

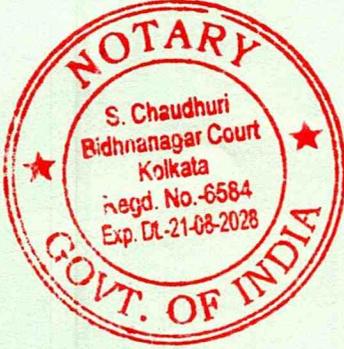
**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 169/2024**

IN THE MATTER OF: -

Shri Nabendu Kumar Bandyopadhyay
....Applicant(s)

Versus

Union of India & Ors.
....Respondent(s)



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Kolkata

Date: th15 March, 2025

Respondent No. 1

Amrita Pandey

Through

Amrita Pandey

Advocate

-X-

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 169/2024**

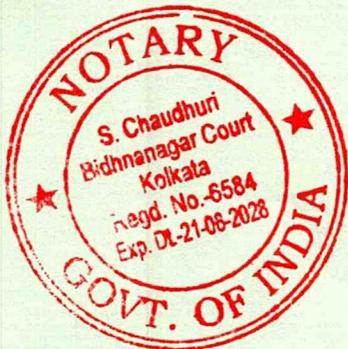
SL. NO. 507 25

IN THE MATTER OF: -

Shri Nabendu Kumar Bandyopadhyay
....Applicant(s)

Versus

Union of India & Ors.
....Respondent(s)



**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.1, MINISTRY OF
ENVIRONMENT, FOREST & CLIMATE CHANGE**

I, Dr. Shahida Parvin Quazi, daughter of Late Quazi Sirazul Haque, aged about 46 years, presently working as 'Scientist - E' at the Sub Office Kolkata, Regional Office Bhubaneswar under the Ministry of Environment, Forest and Climate Change, having its office at IB-198, Sector- III, Salt Lake City, Kolkata - 700 106, do hereby solemnly affirm on oath and state as under:

1. That, I am, the above named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present Affidavit.
2. That at the outset, it is submitted that this respondent, Ministry of Environment, Forest & Climate Change is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, lakes and rivers, its biodiversity, natural resources and wildlife.
3. That the 'land' & 'water' are a subject matter of State Government. The forest/wetland areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under Central and State Acts and concerned judgments and directions of the Hon'ble Courts/Tribunals.
4. That, it is pertinent to mention that Hon'ble Supreme Court of India vide its order dated 08.02.2017, in the matter of MK Balakrishnan vs. Union of India (WP No. 230/2001), inter-alia, directed the application of the principles of Rule 4 of the Wetlands (Conservation and Management)

13 MAR 2025

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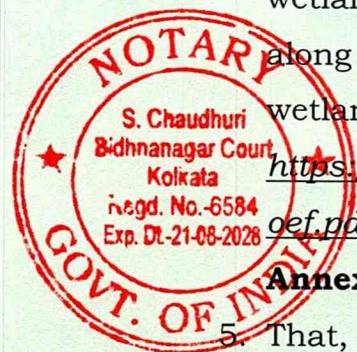
Rules, 2010 to the 2,01,503 wetlands (>2.25 ha) that have been mapped by the Union of India. The inventory of these wetlands prepared by Space Applications Centre (SAC), Ahmedabad based on the satellite data of 2006-07 is available at <https://indianwetlands.in/uploads/National-Wetland-Inventory.pdf>. Subsequently, SAC has prepared the national wetlands inventory (>2.25 ha) based on the satellite data of 2017-18 along with decadal wetland change analysis with reference to earlier wetland inventory of 2006-07. The same is available at https://indianwetlands.in/uploads/Wetlands201718_inventory%20list_m.pdf. The copy of order dated 08.02.2017 is annexed as **Annexure/R1/1**.

5. That, for effective conservation and management of wetlands in the country, the Ministry of Environment, Forest & Climate Change (MoEF&CC), had notified the Wetlands (Conservation and Management) Rules, 2017, on the 26th of September, 2017, superseding the 2010 Rules with decentralization of powers in view of the fact that "Water and Land" are subjects which come under the purview of the State List. Under the Wetlands Rules, 2017, the State/Union Territories Wetland Authorities have been constituted, thereby, replacing the erstwhile Central Wetlands Regulatory Authority. The powers & functions for notification of wetlands are outlined under rule 5, while Rule 7 specifies the delegation of powers & functions to the State Governments and UT Administrations. The copy of the Wetlands (Conservation & Management) Rules, 2017 is annexed as **Annexure/R1/2**.

6. That, Rule 4 of the aforesaid rules, provides the list of activities that are restricted in the wetlands. Rule 4(1) provides that wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority. Rule 4(2) enumerates the activities which are restricted:

- a. *Conversion for non-wetland uses including encroachment of any kind;*
- b. *Setting up of any industry and expansion of existing industries;*
- c. *manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- d. *Solid waste dumping;*

13 MAR 2025



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- e. Discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
 - f. any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
 - g. Poaching.

7. That, the Hon'ble Supreme Court vide Order dated 04.10.2017 in the aforementioned matter has inter-alia, directed that, "We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010". The order dated 04.10.2017 is annexed here as **Annexure/R1/3**.

8. That, an Office Memorandum (O.M.) dated 08.03.2022 was issued to all the State/UT Wetlands Authorities by the Ministry, wherein it is once again clarified/ reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules. The OM dated 08.03.2022 is annexed here as **Annexure/R1/4**.

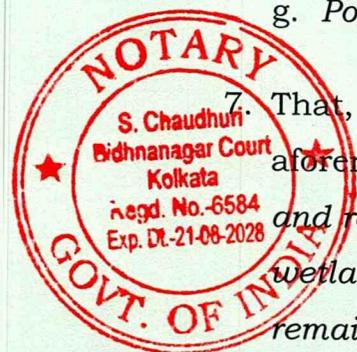
9. That, vide order dated 11.12.2024, the Hon'ble Court observed that "**Prior to 2017, the figures given by ISRO regarding the number of wetlands in India having an area more than 2.25 Hectares was 2,01,503. The latest ISRO data, which is of the year 2021, shows that this figure has now increased to 2,31,195.**", and further, inter-alia, directed that, each of the State/UT Wetland Authorities shall complete ground truthing as well as the demarcation of wetland boundaries of each of the Wetland which have been identified for their State by Space Application Centre Atlas (SAC Atlas), 2021 as expeditiously as possible, but definitely within a period of three months from 11.12.2024. Copy of the order dated 11.12.2024 is annexed here as **Annexure/R1/5**.

10. That the present application has been filed seeking directions to the respondent authorities to take immediate steps to stop illegal filling of water body commonly known as 'Nayanjuli' and to investigate when the filling of the water body on the said premises occurred.

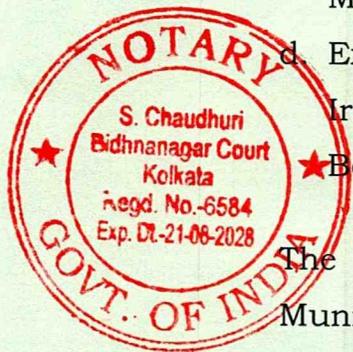
11. That the Hon'ble Tribunal vide order dated 16.08.2024 constituted a committee to inspect the site in question and submit its report comprising the following members:

- a. Senior Scientist, West Bengal Pollution Control Board,

13 MAR 2025



- ✖ -
- b. Representative of Urban Development & Municipal Affairs Department, Government of West Bengal,
- c. Executive Officer or Senior Representative, South Dum Dum Municipality,
- d. Executive Engineer or Senior Representative, Canal Division, Irrigation and Waterways Department, Government of West Bengal.



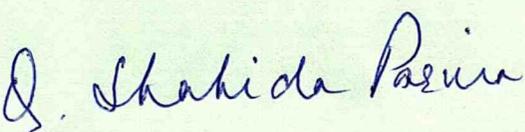
The Hon'ble Tribunal further directed the Urban Development & Municipal Affairs Department, Government of West Bengal to act as a nodal agency for all logistics purposes and for submission of status report. Copy of Order dated 16.08.2024 is annexed as **Annexure/R1/6**.

12. That, an Interlocutory Application (I.A.) No. 78/2024 was filed by the Urban Development & Municipal Affairs Department for reconstitution of committee, constituted vide the aforesaid order. Vide order dated 27.09.2024, the Hon'ble tribunal reconstituted the committee and made Public Works Department, Government of West Bengal a Nodal agency to furnish the committee inspection report, since Public Works Department is the custodian of the VIP Road for construction of which the "Nayanjuli" was excavated. The Copy of order dated 27.09.2024 is annexed as **Annexure/R1/7**.

The committee visited the site in question on 06.12.2024. The Committee submitted the site visit report stating that no filling activities have been observed during the inspection. The site visit report dated 21.01.2025 is annexed at **Annexure/R1/8**.

13. That the subject matter of this application pertains to the State Government of West Bengal & its concerned organizations and West Bengal State Wetlands Authority, which are required to take necessary action in the matter.
14. That, in view of the aforesaid, the Hon'ble Tribunal may decide the present application.


S. CHAUDHURI
 ★ NOTARY ★
 GOVT. OF INDIA
 Regd. No.-6584/08
 Bidhannagar Court
 Dist.-North 24 Pgs.

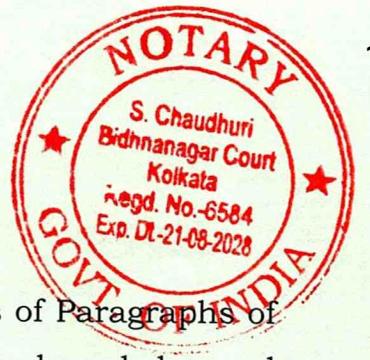


DEPONENT

13 MAR 2025

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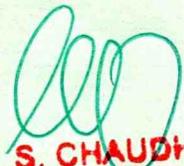
VERIFICATION



Verified at Kolkata on the 13th of, March 2025 that the contents of Paragraphs of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

S. Shahida Parvin

DEPONENT


S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhanagar Court
Dist.-North 24 Pgs.

13 MAR 2025

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ITEM NO.102

COURT NO.5

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s).230/2001

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln. (s) for including the applicant in the Committee of Experts and to sanction an amount of Rs.10 crores for National Wetlands Yatra and early hearing and intervention and directions and directions and office report)

Date : 08/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Zeeshan Diwan, Adv.
Dr. Joginder Samal, Adv.
Mr. Naresh Kumar, AOR
Mr. Ravindra Kr. Singh, Adv.

For Respondent(s)/
applicant(s)

UOI

Mr. A.K. Panda, Sr. Adv.
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. A.K. Sanghi, Sr. Adv.
Mr. Wasim A. Qadri, Adv.
Ms. Binu Tamta, Adv.
Mrs. Sunita Sharma, Adv.
Mr. Shalinder Saini, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Pankaj Pandey, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Adv.
Mr. B.K. Prasad, Adv.
Mr. Rajesh Mishra, Adv.
Mr. M.K. Maroria, Adv.
Mr. A.K. Kaul, Adv.
Mr. Abhinav Mukerji, Adv.

