to safeguard forests and wildlife.” Although these provisions cannot be enforced by courts, they do provide a significant framework for guidance in this area.

Complementary to this is Article 51A(g), which is part of the Fundamental Duties of a citizen of India, implies that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures. Environmental protection has also been significantly enhanced by the interpretation of Article 21 of our Constitution, which provides for right to life and personal liberty of an individual. The Indian Supreme Court has held that the right to life includes the right to a clean and healthy environment. In the case of **M.C. Mehta v. Union of India (1987)**⁵, the Indian Supreme Court recognized that environmental pollution and ecological degradation are directly linked to the quality of life and, therefore, fall within the scope of Article 21. In another case, **Subhash Kumar v. State of Bihar (1991)**⁶, the Indian Supreme Court held that the right to life includes the right to enjoy water and air free from pollution.

In the context of the Western Ghats, these provisions of the Constitution provide the normative basis for the recommendations of conservation policies and expert committees, including the recommendations of the Western Ghats Ecology Expert Panel and the High Level Working Group on Western Ghats. Any dilution of the conservation policies in this sensitive area will therefore have significant constitutional implications in the context of the obligations of the State under Articles 21 and 48A of the Constitution.

RECOMMENDATIONS BY THE COMMITTEES ON WESTERN GHATS:

1.GADGIL COMMITTEE:

1.1.HISTORY

⁵ M C Mehta v. Union of India 1987 SCC (1) 395

⁶ Subhash Kumar v. State of Bihar 1991 SCC (1) 598

In 2010, the Ministry of Environment and Forests of the Government of India constituted the Western Ghats Ecology Expert Panel under the chairmanship of renowned ecologist Madhav Gadgil. The committee was constituted in view of the rising concerns regarding the rapid ecological degradation of the Western Ghats region caused by activities such as deforestation, mining, infrastructure development, etc.

The main objective of the committee was to undertake an assessment of the ecological status of the Western Ghats region and recommend measures for the conservation of the region. After conducting thorough studies in the region, the committee submitted its report to the Government of India in 2011. The report clearly stated that the Western Ghats region is an ecologically significant biodiversity hotspot that calls for stringent regulations to ensure the long-term ecological sustainability of the region. However, the report has been in the news for quite some time now, as it has been accused of recommending stringent environmental regulations in the region, which has raised concerns among various state governments regarding the economic consequences of the report.

1.2. RECOMMENDATIONS:

- Declaration of Entire Western Ghats as an Ecologically Sensitive Area (ESA)⁷

One of the most important recommendations of the Gadgil Committee was that the entire Western Ghats region be declared an Ecologically Sensitive Area (ESA). The committee observed that ecological systems in the Western Ghats region are interlinked, and hence, protection of only certain areas in this region is not enough to maintain ecological balance. The entire region must be declared an ESA, ensuring that development activities in this region do not cause ecological damage.

- Classification of Ecologically Sensitive Zones (ESZ)

The committee recommended that the entire Western Ghats region be divided into three categories of Ecologically Sensitive Zones, i.e., ESZ 1, ESZ 2, and ESZ 3, depending on ecological sensitivity.

ESZ 1: Highly ecologically sensitive areas, including dense forests, wildlife habitats,

⁷ Report of the Western Ghats Ecology Expert Panel, Gadgil Committee
<https://www.cppr.in/wp-content/uploads/2013/03/Gadgil-report.pdf>

biodiversity habitats, etc. The committee recommended that these areas be given the highest degree of protection, restricting development activities in these regions.

ESZ 2: Moderately ecologically sensitive areas, including certain development activities in these regions under strict environmental regulations.

ESZ 3: Least ecologically sensitive areas, including certain development activities in these regions under appropriate environmental regulations.

- Ban on Environmentally Destructive Activities.

The committee proposed that there should be a total ban on certain activities that were highly polluting and destructive to the environment. Such activities include, mining and quarrying, thermal power plants, industrialization, red category industries. These activities were considered to cause serious damage to the environment, destruction of habitats, and loss of biodiversity in the Western Ghats.

- Regulation of Infrastructure and Development Activities.