Mr. Jayant Bhushan, Sr. Adv.

For States of
Andhra Pradesh

Mr. Guntur Prabhakar, Adv.



	Ms. Prerna Singh, Adv.
Assam	Mr. Shuvodeep Roy, Adv.
Arunachal Pradesh	Mr. Anil Shrivastav, AOR
Bihar	Mr. Gopal Singh, AOR Ms. Varsha Poddar, Adv.
Chhattisgarh	Mr. A.P. Mayee, Adv. Mr. A. Selvin Raja, Adv.
Gujarat	Ms. Hemantika Wahi, AOR Ms. Puja Singh, Adv. Ms. Mamta Singh, Adv.
Haryana	Mr. Sanjay Kumar Visen, AOR
H.P.	Mr. D.K. Thakur, AAG Mr. Williams Vinod, Adv. Mr. Varinder Kumar Sharma, Adv. Ms. Pragati Neekhra, Adv.
J&K	Mr. Sunil Fernandes, AOR
Jharkhand	Mr. Tapesk Kumar Singh, Adv. Mr. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv. Mr. Sukant Vikram, Adv.
Karnataka	Mr. V. N. Raghupathy, AOR Mr. Prakash Jadhav, Adv. Mr. Lagnesh Mishra, Adv.
Kerala	Mr. G. Prakash, AOR Mr. Jishnu M.L., Adv. Mrs. Priyanka Prakash, Adv. Mrs. Beena Prakash, Adv. Mr. Manu Srinath, Adv.
M.P.	Mr. Purushaindra Kaurav, AAG Mr. Mishra Saurabh, AOR Mr. Ankit Kr. Lal, Adv.
Maharashtra	Mr. Nishant R. Katneshwarkar, Adv.
Manipur	Mr. Sapam Biswajit Meitei, Adv. Ms. B. Khushbansi, Adv.
Meghalaya	Mr. Ranjan Mukherjee, AOR

X

Mizoram Mr. Pragyan Sharma, Adv.
Mr. Shikhar Garg, Adv.
Mr. Ganesh Bapu, Adv.
Mr. P. V. Yogeswaran, AOR

Nagaland Mrs. K. Enatoli Sema, AOR
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.

Odisha Mr. Sibho Sankar Mishra, AOR
Mr. Umakant Mishra, Adv.

Punjab Mr. Sanchar Anand, AAG
Mr. Apoorv Singhal, Adv.
Mr. Anant K. Vatsya, Adv.

Rajasthan Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.
Mr. Milind Kumar, Adv.

Sikkim Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Amit Arora, Adv.
for M/s Arputham Aruna & Co.

Tamil Nadu Mr. B. Balaji, Adv.
Mr. S. Kumar, Adv.

Telangana Mr. S. Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

Tripura Mr. Gopal Singh, AOR
Mr. Rituraj Biswas, Adv.
Ms. Varsha Poddar, Adv.

West Bengal Mr. Joydeep Mazumdar, Adv.
Mr. Debojyoti Bhattacharya, Adv.
Mr. Parijat Sinham Adv.

Puducherry Mr. V. G. Pragasam, AOR
Mr. S. Prabu Ramasubramani, Adv.

A&N Islands Mr. Bhupesh Narula, Adv.
Ms. G. Indira, AOR

Dr. Monika Gusain, Adv.

Mr. Abhijit Sengupta, AOR

✕

Mr. Abhishek Chaudhary, AOR
Mr. Anil Kumar Jha, AOR
Mr. Anuvrat Sharma, AOR
Mr. A. Venayagam Balan, AOR
Mr. B. S. Banthia, AOR
Mr. Khwairakpam Nobin Singh, AOR
Mr. Kunal Verma, AOR
Mr. Naresh K. Sharma, AOR
Mr. P. V. Dinesh, AOR
Mr. R. Ayyam Perumal, AOR
Mr. R. D. Upadhyay, AOR
Mr. R. Nedumaran, AOR
Mr. S. Chandra Shekhar, AOR
Mrs. D. Bharathi Reddy, AOR
Mr. Shiv Sagar Tiwari, AOR
M/s Corporate Law Group (NP)
Ms. Kamini Jaiswal, AOR
Ms. Sumita Hazarika, AOR
Ms. Minati Rani, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have, at length, heard learned counsel for the parties including learned counsel for the Union of India.

An affidavit dated 7th February, 2017 filed by the Union of India has been shown to us.

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Annexed to the affidavit is an Office Memorandum issued on 6th January, 2017 with reference to the Draft Wetlands (Conservation and Management) Rules, 2016. The Draft Rules were made available to the public for inviting objections/suggestions some time in March, 2016. As many as 175 comments were received. For the examination of these comments, a Committee has been constituted. The Committee was given 45 days to look into the suggestions and submit its report to the Union of India.

We are told orally by learned counsel appearing for the Union of India that perhaps the term of the Committee may need to be extended. This is stated by him on the basis of information received pursuant to a meeting held yesterday, i.e., 7th February, 2017 by the said Committee.

Be that as it may, for the reasons given below, we are compelled to direct that the Wetlands (Conservation and Management) Rules, 2016 should be notified on or before 30th June, 2017. We are compelled to issue this direction since the matter has been pending with the Union of India for the last almost a year and there has to be some finality to the publication of the Rules. The comments/suggestions have been given by all stakeholders such as the State Governments including its organizations, individuals and civil society organizations. That being the position, there is obviously a great deal of interest in the Rules being

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formulated and notified. Under these circumstances, there is no justification why the Union of India should not have taken prompt action and constituted the Committee much earlier for the purposes of finalizing the Rules. Finally, the conservation of wetlands is of immense ecological importance.

Learned counsel for the Union of India says that all efforts will be made to ensure compliance with this direction and to ensure that the Rules are notified on or before 30th June, 2017.

We are sure that both the Committee as well as the Union of India will take into consideration the comments and suggestions offered by the State Governments and its organizations, individuals and civil society organizations before taking a final decision.

With regard to the Central Wetlands Regulatory Authority, we are told that its term is expiring on 14th February, 2017. We have been informed by learned counsel for the Union of India that the Central Wetlands Regulatory Authority will be notified on 13th February, 2017. The Union of India is bound by the statement made by learned counsel for the Union of India, which statement has been made on instructions received by him from an officer of the Ministry of Environment, Forest and Climate Change.

In our order dated 31st January, 2017, we had required the Union of India to tell us the steps taken to preserve

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the 26 wetlands covered by Ramsar Convention, 1971. The affidavit that has now been filed by the Union of India merely gives the disbursal of amount made by the Union of India from time to time. What specific steps have been taken including how the funds made available have been utilized and what is the impact of those steps have not been adverted to. We must have specific details. We direct the Union of India to file an affidavit within four weeks positively giving required specific details.

Learned counsel for the petitioners has drawn our attention to an additional affidavit filed by the Union of India on or about 9th September, 2014. The additional affidavit contains an Information Brochure "National Wetland Inventory & Assessment". This Brochure indicates on page 11 thereof that 2,01,503 wetlands have been mapped at 1:50,000 scale. All these wetlands have an area of more than 2.25 hectares. As a first step, the 'Brief Documents' with regard to these 2,01,503 wetlands should be obtained by the Union of India from the respective State Governments in terms of Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. We are told that obtaining these 'Brief Documents' may take some time. We are inclined to grant adequate time for this purpose. The Union of India should follow this up with the State Governments and inform us of the time frame on the next date of hearing.

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The apprehension expressed by learned counsel for the petitioners is that with the passage of time there is a possibility that some of the wetlands may disappear. On a reading of the Information Brochure, this apprehension is not unfounded.

Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India. The Union of India will identify and inventorize all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, that is to say:

"(i) reclamation of wetlands;

(ii) setting up of new industries and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. No. 966(E), dated the 27th November, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms/Genetically engineered organisms or cells notified vide GSR No. 1037(E), dated the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified vide S.O. No. 2265(E), dated the 24th September, 2008;

(iv) solid waste dumping: provided that the existing practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding six months from the date of commencement of these rules;

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(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements: provided that the practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding one year from the date of commencement of these rules;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules;

(vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules."

Learned counsel for the Union of India has shown us a chart of proposals/brief documents that have already been received by the Union of India under Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. The total number of wetlands covered in this document are 1683. Many of these proposals/brief documents received by the Union of India contain deficiencies which have already been identified in the document handed over to us.

The Central Wetland Regulatory Authority will take up the rectification of deficiencies with the State Governments with promptitude and ensure that all these deficiencies are removed and complete proposals/brief documents are furnished within the next about one month so that the Central Wetland Regulatory Authority is in a position to take a final decision with regard to these 1683 wetlands and their notification, if required, on or before 31st March, 2017.

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List the matter on 3rd April, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 802]

नई दिल्ली, मंगलवार, सितम्बर 26, 2017/आश्विन 4, 1939

No. 802]

NEW DELHI, TUESDAY, SEPTEMBER 26, 2017/ASVINA 4, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(अ).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग है, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मनोरंजक, सामाजिक और सांस्कृतिक कार्यकलापों का समर्थन करते हुए जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुनःभरण, सूक्ष्म जलवायु का विनियमन, दृश्यभूमि के सौन्दर्य बौध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, अधिकतर आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बहिःस्राव का निस्सारण, ठोस अपशिष्टों का निपटान), जल विज्ञान संबंधी परिवर्तन (जल अपनयन और अंतर्वाह तथा बहिवाह परिवर्तन) के माध्यम से भूमि सुधार और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है;

और, संविधान के अनुच्छेद 51क के खंड (छ) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण को संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उससे जुड़े मामले भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवा को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिससे उनकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंध में सहायक हो;

और, भारत, आर्द्रभूमि संबंधी रामसर अभिसमय का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और बुद्धिमतापूर्ण उपयोग के लिए प्रतिबद्ध है।

और केन्द्रीय सरकार ने तारीख 4 दिसंबर, 2010 की सं.सा.का.नि. 951(अ) द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010, प्रकाशित किए हैं;

और आर्द्रभूमि का संरक्षण और युक्तियुक्त उपयोग राज्य और राष्ट्रीय अर्थव्यवस्था को सारवान प्रत्यक्ष और अप्रत्यक्ष आर्थिक लाभ प्रदान कर सकता है तथा केन्द्रीय सरकार विभिन्न क्षेत्रों के लिए विकास आयोजना तथा निर्णय लेने की प्रक्रिया में आर्द्रभूमि जैवविविधता तथा पारिप्रणाली सेवाओं की पूर्ण शृंखला को मुख्य धारा में लाने के लिए प्रतिबद्ध है;

और, राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को इसी प्रकार से अपने विकासात्मक कार्यक्रमों तथा आर्थिक कल्याण में आर्द्रभूमि पारिस्थितिकी प्रणाली सेवाओं और जैव विविधता संबंधी मूल्यों पर विचार करने और इस बात को संज्ञान में लेने की आवश्यकता है कि आर्द्रभूमि पारिस्थितिकी प्रणाली के दो मुख्य पारिस्थितिकी घटक भूमि और जल, भारतीय संविधान के अनुसार राज्य के विषय के रूप में सूचीबद्ध हैं;

और केन्द्रीय सरकार ने देश में आर्द्रभूमियों के प्रभावी संरक्षण और प्रबंधन के लिए आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को अधिकांत करना आवश्यक समझा है;

और, अब, केन्द्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 की उपधारा (1) और उपधारा (2) के खंड (v) और धारा 3 की उपधारा (3) के साथ पठित धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जनसाधारण की जानकारी के लिए, जिनके उससे प्रभावित होने की संभावना है, सा.का.नि. 385 (अ) तारीख 31 मार्च, 2016 द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 का प्रारूप प्रकाशित किया था; और यह सूचना दी गई थी कि केन्द्रीय सरकार द्वारा उक्त प्रारूप नियमों पर, उस तारीख से, जिसको इस राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दी जाती है, साठ दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा;

और, केन्द्रीय सरकार को प्रारूप आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 के संबंध में राज्य सरकारों, संघ राज्य क्षेत्रों राज्यों और इसके संगठनों, व्यक्तियों और सिविल समाज संगठनों से सुझाव तथा आक्षेप प्राप्त हुए हैं;

और, ऐसे आक्षेपों और सुझावों पर, जो ऊपर उल्लिखित प्रारूप नियमों के संबंध में प्राप्त हुए हैं, पर राज्य सरकारों और राज्य क्षेत्र प्रशासनों के परामर्श से केन्द्रीय सरकार द्वारा सम्यक रूप से विचार किया गया;

अतः अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और उप-धारा (3) के साथ पठित धारा 25 और धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को उन बातों के सिवाय अधिकांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने का लोप किया गया था, आर्द्रभूमि के संरक्षण और प्रबंधन के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—

- (1) इन नियमों का संक्षिप्त नाम आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2017 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—

- (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से पर्यावरण (संरक्षण) अधिनियम, 1986 अभिप्रेत है;
- (ख) "प्राधिकरण" से यथास्थिति राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, अभिप्रेत है;
- (ग) "समिति" से नियम 6 में निर्दिष्ट राष्ट्रीय आर्द्रभूमि समिति अभिप्रेत है;
- (घ) "पारिस्थितिकीय गुण" से पारिस्थितिकी प्रणाली घटकों, प्रक्रियाओं तथा सेवाओं का ऐसा संकलन अभिप्रेत है जो आर्द्रभूमियों की विशिष्टता चित्रित करता है;
- (ङ) "एकीकृत प्रबंधन योजना" से कोई ऐसा दस्तावेज अभिप्रेत है जिसमें आर्द्रभूमि का युक्तियुक्त उपयोग के लिए कार्यनीतियों और कार्रवाइयों का वर्णन किया गया है तथा इस योजना में स्थल प्रबंधन के उद्देश्य; उद्देश्यों को प्राप्त करने के लिए अपेक्षित प्रबंधन कार्रवाइयां, वे घटक, जो विभिन्न स्थल विशिष्टताओं को प्रभावित करते हैं, या प्रभावित कर सकते हैं; पारिस्थितिकीय स्वरूप में परिवर्तनों का पता लगाने के लिए और प्रबंधन की प्रभाविता के मापन के लिए अपेक्षित मानीटरी और कार्यान्वयन प्रबंधन कार्यान्वयन के लिए संसाधन सम्मिलित हैं;
- (च) "रामसर अभिसमय" से 1971 में ईरान के रामसर में हस्ताक्षरित आर्द्रभूमि संबंधी अभिसमय अभिप्रेत है;
- (छ) "आर्द्रभूमि से कोई क्षेत्र या कच्छ पंक, पीटभूमि या जल; प्राकृतिक या कृत्रिम, स्थायी या अस्थायी, जल जो ठहरा है या बहते, ताजे, खारे या लवणीय, जिसके अंतर्गत समुद्री जल का जिसकी गहराई ज्वार की स्थिति छह मीटर से अधिक की न हो अभिप्रेत है, परंतु इसमें नदी जल मार्ग, धान के खेत, पेयजल प्रयोजनार्थ विशिष्ट रूप से मानव निर्मित जल निकाय/जलाशय, मत्स्यपालन, नमक उत्पादन और सिंचाई प्रयोजनों के लिए विशिष्ट रूप से निर्मित संरचनाएं सम्मिलित नहीं हैं;

- (ज) "आर्द्रभूमि परिसर" से दो या दो से अधिक पारिस्थितिकीय और जलीय समीपस्थ आर्द्रभूमियां तथा जिनमें उनसे जुड़े नाले/वाहिकाएं सम्मिलित हो सकती हैं, अभिप्रेत हैं;
- (झ) "आर्द्रभूमियों का युक्तियुक्त उपयोग" से सतत विकास के संदर्भ में पारिप्रणाली दृष्टिकोण के माध्यम से प्राप्त पारिस्थितिकीय गुणों का रख-रखाव अभिप्रेत है;
- (ञ) "प्रभावित जोन" से आर्द्रभूमि या आर्द्रभूमि परिसर के आवाह-क्षेत्र का वह भाग जिस पर विकासात्मक कार्यकलापों के कारण पारिप्रणाली ढांचे, तथा पारिप्रणाली सेवाओं में प्रतिकूल परिवर्तन पड़ता है।
- (2) उन सभी शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो उनके उस अधिनियम में हैं।

3. नियमों का लागू होना.—ये नियम निम्नलिखित आर्द्रभूमियों या आर्द्रभूमि परिसरों को लागू होंगे, अर्थात्:-

- (क) रामसर अभिसमय के अधीन 'अंतरराष्ट्रीय महत्व की आर्द्रभूमि' के रूप में वर्गीकृत आर्द्रभूमियां;
- (ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन द्वारा यथा अधिसूचित आर्द्रभूमियां।

परंतु ये नियम समय-समय पर यथा संशोधित भारतीय वन अधिनियम, 1927, वन्यजीव (संरक्षण) अधिनियम, 1972, वन (संरक्षण) अधिनियम, 1980, राज्य वन अधिनियम तथा तटीय विनियमन जोन अधिसूचना, 2011 के अंतर्गत आने वाले क्षेत्रों में पड़ने वाली आर्द्रभूमियों को लागू नहीं होंगे।

4. आर्द्रभूमियों में क्रियाकलापों पर निर्बंधन.—(1) आर्द्रभूमि का संरक्षण और प्रबंध, आर्द्रभूमि प्राधिकरण द्वारा यथा अवधारित 'युक्तियुक्त उपयोग' के सिद्धांत के अनुसार किया जाएगा।

(2) आर्द्रभूमि के भीतर, निम्नलिखित क्रियाकलापों को प्रतिषिद्ध किया जाएगा, अर्थात्:-

- (i) किसी भी किस्म के अतिक्रमण सहित गैर-आर्द्रभूमि उपयोग हेतु परिवर्तन;
- (ii) किसी उद्योग को स्थापित करना और विद्यमान उद्योगों का विस्तार करना;
- (iii) निर्माण और विध्वंस अपशिष्ट प्रबंधन नियम, 2016 के अंतर्गत आने वाले निर्माण और विध्वंस अपशिष्ट का विनिर्माण या हथालन या भंडारण या निपटान; परिसंकटमय रसायन के विनिर्माण, भंडारण और आयात नियम, 1989 या परिसंकटमय सूक्ष्म जीवों आनुवंशिक रूप से निर्मित जीवों या कोशिकाओं का उपयोग, आयात, निर्यात और भंडारण संबंधी नियम, 1989 या परिसंकटमय अपशिष्ट (प्रबंधन, हथालन और सीमापारीय संचलन) नियम 2008 के अंतर्गत आने वाले परिसंकटमय पदार्थ; ई-अपशिष्ट (प्रबंधन) नियम, 2016 के अंतर्गत आने वाला ई-अपशिष्ट;
- (iv) ठोस अपशिष्ट का पाटन;
उद्योगों, शहरों, कस्बों, गांवों और अन्य मानव बस्तियों से अशोधित अपशिष्ट और बहिस्रावों का निस्सारण;
- (v) किसी स्थायी प्रकृति का किसी निर्माण सिवाय नाव घाटों के, पचास मीटर के भीतर इन नियमों के प्रारंभ की तारीख से पिछले दस वर्षों में प्रेक्षित बाढ़ के औसतन उच्च स्तर से गणना की जाएगी; और
- (vi) अवैध शिकार।

परंतु केन्द्रीय सरकार प्राधिकरण की सिफारिश पर किसी कार्यकलाप के विलोपन के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रशासन से प्राप्त प्रस्तावों पर विचार कर सकेगी।

5. आर्द्रभूमि प्राधिकरण.—(1) केन्द्रीय सरकार, प्रत्येक राज्य में राज्य आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

- (i) राज्य सरकार के पर्यावरण/वन विभाग का भारसाधक मंत्री या आर्द्रभूमि के विषय से संबंधित कार्य कर रहे भारसाधक मंत्री - अध्यक्ष;
- (ii) राज्य का मुख्य सचिव या समतुल्य अपर मुख्य सचिव - उपाध्यक्ष;
- (iii) पर्यावरण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (iv) वन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (v) शहरी विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vi) ग्रामीण विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vii) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;