The Gadgil Committee proposed that there should be regulation of infrastructure activities such as dam constructions, highways, and urbanization in the Western Ghats region. It emphasized that any activity in the region must undergo thorough scrutiny to ensure that it does not cause damage to the environment. It was further proposed that activities in the highly sensitive zones of the Western Ghats region should either be restricted or thoroughly scrutinized before being permitted.

- Establishment of the Western Ghats Ecology Authority (WGEA)⁸

Another significant proposal by the Gadgil Committee was the creation of a statutory body known as the Western Ghats Ecology Authority under the Environment (Protection) Act, 1986. This authority would oversee the environment in the Western Ghats region, keep an eye on activities in the region, ensure that all activities in the region comply with the regulations set by the government.

⁸ Report of the high level working group on western ghats
https://moef.gov.in/uploads/2021/08/1-HLWG-Report-Part-1_0.pdf

2. KASTURIRANGAN COMMITTEE:

2.1. HISTORY

There was significant controversy and opposition to the recommendations of the Gadgil committee report by many state governments, including Karnataka, Kerala, and Goa. The stakeholders of these states, including local communities, plantation owners, and industry, felt that the recommendations of the report were too stringent, which could severely impact economic activities like agriculture, mining, infrastructure development, and urban development in these regions. There was also a feeling that the implementation of the report could adversely affect the livelihood of local communities who live in these regions of the Western Ghats.

Therefore, in response to these concerns, as well as to reassess the viability of implementing the recommendations of the Gadgil report, a new committee was formed by the Ministry of Environment and Forests, headed by a prominent scientist named K. Kasturirangan, known as the High-Level Working Group on Western Ghats. The committee was formed to study the report of Dr. Gadgil and prepare a report that could provide a balanced solution to addressing issues of environmental protection as well as meeting development requirements. Unlike the report of Dr. Gadgil, who undertook extensive ecological studies in these regions, the report of the Kasturirangan Committee was based on a landscape approach using satellite imagery.

2.2. RECOMMENDATIONS

- Identification of Ecologically Sensitive Area (ESA)

The Kasturirangan Committee has recommended that 37 percent of the Western Ghats be declared an Ecologically Sensitive Area, covering an area of 60,000 square kilometers. This was a drastic change from the earlier recommendation of the Gadgil Committee, where it was recommended that the entire Western Ghats region be declared an Ecologically Sensitive Area. The Kasturirangan Committee's recommendation of declaring only certain regions of the Western Ghats an Ecologically Sensitive Area was an attempt to balance ecological issues with the developmental issues of the states in the Western Ghats region.

- Classification of Natural Landscapes and Cultural Landscapes

The Kasturirangan Committee has proposed a new classification of landscapes, namely natural landscapes and cultural landscapes. Natural landscapes comprise forests, wildlife, and ecologically fragile zones that need to be protected. The cultural landscapes comprise human settlements, agricultural lands, and plantations where developmental activities can be carried out. This approach differed from the Gadgil Committee's model, which primarily focused on ecological sensitivity through the classification of **Ecologically Sensitive Zones (ESZ 1, ESZ 2, and ESZ 3)** rather than separating the region based on human-modified landscapes.

- Strengthening Implementation of Existing Environmental Laws

The Kasturirangan Committee stressed the need for the effective implementation of existing environmental laws instead of establishing new structures. In this regard, the committee suggested the effective implementation of existing environmental laws like the Environment (Protection) Act, 1986, and the Wildlife (Protection) Act, 1972. This was different from the Gadgil Committee's suggestion that a dedicated statutory body to oversee the environmental governance in the Western Ghats was to be established. This dedicated body was to be called the Western Ghats Ecology Authority.

- Use of Technology for Environmental Monitoring

The committee suggested the use of various technological tools like remote sensing for the environmental monitoring and management of the Western Ghats. While the Gadgil Committee's report was more focused on the ecological monitoring of the Western Ghats, the Kasturirangan Committee's report was more focused on the technological monitoring of the Western Ghats.

- Promotion of Sustainable Development

The committee advocated the adoption and practice of sustainable development concepts such as eco-friendly tourism and agriculture, and development with minimum ecological damage. Although both committees advocated the adoption and practice of sustainable development concepts, there was more emphasis by the Kasturirangan Committee on the need to strike a balance between development and conservation

compared to the Gadgil Committee, which prioritized ecological protection as the primary objective.

DILUTION OF THE RECOMMENDATIONS:

Although the reports of the **Western Ghats Ecology Expert Panel** (2011) and the **High Level Working Group on Western Ghats** (2013) proposed strong conservation measures for protecting the Western Ghats, many of their recommendations have been diluted during implementation due to political resistance, developmental pressures, and concerns raised by state governments and local stakeholders. Several real developments illustrate how these recommendations were weakened or modified. This has serious implications in terms of environmental governance and wildlife conservation in the region, as developmental pressures might continue to threaten the fragile ecosystems in the region. This dilution of recommendations can be understood with the help of following parameters. They are:

- Reduction of Ecologically Sensitive Area (ESA)

The Gadgil Committee had suggested that the entire area of Western Ghats be considered an Ecologically Sensitive Area, ensuring that ecological protection is given to this region. However, this was considered to be a restrictive policy by many of the state governments. When the Kasturirangan Committee reviewed this report, it was found that there was a reduction in the area of protection. The committee suggested that only 37 percent of the area of Western Ghats be considered an ESA. Even this was not considered satisfactory by many of the state governments, including Karnataka and Kerala. For example, in Karnataka, there were many villages in the Western Ghats region that were originally suggested to be part of the ESA under the Kasturirangan Committee's report. The government of Karnataka repeatedly sought modifications to be made in these ESA proposals, stating that there was a high density of population in these villages.

- Continued Mining and Quarrying

Both committees identified that mining and quarrying activities are one of the major threats to the ecological stability of the Western Ghats ecosystem. The Gadgil Committee has recommended a strict ban on mining and quarrying activities in

ecologically sensitive zones of the Western Ghats ecosystem, whereas the Kasturirangan Committee has recommended banning mining and quarrying activities in designated Ecologically Sensitive Areas (ESA). However, mining and quarrying activities are still going on in some parts of the Western Ghats ecosystem, and one of the examples can be identified in the mining zones of Goa, specifically in the zones of Bicholim and Sanguem, where extensive iron ore mining has been going on in the Western Ghats ecosystem. Environmental concerns regarding mining activities in the Western Ghats ecosystem led to the intervention of the Supreme Court of India, which temporarily banned iron ore mining in the Western Ghats ecosystem in 2012 for violating environmental norms to a great extent.

Likewise, in the state of Karnataka, there are reports of quarrying activities in certain districts such as Kodagu (Coorg), which falls in the Western Ghats area. Environmental activists and people in the area are expressing concerns over the activities of granite quarrying and stone crushing units located near the forest areas and wildlife habitats, which are said to cause fragmentation in the habitats and erosion in the soil. These instances show that despite the strong recommendations and guidelines provided by the Gadgil and Kasturirangan committees on the need to restrict mining and quarrying in the Western Ghats area, the activities are still going on in certain parts of the area.

- Non establishment of Western Ghats Ecology Authority

The Gadgil Committee had recommended the establishment of a Western Ghats Ecology Authority, which would be an independent statutory authority concerned with the regulation and management of the environment and the effective implementation of the policies in this respect. However, this recommendation has not been implemented. Rather, the regulation and management of the environment are still carried out through the existing legal provisions in the Environmental Protection Act, 1986, and the Wildlife Protection Act, 1972. It has been stated by many experts in the field that the lack of the establishment of a specific authority has affected the institutional mechanism in this respect.

- Delays and Revisions in ESA Notifications

Another very clear example of dilution is the delay in the issuance of final ESA

notifications by the Ministry of Environment, Forests, and Climate Change. It is to be noted that after the Kasturirangan Committee submitted its report in 2013, the central government issued several draft notifications on the boundaries of the ESAs. However, because of the objections raised by the state governments as well as the people of the states concerned, the notifications have been revised several times, and the deadlines for objections have been extended several times. It has taken several years to finalize the boundaries of the ESAs, delaying the implementation of the very proposals that were made by the expert committees.