- (viii) मत्स्यकी विभाग का भारसाधक सचिव – पदेन सदस्य;
- (ix) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव – पदेन सदस्य;
- (x) पर्यटन विभाग का भारसाधक सचिव – पदेन सदस्य;
- (xi) राजस्व विभाग का भारसाधक सचिव – पदेन सदस्य;
- (xii) निदेशक, राज्य सुदूर संवेदी केन्द्र – पदेन सदस्य;
- (xiii) मुख्य वन्यजीव वार्डन – पदेन सदस्य;
- (xiv) सदस्य सचिव, राज्य जैवविविधता बोर्ड – पदेन सदस्य;
- (xv) सदस्य सचिव, राज्य प्रदूषण नियंत्रण बोर्ड – पदेन सदस्य;
- (xvi) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय का अपर प्रधान मुख्य संरक्षक – पदेन सदस्य;
- (xvii) आर्द्रभूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्र में से प्रत्येक का एक विशेषज्ञ जिसे राज्य सरकार द्वारा नामनिर्दिष्ट किया जाए; और
- (xviii) पर्यावरण/वन विभाग या आर्द्रभूमियों से संबंधित विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।
- (2) केन्द्रीय सरकार, प्रत्येक राज्य क्षेत्र के लिए संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-
- (i) संघ राज्य क्षेत्र का प्रशासक या मुख्य सचिव – अध्यक्ष;
- (ii) पर्यावरण विभाग का भारसाधक सचिव – उपाध्यक्ष;
- (iii) वन विभाग का भारसाधक सचिव – पदेन सदस्य;
- (iv) शहरी विकास विभाग का भारसाधक सचिव – पदेन सदस्य;
- (v) ग्रामीण विकास विभाग का भारसाधक सचिव – पदेन सदस्य;
- (vi) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vii) मत्स्यकी विभाग का भारसाधक सचिव - पदेन सदस्य;
- (viii) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (ix) पर्यटन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (x) राजस्व विभाग का भारसाधक सचिव - पदेन सदस्य;
- (xi) निदेशक, सुदूर संवेदी केन्द्र - पदेन सदस्य;
- (xii) सदस्य सचिव, संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति - पदेन सदस्य;
- (xiii) सदस्य सचिव, संघ राज्य क्षेत्र जैव-विविधता बोर्ड - पदेन सदस्य;
- (xiv) मुख्य वन्यजीव वार्डन - पदेन सदस्य;
- (xv) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय के अपर प्रधान मुख्य वन संरक्षक - पदेन सदस्य;
- (xvi) आर्द्रभूमि पारिस्थितिकी, जल-विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्रों से एक-एक विशेषज्ञ जिसे संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट किया जाए; और
- (xvii) पर्यावरण/वन विभाग या आर्द्रभूमि हथालन विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।
- (3) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, तीन से अधिक, यदि अपेक्षित हों, अन्य सदस्यों, का सह-चयन, कर सकेंगे।
- (4) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, निम्नलिखित शक्तियों का प्रयोग करेगा और निम्नलिखित कृत्यों का पालन करेगा, अर्थात् :—
- (क) इन नियमों के प्रकाशन की तारीख से तीन मास के भीतर राज्य या संघ राज्य क्षेत्र की सभी आर्द्रभूमियों की सूची तैयार करना;
- (ख) इन नियमों के प्रकाशन की तारीख से छह मास के भीतर अधिसूचित की जाने वाली आर्द्रभूमियों की सूची तैयार करना; अन्य सुसंगत राज्य अधिनियमों के अधीन तैयार/अधिसूचित आर्द्रभूमियों की किसी विद्यमान सूची को संज्ञान में लेना;

- (ग) इन नियमों के अधीन विनियमन हेतु उनके संक्षिप्त दस्तावेजों के आधार पर अभिज्ञात आर्द्रभूमियों की संस्तुति करना;
- (घ) इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर सभी आर्द्रभूमियों की व्यापक डिजिटल सूची तैयार करना और उक्त प्रयोजन से केन्द्रीय सरकार द्वारा विकसित की जाने वाले डेडीकेटिड वेब पोर्टल पर इसे अपलोड करना; और इस सूची को प्रत्येक दस वर्ष में अद्यतन किया जाएगा;
- (ङ) अधिसूचित आर्द्रभूमियों के भीतर विनियमित और अनुज्ञात किए जाने वाले कार्यकलापों और उनके प्रभाव क्षेत्र की विस्तृत सूची विकसित करना;
- (च) विनिर्दिष्ट आर्द्रभूमियों के लिए प्रतिषिद्ध कार्यकलापों की सूची में बढोतरी, यदि कोई हो, की सिफारिश करना;
- (छ) आर्द्रभूमियों की अधिकारिता के भीतर उनके संरक्षण और युक्तियुक्त उपयोग के लिए कार्यनीतियां पारिभाषित करना; यदि पारिस्थितिक प्रणाली के कार्यकलापों (जल भण्डारण, भू-जल संभरण, बाढ़-प्रतिरोधक जैसे) और मूल्य (मनोरंजन और सांस्कृतिक जैसे) का अनुरक्षण किया जाता है या उसमें अभिवृद्धि की जाती है; तो इन पारिस्थितिक प्रणाली को प्रबंधित करने के लिए एक सिद्धांत, जो संरक्षण के साथ संगत वहनीय उपयोगों को समावेशित करता है (जैसे जीवन-निर्वाह स्तर हेतु मछली पकड़ना या जलीय वनस्पति की पैदावार करना) का विवेकपूर्ण उपयोग करना;
- (ज) प्रत्येक अधिसूचित आर्द्रभूमियों के लिए एकीकृत प्रबंधन योजना का पुनर्विलोकन करना (केन्द्रीय सरकार के समन्वयन से सीमा-पारीय आर्द्रभूमियों सहित), और इन योजनाओं के भीतर आर्द्रभूमियों, जो पारिस्थितिकीय स्वरूप के अनुकूल हैं, के पारम्परिक उपयोगों को जारी रखना और उसमें समर्थन देने पर विचार करना;
- (झ) उन मामलों में, जहां अधिसूचित आर्द्रभूमियों या आर्द्रभूमि परिसरों की सीमा के भीतर भूमि क्षेत्र का निजी भू-धारण अधिकार है, उन्हें बढावा देने के लिए कार्यकलापों के माध्यम से पारिस्थितिकीय स्वरूप को बनाये रखने के लिए कार्यतंत्रों हेतु सिफारिश करना;
- (ञ) विद्यमान राज्य/संघ राज्य क्षेत्र स्तर की विकास योजनाओं और कार्यक्रमों के साथ प्रबंध योजना के कार्यान्वयन के अभिसरण के लिए कार्यतंत्रों की पहचान करना;
- (ट) इन नियमों और अन्य सुसंगत अधिनियमों, नियमों और विनियमों का प्रवर्तन सुनिश्चित करना और अर्द्ध-वार्षिक आधार पर (प्रत्येक कैलेंडर वर्ष के जून और दिसम्बर पर) एक सूचना तंत्र के माध्यम से ऐसी अधिसूचित आर्द्रभूमियों की स्थिति पर संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या केन्द्रीय सरकार को सूचना देना;
- (ठ) विभिन्न संगत विभागों और अन्य संबंधित अभिकरणों के माध्यम से युक्तियुक्त उपयोग के सिद्धांत के आधार पर एकीकृत प्रबंधन योजनाओं के क्रियान्वयन का समन्वयन करना;
- (ड) राज्य या संघ राज्य क्षेत्र प्रशासन के भीतर सभी आर्द्रभूमि विनिर्दिष्ट प्राधिकरणों के लिए नोडल प्राधिकरण के रूप में कार्य करना;
- (ढ) संबंधित क्रियान्वयन अभिकरणों को आर्द्रभूमियों के संरक्षण और सतत प्रबंधन हेतु आवश्यक निदेश जारी करना;
- (ण) आर्द्रभूमियों के मूल्यों और क्रियाकलापों के संबंध में पणधारियों और स्थानीय समुदायों के बीच जागरूकता के संवर्धन हेतु उपाय करना; और
- (त) स्वप्रेरणा से या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा यथानिर्दिष्ट अन्य मामले पर सलाह देना।
- (5) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का संबंधित विभाग, प्राधिकरण के लिए नोडल विभाग और सचिवालय के रूप में सभी आवश्यक सहायता प्रदान करेगा और कार्य करेगा।
- (6) प्राधिकरण, इन नियमों के प्रकाशन के नब्बे दिन के भीतर :
- (क) संक्षिप्त दस्तावेजों और प्रबंध योजनाओं का पुनर्विलोकन करने तथा आर्द्रभूमि प्राधिकरण द्वारा निर्दिष्ट किसी तकनीकी विषय पर सलाह देने के लिए एक तकनीकी समिति का, और
- (ख) जनता द्वारा प्राधिकरण को की गई शिकायतों की सुनवाई करने और उन्हें अग्रेषित करने के लिए एक कार्यतंत्र उपलब्ध कराने हेतु चार सदस्यों से मिलकर बनी एक शिकायत समिति का गठन करेगा।
- (7) उप-नियम (6) में निर्दिष्ट समितियां अपने कृत्यों के निष्पादन के लिए प्रत्येक तिमाही में कम से कम एक बार बैठक करेंगी।
- (8) प्राधिकरण की वर्ष में कम से कम तीन बार बैठक होगी।
- (9) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट प्राधिकरण के गैर-अधिकारिक सदस्यों का कार्यकाल अधिकतम तीन वर्ष की अवधि का होगा।

6. **राष्ट्रीय आर्द्रभूमि समिति का गठन.**—(1) केन्द्रीय सरकार, एक राष्ट्रीय आर्द्रभूमि समिति का गठन करेगी, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—
- (i) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – अध्यक्ष;
 - (ii) आर्द्रभूमि संबंधी कार्य देख रहे विशेष सचिव या अपर सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – उपाध्यक्ष;
 - (iii) अपर महानिदेशक, वन्यजीव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (iv) आर्द्रभूमियों संबंधी कार्य देख रहे सलाहकार या संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय – पदेन सदस्य;
 - (v) संयुक्त सचिव, पर्यटन मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (vi) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (vii) संयुक्त सचिव, कृषि और किसान कल्याण मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (viii) संयुक्त सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय भारत सरकार – पदेन सदस्य;
 - (ix) संयुक्त सचिव, शहरी विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (x) संयुक्त सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (xi) अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;
 - (xii) निदेशक, भारतीय प्राणि सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiii) निदेशक, भारतीय वनस्पति सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiv) निदेशक, अंतरिक्ष अनुप्रयुक्ति केंद्र, अहमदाबाद या वैज्ञानिक एफ - पदेन सदस्य;
 - (xv) सदस्य केन्द्रीय जल आयोग - पदेन सदस्य;
 - (xvi) सलाहकार, नीति आयोग - पदेन सदस्य;
 - (xvii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के तीन प्रतिनिधि, चक्रानुक्रम आधार पर, प्रत्येक दो वर्ष के कार्यकाल के लिए;
 - (xviii) आर्द्र भूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी क्षेत्र, भू-दृश्य योजना और सामाजिक अर्थशास्त्र के क्षेत्रों में से प्रत्येक का एक-एक विशेषज्ञ; और
 - (xix) आर्द्रभूमि से संबंधित कार्य करने वाले निदेशक/अपर निदेशक/संयुक्त निदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य सचिव।
- (2) राष्ट्रीय आर्द्रभूमि समिति, यदि अपेक्षित हो, तीन से अनधिक अन्य सदस्यों को सहयोजित कर सकेगी।
- (3) राष्ट्रीय आर्द्रभूमि समिति निम्नलिखित कृत्यों का पालन करेगी, अर्थात्:—
- (क) आर्द्रभूमियों के संरक्षण तथा बुद्धिमत्तापूर्ण उपयोग के लिए समुचित नीतियों और कार्रवाई सम्बन्धी कार्यक्रमों के विषय में केन्द्रीय सरकार को सलाह देना;
 - (ख) आर्द्रभूमियों के एकीकृत प्रबंधन के लिए बुद्धिमत्तापूर्ण उपयोग के सिद्धान्त पर आधारित मानदंड और मार्गदर्शक सिद्धान्त तैयार करना;
 - (ग) प्राधिकरण द्वारा इन नियमों के क्रियान्वयन की निगरानी करना;
 - (घ) नियम 4 के उप नियम (2) में यथानिर्दिष्ट प्रतिषेधित क्रियाकलापों के लिए राज्य सरकारों या संघ राज्य क्षेत्र प्रशासनों से प्राप्त पुनरीक्षित प्रस्तावों के संबंध में केन्द्रीय सरकार को सलाह देना;
 - (ङ.) रामसर अभिसमय के अधीन अंतर्राष्ट्रीय महत्व की आर्द्रभूमियों को अभिहित किये जाने की सिफारिश करना;
 - (च) अधिसूचित किये जाने के लिए सीमापार आर्द्रभूमियों की सिफारिश करना;
 - (छ) रामसर स्थलों और सीमापार आर्द्रभूमियों के एकीकृत प्रबंध की प्रगति का पुनर्विलोकन करना;
 - (ज) आर्द्रभूमियों से संबंधित मुद्दों पर अंतर्राष्ट्रीय अभिकरणों के समन्वय के संबंध में सलाह देना; और
 - (झ) किसी अन्य मामले पर स्वप्रेरणा से सलाह देना या केन्द्रीय सरकार को निर्दिष्ट करना।

- (4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अनधिक का नहीं होगा।
- (5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।
7. **राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.**—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिज्ञात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—
- (क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन;
- (ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;
- (ग) पारिस्थितिक-स्वरूप का विवरण;
- (घ) पूर्वतः विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;
- (ङ.) आर्द्रभूमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;
- (च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सूची; और
- (छ) विनियमों के प्रवर्तन की रीति;
- (2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।
- (3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।
- (4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।
- (ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिशें करेगी।
- (ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।
- (5) (क) केन्द्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सृजन करेगी।
- (ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएस(डब्ल्यू) पार्ट.V]

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

And whereas clause (g) of article 51A of the Constitution stipulates 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;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including *inter-alia*, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors;

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wetlands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. Short title and commencement.—

- (1) These rules may be called the Wetlands (Conservation and Management) Rules, 2017.
- (2) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Environment (Protection) Act, 1986;
 - (b) "Authority" means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
 - (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
 - (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
 - (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
 - (g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
 - (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
 - (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
 - (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. Applicability of rules.—These rules shall apply to the following wetlands or wetlands complexes, namely:—

- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

- (2) The following activities shall be prohibited within the wetlands, namely,-
 - (i) conversion for non-wetland uses including encroachment of any kind;
 - (ii) setting up of any industry and expansion of existing industries;
 - (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
 - (iv) solid waste dumping;
 - (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
 - (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
 - (vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. Wetlands Authorities.—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

- (i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;
 - (ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;
 - (iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;
 - (iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;
 - (v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
 - (vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
 - (vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
 - (viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
 - (ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
 - (x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
 - (xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;
 - (xii) Director, State Remote Sensing Centre - Member *ex-officio*;
 - (xiii) Chief Wildlife Warden - Member *ex-officio*;
 - (xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;
 - (xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;
 - (xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
 - (xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and
 - (xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
- (2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—
- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
 - (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
 - (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
 - (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
 - (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
 - (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
 - (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
 - (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
 - (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
 - (x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;
 - (xi) Director, Remote Sensing Centre - Member *ex-officio*;
 - (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

- (xiii) Member Secretary, Biodiversity Board of the UT - Member *ex-officio*;
- (xiv) Chief Wildlife Warden - Member *ex-officio*;
- (xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change- Member *ex-officio*;
- (xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the Union Territory Administration; and
- (xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
- (3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.
- (4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:-
- (a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;
- (b) prepare a list of wetlands to be notified, within six months from the date of publication of these rules; taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts;
- (c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;
- (d) prepare a comprehensive digital inventory of all wetlands within a period of one year from the date of publication of these rules and upload the same on a dedicated web portal to be developed by the Central Government for the said purpose; the inventory to be updated every ten years;
- (e) develop a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence;
- (f) recommend additions, if any, to the list of prohibited activities for specific wetlands;
- (g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;
- (h) review integrated management plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans consider continuation and support to traditional uses of wetlands which are harmonized with ecological character;
- (i) in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;
- (j) identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;
- (k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;
- (l) coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;
- (m) function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;
- (n) issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;



- (o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and
- (p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.
- (5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.
- (6) The Authority shall, within ninety days of publication of these rules, shall constitute,—
 - (a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and
 - (b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;
- (7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.
- (8) The Authority shall meet at least thrice in a year.
- (9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.

6. Constitution of National Wetlands Committee.—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—

- (i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;
- (ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;
- (iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;
- (iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;
- (vi) Joint Secretary , Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;
- (vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;
- (viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;
- (ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;
- (x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;
- (xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;
- (xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;
- (xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;
- (xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;
- (xv) Member, Central Water Commission - Member *ex-officio*;
- (xvi) Adviser, Niti Aayog - Member *ex-officio*;
- (xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;
- (xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

- (xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member Secretary.
- (2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.
- (3) The National Wetlands Committee shall perform the following functions, namely:-
- (a) advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;
- (b) evolve norms and guidelines for integrated management of wetlands based on wise use principle;
- (c) monitor implementation of these rules by the Authority;
- (d) advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;
- (e) recommend designation of wetlands of international importance under Ramsar Convention;
- (f) recommend trans-boundary wetlands for notification;
- (g) review progress of integrated management of Ramsar sites and transboundary wetlands;
- (h) advise on collaboration with international agencies on issues related to wetlands; and
- (i) advise on any other matter *suo-moto*, or as referred by the Central Government.
- (4) The tenure of non-official members of the Committee shall not exceed three years.
- (5) The Committee shall meet at least once in every six months.

7. Delegation of powers and functions to the State Governments and Union Territory Administrations.—

- (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—
- (a) demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;
- (b) demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;
- (c) ecological character description;
- (d) account of pre-existing rights and privileges;
- (e) list of site-specific activities to be permitted within the wetland and its zone of influence;
- (f) list of site specific activities to be regulated within the wetland and its zone of influence; and
- (g) modalities for enforcement of regulation;
- (2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.
- (3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.
- (4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).
- (b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.
- (c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.

- (5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.
- (b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

[F. No. J-22012/78/2003-CS (W) Pt. V]

Dr. A. DURAISAMY, Scientist 'G'

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ITEM NO.4

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 230/2001

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 04-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Ms. Veera Mahuli, Adv.
Mr. Naresh Kumar, AOR

For Respondent(s)/
applicant(s)
UOI/Delhi

Mr. A.N.S. Nadkarni, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. Wasim A. Qadri, Adv.
Mr. Ajay Kumar Singh, Adv.
Ms. Binu Tamta, Adv.
Mrs. Sunita Sharma, Adv.
Mr. Sanjai Kumar Pathak, Adv.
Mr. Shalinder Saini, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Mr. S.A. Siddiqui, Adv.
Mr. Satya Siddiqui, Adv.
Mr. Zaki Kazmi, Adv.

Intervenor

Mr. Jayant Bhushan, Sr. Adv.
Mr. Ketan Paul, Adv.
Ms. Reeja Varghese, Adv.
Mr. Chirayu Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the petitioner and the learned Additional Solicitor General.

We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26th September, 2017.

Learned counsel for the parties say that they have very serious objections to some of these Rules. It is submitted that it appears that the Central Government has abdicated its responsibility under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.

With regard to the expenditure on Ramsar Convention sites, we have been informed by learned Additional Solicitor General that the audited accounts have so far been received from the States of West Bengal, Madhya Pradesh and Odisha. Audited accounts have not been received from any other State with regard to the Ramsar

Convention sites.

We have also been informed that apart from Ramsar Convention sites, further funds have been given to the States and the Union Territories for conservation of wetlands. No audited accounts have been received in regard to these funds disbursed as well as their expenditure by the State Governments and the Union Territories.

With regard to the brief documents required to be furnished under the old Rules, it appears that only ten States and one Union Territory have responded. It appears that there is now no necessity of brief documents under the new Rules. We make it clear that this does not mean that the earlier brief documents already submitted can be discarded completely. The contents of these brief documents will still be followed as far as the implementation of the Wetlands (Conservation and Management) Rules, 2017 is concerned.

Finally, with regard to the satellite images, we are told that the Space Application Centre would require between 12 to 18 months to make an inventory of 1,75,740 wetlands as they exist today. We make no comment on this but request learned Additional Solicitor General to re-check with the Space Application Centre since the wetlands are diminishing in our country at a very fast rate. It is very likely that many more will disappear by the time the task is completed by the Space Application

Centre.

We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.

Learned counsel for the parties may file their objections to the new Rules within a period of two weeks. We direct that only one set of objections should be filed and both learned counsel should sit together and arrive at some consensus on the objections.

We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.

List the matter for further directions and for hearing on the objections to the new Rules on 9th November, 2017.

We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised

can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER



F. No. W-4/4/2022-WTL
Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

Subject: Protection of Wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017

The Hon'ble Supreme Court vide Order dated 4th October, 2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, *"We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010"*.

2. The same has been communicated by this Ministry to all the States and UTs in November, 2017. Hon'ble NGT has also reiterated the same in various recent cases.

3. In view of above, it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules.

Ramesh

(Dr. M. Ramesh)
Scientist 'E'

Tel.: 011-20819249

Email: ramesh.motipalli@nic.in

To

The Member Secretaries of State and UT Wetlands Authorities

ITEM NO.6

COURT NO.13

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 304/2018

ANAND ARYA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 131361/2018 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 230/2001 (PIL-W)
(I.A.NO.203606/2022 IN W.P.(C)NO.230/2001
IA No. 203606/2022 - INTERVENTION APPLICATION)

W.P.(C) No. 302/2020 (PIL-W)
(FOR impleading party ON IA 172736/2024
FOR INTERVENTION/IMPLEADMENT ON IA 172736/2024
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 172737/2024
IA No. 172737/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 172736/2024 - INTERVENTION/IMPLEADMENT)

Date : 11-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Gopal Sankaranarayan, Sr. Adv.
Ms. Trisha Chandran, Adv.
Mr. Naresh Kumar, AOR

Mr. Jayant Bhushan, Sr. Adv.
Ms. Reena George, Adv.
Mr. Rohit Kumar Singh, AOR
Mr. Amartya Bhushan, Adv.
Mr. Yojit Mehra, Adv.

Ms. Anitha Shenoy, Sr. Adv.
Ms. Shibani Ghosh, AOR
Ms. Ayushma Awasthi, Adv.
Ms. Himanshi Gupta, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupma Chaturvedi, Sr. Adv.
Ms. Manisha Chava, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Bhuvan Mishra, Adv.
Mr. Aman Sharma, Adv.
Ms. Sunita Sharma, Adv.
Mr. Rohan Gupta, Adv.

Mr. P. V. Yogeswaran, AOR

Mr. Manish Kumar, AOR
Mr. Ravi Shanker Jha, Adv.