ECOLOGICAL CONSEQUENCES:

- Developmental pressures and habitat fragmentation

The dilution and delayed implementation of conservation measures in the Western Ghats have a number of implications for wildlife conservation in general. The region provides one of the most important habitats for species such as the Bengal Tiger and the Asian Elephant, both of which require large contiguous forest habitats for their survival. Increasing infrastructure development, quarrying activities, and expansion of plantations have fragmented forest habitats in the region, disrupting migratory routes for these species. Habitat fragmentation not only diminishes breeding habitats for these species but also results in conflict with human populations, posing a serious challenge for their long-term survival in the Western Ghats ecosystem.

- Wildlife Corridor Disruption

Wildlife corridors in the Western Ghats are very important in maintaining ecological connectivity between protected areas. Fragmentation of the wildlife corridors because of roads, infrastructural projects, and mining operations affects the natural movements of species such as the Asian Elephant and the Bengal Tiger. This increases the probability of human-wildlife conflicts and leads to a lack of diversity in the species population, hence hastening the rate of species decline.

The ecological importance of Western Ghats goes beyond biodiversity conservation to encompass the survival of several endangered species. Further dilution of environmental regulations may result in ecological consequences that may be irreversible, particularly for

species such as Bengal Tiger and Asian Elephant, which depend on forest ecosystems for their very survival. Therefore, it is of utmost importance to strengthen the implementation of environmental policies for their ecological importance as well as for their survival.

POLICY RECOMMENDATIONS:

1. Establishment of Western Ghats Ecology Authority

The environmental governance in Western Ghats should be made subject to a regulatory authority. Such a regulatory authority was also suggested by the Western Ghats Ecology Expert Panel. It should coordinate all environmental regulations in different states.

2. Implementation of Ecologically Sensitive Area (ESA) Regulations

The ESA regulations suggested by the High Level Working Group on Western Ghats should be implemented without any further dilution. Clear restrictions should be imposed on mining, quarrying, and highly polluting industries in ESA zones.

3. Legal Protection of Wildlife Corridors

Wildlife corridors should be legally protected under the Wildlife (Protection) Act, 1972, which are connected to protected forests in Western Ghats. This will help in maintaining ecological integrity and preserving species such as Bengal Tiger and Asian Elephant.

4. Stricter Regulation of Mining and Quarrying

Mining and quarrying in Western Ghats should be made subject to strict environmental scrutiny. Strict action should be taken against any illegal mining activity in Western Ghats.

5. Strengthening Community Participation

Community participation and Gram Sabhas can be encouraged in environmental decision-making processes. This can help in the conservation of forests and reduction of activities detrimental to biodiversity.

CONCLUSION:

The ecological importance of the Western Ghats can never be overemphasized, as it is home to one of the world's most significant biodiversity hotspots and is ecologically very sensitive and plays an important role in the environmental equilibrium in the state of southern India. The Government of India, being aware of the ecological vulnerability of the Western Ghats, constituted the Western Ghats Ecology Expert Panel and the High Level Working Group on Western Ghats to suggest guidelines for the conservation and management of the Western Ghats region. Although the recommendations of both the Gadgil Committee and the Kasturirangan Committee were unanimous in the need to protect the Western Ghats, the approach and methodology were different, with the Gadgil Committee focusing on stricter ecological protection and the Kasturirangan Committee trying to find a balance between conservation and development. Developmental pressures, mining activities, and infrastructure development in ecologically sensitive habitats have led to habitat fragmentation and environmental degradation. This has significant implications for the conservation of species such as the Bengal Tiger and the Asian Elephant, which require the preservation of large and ecologically connected forest habitats.

From the constitutional perspective, it is the fundamental duty of the State to protect and improve the environment, as mandated under Article 48A, and protect the right to a healthy environment as enshrined in Article 21 of the Indian Constitution. Hence, it is imperative that conservation-oriented policies and regulations be implemented and strengthened to ensure the ecological sustainability of the Western Ghats. Therefore, it is essential that the interests of environmental protection and development be balanced to ensure the preservation of this unique ecosystem and the ecological integrity that is essential for the survival of human beings and the species that inhabit it.

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