Mr. Kunal Verma, AOR

Ms. Sumita Hazarika, AOR
Mr. Shiv Sagar Tiwari, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Manish Chaubey, Adv.
Mr. Milind Kumar, AOR

Mr. Anil Shrivastav, AOR
Mr. Ashok Kumar Singh, AOR

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Samarth Krishan Luthra, Adv.
Mr. Dhruv Yadav, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mrs. Swarupama Chaturvedi, Sr. Adv.
Mr. A K Panda, Adv.
Mr. Wasim Qadri, Sr. Adv.
Mrs. Ruchi Kohli, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Sunita Sharma, Adv.
Mr. Rohit Pandey, Adv.

Ms. Swati Ghildiyal, AOR
Mr. Prashant Bhagwati, Adv.
Ms. Devyani Bhatt, Adv.

Ms. Supriya Juneja, AOR

Mr. Anand Sharma, Adv.
Mr. Sandeep Jindal, AOR
Mr. Vishwanathan Iyer, Adv.

Mr. Arman Sharma, Adv.
Mrs. Shimpy Sharma, Adv.
Ms. Pooja Sharma, Adv.
Mr. Yeshasvi Shrivastava, Adv.

Mr. Parth Awasthi, Adv.
Mr. Pashupathi Nath Razdan, AOR

Mr. V. N. Raghupathy, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Sunny Choudhary, AOR
Mr. Abhimanyu Singh Ga, Adv.
Mr. Sarad Kumar Singhania Aor, Adv.
Ms. Rashmi Singhania, Adv.

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Mr. P. S. Negi, Adv.
Mr. T.k. Nayak, Adv.

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Gaurav Khanna, AOR
Ms. Natasha Sahrawat, Adv.
Mr. Rudraksh Pandey, Adv.
Mr. Gautam Barnwal, Adv.
Ms. Deepali Bhanot, Adv.
Ms. Alisha Roy, Adv.

Ms. Baani Khanna, AOR
Mr. Robin Singh, Adv.
Mr. Rohit Kumar, Adv.
Mr. Siddharth Mishra, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.
Mr. Aryan Srivastava, Adv.
Ms. Ayushi Bansal, Adv.
Mr. Sarthak Dora, Adv.

Ms. Purnima Krishna, AOR
Mr. M.f. Philip, Adv.
Mr. Karamveer Singh Yadav, Adv.

Mr. R. Ayyam Perumal, AOR

Ms. Garima Prashad, A.A.G.
Mr. Sudeep Kumar, AOR
Mr. Abhishek Saket, Adv.
Ms. Manisha, Adv.
Ms. Rupali, Adv.

Mr. Srisatya Mohanty, Adv.
Ms. Astha Sharma, AOR
Ms. Ripul Swati Kumari, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. S.wasim A. Qadri, Sr. Adv.
Mr. Ashok Kumar Panda, Sr. Adv.
Ms. Ruchi Kohli, Sr. Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Indira Bhakar, Adv.
Ms. Sunita Sharma, Adv.
Mr. Gautam Kumar, Adv.
Mr. N Visakamurthy, aor, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Aravindh S., AOR
Mr. Abbas B, Adv.
Mr. Aman Gautam, Adv.

Ms. Suveni Bhagat, AOR

Mr. Gopal Prasad, AOR

Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Mr. D.p.singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Mr. Shishir Pinaki, AOR
Mr. Dhanaeswar Gudapalli, Adv.
Ms. Mallika Das, Adv.
Mr. Nandi Kiran Kumar, Adv.

Mr. Akash Vashista, Adv.
Mr. Rishi Sehgal, AOR
Mr. Midhun Aggarwal, Adv.
Ms. Vaishnavi, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

Prior to 2017, the figures given by ISRO regarding the number of wetlands in India having an area more than 2.25 Hectares was 2,01,503. The latest ISRO data, which is of the year 2021, shows that this figure has now increased to 2,31,195.

Now these figures have to be checked on ground. The Wetlands (Conservation and Management) Rules, 2017 (in short, "the Rules") and the guidelines issued thereunder prescribe that the next step after identification of such wetlands is what is called Ground truthing, which is the term given to the actual inspection of these wetlands by a team constituted by the State for that purpose. This step has, however, been neglected by almost all the States, except the State of Punjab to some extent. As regards demarcation of these wetlands all States have done almost nothing up till now.

We have been informed at the Bar that each State presently has a Wetland Authority. In fact, reading of Rule 5 suggests that the State Wetlands Authority has already been constituted. Rule 5, by which the State Wetland Authority as well as such Authorities in the Union Territories have been

constituted and the powers to these Authorities have been given, reads as under :-

“Wetland Authorities – (1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely ; -

XXXXX

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely -

XXXX

(3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.

(4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely :-

a) Prepare a list of all wetlands of the State or UT within three months from the date of publication of these rules;

b) Prepare a list of wetlands to be notified, within six months from the date of publication of these Rules, taking into cognizance any existing list of wetlands prepared/notified under other relevant State

Acts;

c) Recommend identified wetlands, based on their Brief Documents, for regulation under these rules;

d) Prepare a comprehensive digital inventory of all wetlands within one year from the date of publication of these rules and upload the same on a dedicated web portal, to be developed by the Central Government for the said purpose; the inventory ought to be updated every ten years;

e) Develop a comprehensive list of activities, to be regulated and permitted within the notified wetlands and their zone of influence;

f) Recommend additions, if any, to the list of prohibited activities for specific wetlands;

g) Define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, ground water recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced ;

- h) Review Integrated Management Plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans to consider continuation and support to traditional uses of wetlands that are harmonized with ecological character;*
- l) Recommend mechanisms for maintenance of ecological character through promotional activities for land within the boundary of notified wetlands or wetlands complex have private tenancy rights,;*
- j) Identify mechanisms for convergence of implementation of the management plan with the existing State/UT level development plans and programmes;*
- k) Ensure enforcement of these rules and other relevant Acts, rules and regulations and on a half-yearly basis (June and December of each calendar year) inform the concerned State Government or UT Administration or Central Government on the status of such notified wetlands through a reporting mechanism;*
- l) Coordinate implementation of Integrated Management Plans based on wiseuse principle through various line departments and other concerned agencies;*

m) Function as a nodal authority for all wetland - specific authorities within the State or UT Administration;

n) Issue necessary directions for the conservation and sustainable management of wetlands to the respective implementing agencies.

o) Undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and

p) Advise on any other matter suo-motu, or as referred by the State Government/UT Administration.

(5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.

(6) The Authority shall, within ninety days of publication of these rules, shall constitute -

(a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority and

(b) a grievance committee consisting of four members to provide a mechanism for hearing

and forwarding the grievances raised by public to the Authority;

(7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.

(8) The Authority shall meet at least thrice in a year.

(9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.”

It is clear now that the ground truthing and the demarcation of wetland boundary is the next step, which is to be undertaken by each of the State/UT Wetland Authorities in coordination with concerned nodal Department as provided under the Rules. It is a Statutory function which has been assigned to them under the Rules. We, therefore, direct each of the State/UT Wetland Authorities to complete ground truthing as well as the demarcation of wetland boundaries of each of the Wetland which have been identified for their State by Space Application Center Atlas (SAC Atlas), 2021.

For easy accessibility of this, each of the State/UT Wetland Authorities shall complete this work as expeditiously as possible, but definitely within a period of three months from today. Ms. Aishwarya Bhati, learned Additional Solicitor General, has assured this Court that they shall be doing the monitoring with each of the State and shall file a detailed affidavit before the

next date of listing.

Vide our order dated 03.04.2017 (in Writ Petition (C) No. 230 of 2001), this Court has passed certain directions regarding protection of Ramsar Convention Sites (of wetlands) to be monitored by each of the High Court concerned and 15 High Courts were given such a direction. The relevant portion of order dated 03.04.2017 is reproduced as under :-

“We have put it to learned counsel for the petitioner that insofar as the Ramsar Convention sites are concerned, since they are matters of international heritage, it might be more appropriate if the concerned High Courts monitor the management of these sites at least till there is some visible improvement. Learned counsel for the petitioner says that he has no objection to this.

Under the circumstances, we direct the Registry of this Court to make photocopies of the affidavit filed by the Union of India by Dr. A. Duraisamy, Scientist 'F' and Member Secretary, Central Wetland Regulatory Authority and send it to the following High Courts: High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, Gauhati High Court, Gujarat High Court, Himachal Pradesh High Court, J&K High Court, Kerala High Court, Madhya Pradesh High

Court, Manipur High Court, Orissa High Court, Punjab and Haryana High Court, Rajasthan High Court, Madras High Court, Tripura High Court, Allahabad High Court and High Court at Calcutta. The affidavit be sent to the Registrar General of all the aforementioned High Courts within two weeks from today. A copy of all the orders passed by this Court from 10th September, 2014 till today shall also be sent to the concerned High Courts along with the affidavit. We request Hon'ble the Chief Justice of the concerned High Court to treat the affidavit as a suo motu public interest petition and, if necessary, appoint an amicus to assist the court so as to ensure that the Ramsar Convention sites within their jurisdiction are properly maintained. The affidavit by the Union of India should be filed within six weeks. List the matter on 12th July, 2017"

Now, the latest figure shows that these Ramsar sites have increased from 26 to 85, including 59 additional sites (cited below) falling under 5 other additional High Courts i.e. Patna, Bombay, Karnataka, Gauhati (Aizawl Bench as well) and Uttarakhand. The list of updated RAMSAR sites has been given to this Court, which is reproduced as under:-

“List of 85 Ramsar Sites

	State/UT		Wetland	Date of Designation	Area (hectares)
1.	Andhra Pradesh (1)	1.	Kolleru Lake	19-08-2002	90100
2.	Assam (1)	2.	Deepor Beel	19-08-2002	4000
3.	Bihar (3)	3.	Kabartal Wetland	21-07-2020	2620
		4.	Nagi Bird Sanctuary	11-10-2023	206
		5.	Nakti Bird Sanctuary	11-10-2023	333
4.	Gujarat (4)	6.	Nalsarovar	24-09-2012	12000
		7.	Wadhvana Wetland	05-04-2021	630
		8.	Thol Lake Wildlife Sanctuary	05-04-2021	699
		9.	Khijadia Wildlife Sanctuary	13-04-2021	512
8.	Goa (1)	10.	Nanda Lake	08-06-2022	42
9.	Haryana (2)	11.	Sultanpur National Park	25-05-2021	143
		12.	Bhindawas Wildlife Sanctuary	25-05-2021	412
11.	Himachal Pradesh (3)	13.	Pong Dam Lake	19-08-2002	15662
		14.	Chandertal Wetland	08-11-2005	49
		15.	Renuka Wetland	08-11-2005	20
14.	Jammu and Kashmir (5)	16.	Wular Lake	23-03-1990	18900
		17.	Surinsar-Mansar Lakes	08-11-2005	350
		18.	Hokera Wetland	08-11-2005	1375
		19.	Hygam Wetland	08-06-	802

			Conservation Reserve	2022	
		20.	Shallbugh Wetland Conservation Reserve	08-06-2022	1675
19.	Karnataka (4)	21.	Ranganathittu Bird Sanctuary	15-02-2022	518
		22.	Ankasamudra Bird Conservation Reserve	10-03-2023	98.76
		23.	Aghanashini Estuary	14-02-2023	4801
		24.	Magadi Kere Conservation Reserve	14-02-2023	54.38
20.	Kerala (3)	25.	Asthamudi Wetland	19-08-2002	6140
		26.	Sasthamkotta Lake	19-08-2002	373
		27.	VembanadKol Wetland	19-08-2002	151250
23.	Ladakh (2)	28.	Tso Kar Wetland Complex	17-11-2020	9577
		29.	Tsomoriri Lake	19-08-2002	12000
25.	Madhya Pradesh (5)	30.	Bhoj Wetlands	19-08-2002	3201
		31.	Sirpur Wetland	07-01-2022	161
		32.	Sakhya Sagar	07-01-2022	248
		33.	Yashwant Sagar	07-01-2022	823
		34.	Tawa Reservoir	08-01-2024	20050
29.	Maharashtra (3)	35.	Nandur Madhameshwar	21-06-2019	1437
		36.	Lonar Lake	22-07-2020	427
		37.	Thane Creek	13-04-2022	6521
32.	Manipur (1)	38.	Loktak Lake	23-03-1990	26600
33.	Mizoram (1)	39.	Pala Wetland	31-08-2021	1850
34.	Odisha (6)	40.	Chilka Lake	01-10-1981	116500
		41.	Bhitarkanika Mangroves	19-08-2002	65000
		42.	Satkosia Gorge	12-10-2021	98197

		43.	Tampara Lake	12-10-2021	300
		44.	Hirakud Reservoir	12-10-2021	65400
		45.	Ansupa Lake	12-10-2021	231
40.	Punjab (6)	46.	Harike Lake	23-03-1990	4100
		47.	Kanjli Lake	22-01-2002	183
		48.	Ropar Lake	22-01-2002	1365
		49.	Beas Conservation Reserve	26-09-2019	6429
		50.	Keshopur - Miani Community Reserve	26-09-2019	344
		51.	Nangal Wildlife Sanctuary	26-09-2019	116
46.	Rajasthan (2)	52.	Keoladeo Ghana National Park	1-10-1981	2873
		53.	Sambhar Lake	23-03-1990	24000
48.	Tamil Nadu (18)	54.	Point Calimere Wildlife and Bird Sanctuary	19-08-2002	38500
		55.	Koonthankulam Bird Sanctuary	08-11-2021	72
		56.	Chitrangudi Bird Sanctuary	08-11-2021	260
		57.	Karikili Bird Sanctuary	08-04-2022	58
		58.	Pichavaram Mangrove	08/04/2022	1479
		59.	Pallikaranai Marsh Reserve Forest	08-04-2022	1248
		60.	Gulf of Mannar Marine Biosphere Reserve	08-04-2022	52672
		61.	Vembannur Wetland Complex	08-04-2022	20
		62.	Vellode Bird Sanctuary	08-04-2022	77
		63.	Udhayamarthandapuram Bird Sanctuary	08-04-2022	44
		64.	Vedanthangal Bird Sanctuary	08-04-2022	40
		65.	Suchindram Theroor Wetland Complex	08-04-2022	94
		66.	Vaduvur Bird Sanctuary	08-04-	113

				2022	
		67.	Kanjirankulam Bird Sanctuary	08-04-2022	97
		68.	Karaivetti Bird Sanctuary	24-05-2023	453.72
		69.	Longwood Shola Reserve Forest	24-05-2023	116.007
		70.	Nanjarayan Bird Sanctuary	16-01-2024	125.865
		71.	Kazhuvveli Bird Sanctuary	16-01-2024	5151.6
62.	Tripura (1)	72.	Rudrasagar Lake	08-11-2005	240
63.	Uttar Pradesh (10)	73.	Upper Ganga River	08-11-2005	26590
		74.	Nawabganj Bird Sanctuary	19-09-2019	225
		75.	Parvati Arga Bird Sanctuary	02-12-2019	722
		76.	Saman Bird Sanctuary	02-12-2019	526
		77.	Samaspur Bird Sanctuary	03-10-2019	799
		78.	Sandi Bird Sanctuary	26-09-2019	309
		79.	Sarsai NawarJheel	19-09-2019	161
		80.	Sur Sarovar	21-08-2020	431
		81.	Haiderpur Wetland	13-04-2021	6908
		82.	Bakhira Wildlife Sanctuary	29-06-2021	2894
73.	Uttarakhand (1)	83.	Asan Conservation Reserve	21-07-2020	444
74.	West Bengal (2)	84.	East Calcutta Wetlands	19-08-2002	12500
		85.	Sunderbans Wetland	30-01-2019	423000
23 States & UTs		85 Ramsar Sites			13,58,068.335

The Registrar General of this Court is directed to send the complete list to all the High Courts, including the 5 High Courts which are mentioned above,

and the High Courts are requested to treat the affidavit as a Suo Moto Public Interest Litigation where an Amicus be appointed, if necessary, to assist the Court and ensure that the RAMSAR Sites within their jurisdiction are properly maintained. We say this only as a continuation of our order dated 03.04.2017.

List the matter again on 25.03.2025.

(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS

(RENU BALA GAMBHIR)
COURT MASTER

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.169/2024/EZ

Shri Nabendu Kumar Bandyopadhyay

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s) : Mr. Subham Kumar Das, Adv. (in Virtual Mode) a/w
Mr. Shubhayu Roy, Adv. and
Mr. Dipankar Saha, Adv. (in Virtual Mode)

ORDER

1. Heard Mr. Subham Kumar Das, learned Counsel assisted by Mr. Shubhayu Roy, learned Counsel and Mr. Dipankar Saha, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant, seeking a direction to the Respondent authorities to take immediate steps to stop illegal filling of water body commonly known as 'Nayanjuli' and to take steps to determine as to how long ago such filling up of the water body was carried out on the said premises.
3. Reference has also been made to certain Original Applications which were filed in this regard earlier such as – Original Application No.27/2015/EZ (*Dwaipayan Sengupta Vs. Union of India & Ors.*) and the directions issued therein.
4. Photographs have also been filed along with the Original Application to show that the water body in question is almost covered with plant growth and filled with garbage apart from

certain constructions of shops and high-rise buildings in the area showing garbage lying all around.

5. Matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court accepts notice on behalf of the State of West Bengal.
8. Mr. Dipanjan Ghosh, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent no.5, West Bengal Pollution Control Board.
9. At this stage, this Court is not issuing any notice to the Respondent No.16, State Environment Impact Assessment Authority (SEIAA) West Bengal.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, we deem it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members:-
 - (i) Senior Scientist, West Bengal Pollution Control Board,
 - (ii) Representative of Urban Development & Municipal Affairs Department, Government of West Bengal,
 - (iii) Executive Officer or Senior Representative, South Dum Dum Municipality, and
 - (iv) Executive Engineer or Senior Representative, Canal Division, Irrigation and Waterways Department, Government of West Bengal,
12. The Committee shall inspect the site in question and submit its Report within four weeks with regard to the allegations made.

13. The Urban Development & Municipal Affairs Department, Government of West Bengal, shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.
14. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon the Counsel for the Respondents who have accepted notices in the case, within 48 hours.
15. **List on 27.09.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Satyagopal Korlapati, EM

August 16, 2024,
Original Application No.169/2024/EZ
AK

Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.169/2024/EZ
(I.A. No.78/2024/EZ)

Shri Nabendu Kumar Bandyopadhyay	Applicant(s)
Versus	
Union of India & Ors.	Respondent(s)

Date of hearing: 27.09.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Shubhayu Roy, Advocate a/w
Mr. Subham Kumar Das, Advocate and
Mr. Dipankar Saha, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Amrita Pandey, Advocate for R-1 (in Virtual Mode),
Mr. Sibojyoti Chakraborty, Advocate for State,
Mr. Dipanjan Ghosh, Advocate for R-5 (in Virtual Mode),
Ms. Paushali Banerjee, Advocate for R-13

ORDER

1. Mr. Shubhayu Roy, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. Mr. Sibojyoti Chakraborty, learned Counsel files Vakalatnama on behalf of the State Respondents; the same is taken on record.

I.A. No.78/2024/EZ:-

3. This Interlocutory Application has been filed by Urban Development & Municipal Affairs Department, Government of West Bengal, requesting that they may not be made the Nodal Agency rather the Public Works Department, Government of West Bengal, be made the Nodal Agency since Public Works Department is the custodian of the VIP Road for construction of which the "Nayanjuli" was excavated.

4. We, therefore, direct that in the Committee constituted by the Tribunal, the Public Works Department, Government of West Bengal, shall be the Nodal Agency instead of the Urban Development & Municipal Affairs Department, Government of West Bengal.
5. The new Committee shall be as under:-
- (i) Senior Scientist, West Bengal Pollution Control Board;
 - (ii) Representative of Public Works Department, Government of West Bengal;
 - (iii) Executive Officer or Senior Representative, South Dum Dum Municipality; and
 - (iv) Executive Engineer or Senior Representative, Canal Division, Irrigation and Waterways Department, Government of West Bengal.
6. The I.A. No.78/2024/EZ is accordingly disposed of.
7. **List on 26.11.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

September 27, 2024,
 Original Application No.169/2024/EZ
 (I.A. No.78/2024/EZ)
 MN

~~1. No. 21/25~~

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.169/2024/EZ

In The Matter of:

Sri Nabendu Kumar
Bandyopadhyay

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER
09, THE EXECUTIVE ENGINEER, BARASAT HIGHWAY DIVISION NO.1,
PW (ROADS) DIRECTORATE, GOVERNMENT OF WEST BENGAL.

INDEX

SL No.	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit		1 - 7
2.	A Copy of the Minutes of the Meeting held on 06.12.2024 is annexed herewith	'R-1'	8 - 12
3.	A Copy of the Minutes of the Meeting held on 08.01.2025 along with photocopy of the Notification dated 25 th September, 2000 are collectively annexed herewith	'R-2'	13 - 21

Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.169/2024/EZ

In The Matter of:

Sri Nabendu Kumar
Bandyopadhyay

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)



COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 09, THE EXECUTIVE ENGINEER, BARASAT HIGHWAY DIVISION NO.1, PW (ROADS) DIRECTORATE, GOVERNMENT OF WEST BENGAL.

I, Sri Rana Taran, Son of Mati Lal Taran, aged about 49 years, by faith: Hindu, by occupation- Government Service, presently posted as Executive Engineer, Barasat Highway Division No.1, PW (Roads) directorate, Government of West Bengal, under Public Works Department, Government of West Bengal having its office at 'Purto Bhawan' (3rd Floor), Room No. 308, Bidhannagar, P.S- Bidhannagar (North) Kolkata:700091, do hereby solemnly affirm and state as follows:-

1. That I am presently posted as Executive Engineer, Barasat Highway Division No.1, PW (Roads) directorate, Government of West Bengal, under Public Works Department, Government of West Bengal and I have received Copy of Solemn Order and also copy of original application from the Learned State Advocate engaged in the instant

matter. I made myself acquainted with the facts and circumstances of this case and am competent to affirm this affidavit.

2. That this Counter affidavit is filed in compliance to the Solemn Orders dated 27.09.2024 and 26.11.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That this respondent has filed Affidavit-in-Opposition dated 03.10.2024 and the same has been taken on record vide Solemn Order dated 26.11.2024 passed by this Hon'ble Tribunal.
4. That vide Solemn Order dated 27.09.2024 the Hon'ble Tribunal had directed the Public Works Department, Government of West Bengal to be the Nodal agency for filing the Committee report.
5. That accordingly the Committee has been constituted and it has held meeting on 06.12.2024 in which the following aspects had been discussed:-

The meeting was presided over by the Barasat Highway Division No-1, Public Works (Roads) Directorate Govt. of West Bengal. He welcomed all the participants in the meeting and all water bodies from Dakshindari to Dumdum park along KNI Avenue has been physically inspected today.

No filling activity of water bodies has been observed during inspection. Carry out in-depth discussion on the above mentioned OA listed below:-

(i) Water quality of the Nayanjuli water bodies: -

As directed by Hon'ble National Green Tribunal, in the order dated 12.09.2022 in original application No 85/2019/EZ, recent tests reports of TDS, BOD, COD, PH, Fecal coliform and total coliform



WBPCB are required at four locations A) Dakhindari B) Debighat C) Laketown to Bangur on VIP road and D) Bangur to Dumdum Park on VIP road within 6th Jan, 2025 in this regard action is to be taken by the WB PCB

(ii) Cleaning of Hydrophytes, shrubbery etc from water bodies from Ultadanga flyover to Bangur avenue:-

In response to the original application no. 85/2019/ EZ and subsequent spot verification ADM & DLLRO reported that necessary actions to be taken up for cleaning of Hydrophytes, shrubbery etc from water bodies from Ultadanga flyover to Bangur avenue to be done by South Dumdum Municipality and from Bangur avenue to Dumdum park to be taken up by Public works (roads) , Directorate. Vice Chairman, South Dumdum Municipality reported that the cleaning of the water bodies has done recently by the south Dumdum municipality. Nodal/ Ex. Eng, Barasat Highway Divn No-I, PWRD of the committee asked him to submit comprehensive report in the regard by 6th Jan, 2025. Action in this regard is to be taken by South Dum Dum Municipality.

(iii) Creation of Biodiversity park in between Bangur to Dumdum Park:-

The Nodal/ Executive Engineer, Barasat Highway Division No-I, PWRD, informed that Bangur avenue to Dumdum park portion Biodiversity park was completed in compliance of Hon'ble National Green Tribunal vide its direction dated: 05.08.2023. Also reported that an encroachment of approximately 1600 sqft with some small temporary huts over the said nayanjuli more specially over its stretch between Dumdum Park and Bangur, was removed. Nodal/ Ex. Eng, Barasat Highway Division No-I, PWRD of the committee will submit comprehensive report in this regard by 06.01.2025.





A Copy of the Minutes of the Meeting held on 06.12.2024 is annexed herewith and marked with the letter 'R-1'.

6. That subsequently the Committee meeting was held on 08.01.2025 in which the following aspects had been discussed:-

a) Development Already Done by PWRD in compliance of Hon'ble NGT Order:-

PWRD already constructed bridge connecting VIP Road and Bangur Avenue Township for free flow of water and also completed the construction of Embankment, walking pathway, Bio-Diversity Park from Bangur to Dumdum Park of Kazi Nazrul Islam Avenue (VIP Road)

b) Water quality of the Nayanjuli water bodies: -

As directed by Hon'ble National Green Tribunal , in his order dated Sep 12,2022 vide original application No 85/2019/EZ and as per discussion of last meeting dated 06.12.2024, WBPCB submitted a test report water quality parameters of TDS, BOD, COD, PH, Fecal coliform and total coliform at four locations A) Dakhindari B) Debighat C) Laketown to Bangur on VIP road and D) Bangur to Dumdum Park on VIP road.

There is a guideline of water quality parameters under CPCB manual and Notification dated 25th September, 2000 by Ministry of environment and Forrest.

According to guideline, PH of the water at all waterbodies found satisfactory. However improvement of BOD, FC, TC, COD etc is required to be achieved as these results are not satisfactory except for stretch of Bangur to Dumdum park.

c) Cleaning of Hydrophytes, shrubbery etc from water bodies from Ultadanga flyover to Bangur avenue:-

Vice Chairman, South Dumdum Municipality reported that the cleaning of the water bodies has done recently by the south Dumdum municipality. Nodal/ Ex. Eng, Barasat Highway Divn No-I, PWRD of the committee asked him to keep it clean periodically as per NGT directive.

d) Improvement of water quality –

To improve Total Coliform & Fecal Coliform chlorine dosing can be adopted after expert consultation. Cleaning of Hydrophytes, shrubbery etc can reduce BOD, the committee asked South Dumdum Municipality to keep it clean periodically and also discharge can





be regulated. However, South Dumdum Municipality can take further expertise opinion in this regards.

The committee decided to take necessary precautions to restrict entry of organic materials to the above mentioned water bodies. Such natural and human induced mechanisms which are contributing organic materials to waterbody will be identified and restricted. This will reduce BOD of the water and hence increase water quality. South Dumdum Municipality requested to take necessary steps to improve water quality at Dakhindari, Debighat, Laketown to Bangur on VIP road immediately and WBPCB representative has been requested to further water sample in the month of Feb'2025.

Next meeting will be held on 19-03-2025 at Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road) at 4:00 pm and request to attend the meeting or send Senior representative.

A Copy of the Minutes of the Meeting held on 08.01.2025 along with photocopy of the Notification dated 25th September, 2000 are collectively annexed herewith and marked with the letter 'R-2'.

7. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

Sibajyoti Chakrabarti
Advocate 21.01.2025

State of West Bengal

Rana Taran

Deponent

Executive Engineer
Barasat HW Divn. No.-I
P.W. (Roads) Dte.
Govt. of W.B.

Solely and
Declared before me U/S 139
CPC (C)

Sumitra Bhattacharya
Notary

Sumitra Bhattacharya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta



VERIFICATION:

I, the deponent herein do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as per records available in the office of the Public Works Department, Government of West Bengal and I believe that nothing material has been concealed there from.

u) Verified at Kolkata on the 21st Day of January, 2025.

Identified by me

Sibajyoti Chakrabarti
Advocate 21.01.2025
State of West Bengal

Rama Tararam

Deponent

Executive Engineer
Barasat HW Divn. No.-I
P.W. (Roads) Dte.
Govt. of W.B.



~~65~~
Answer - Q-1 8

Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024.

**Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road),
 Date : 06-12-2024; Time : 03:00 PM**

The meeting was presided over by the Barasat Highway Division No-I , Public Works (Roads) Directorate Govt. of West Bengal . He welcomed all the participants in the meeting and all water bodies from Dakshindari to Dumdum park along KNI Avenue has been physically inspected today. No filling activity of water bodies has been observed during inspection. Carry out in-depth discussion on the above mentioned OA listed below:-

1. Water quality of the Nayanjuli water bodies:-

As directed by Hon'ble National Green Tribunal, in his order dated Sep 12,2022 vide original application No 85/2019/EZ, recent tests reports of TDS, BOD, COD, PH, Fecal coliform and total coliform WBPCB are required at four locations A) Dakshindari B) Debighat C) Laketown to Bangur on VIP road and D) Bangur to Dumdum Park on VIP road within 6th Jan, 2025.

Action by WB PCB

2. Cleaning of Hydrophytes, shrubbery etc from water bodies from Ultadanga flyover to Bangur avenue:-

In response to the original application no. 85/2019/ EZ and subsequent spot verification ADM & DLLRO reported that necessary actions to be taken up for cleaning of Hydrophytes, shrubbery etc from water bodies from Ultadanga flyover to Bangur avenue to be done by South Dumdum Municipality and from Bangur avenue to Dumdum park to be taken up by Public works (roads) , Directorate.

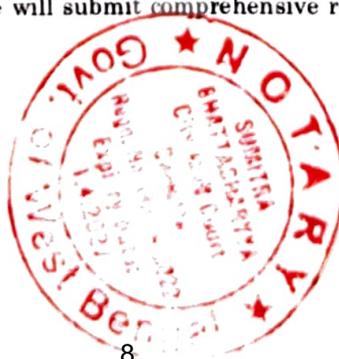
Vice Chairman, South Dumdum Municipality reported that the cleaning of the water bodies has done recently by the south Dumdum municipality. Nodal/ Ex. Eng, Barasat Highway Divn No-I, PWRD of the committee asked him to submit comprehensive report in the regard by 6th Jan, 2025.

Action by SDDM

3. Creation of Biodiversity park in between Bangur to Dumdum Park:-

Nodal/ Ex. Eng, Barasat Highway Divn No-I, PWRD, informed that Bangur avenue to Dumdum park portion Biodiversity park was completed in compliance of Hon'ble NGT direction dated: -05-08-2023. Also reported that an encroachment of approximately 1600 sqft with some small temporary huts over the said nayanjuli more specially over its stretch between Dumdum Park and Bangur, was removed. Nodal/ Ex. Eng, Barasat Highway Divn No-I, PWRD of the committee will submit comprehensive report in the regard by 6th Jan, 2025.

Action by BHD-I, PWRD





Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024.

Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road), Date : 06-12-2024; Time : 03:00 PM

4 Present photographs Nayanjuli water bodies:-



Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024,

Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road),
Date : 06-12-2024; Time : 03:00 PM



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75

Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024,

**Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road),
Date : 06-12-2024; Time : 03:00 PM**

Next meeting will be held on 8th Jan'2024 at Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road) at 4:00 pm and request to attend the meeting or send Senior representative.

After discussion of all agenda items and additional points raised, meeting concluded with thanks.

Enclosure: - List of Participants attached herewith.



**Ex. Eng., Barasat Highway Divn No-I, PWRD &
Nodal of Committee of Original Application no
169 / 2024 of NGT, EZ**

Memo No.- 5150 /1(8)

Date: 17.12.2024

Copy to :-

1. Chief Engineer, HQ, PWRD, for favour of his kind information Please,
2. Chief Engineer, South Zone, PWRD for favour of his kind information Please,
3. Chairman, West Bengal Pollution Control Board, Paribesh Bhawan, for his kind information & necessary action please,
4. Superintending Engineer, Eastern Highway Circle, PWRD, for his kind information & necessary action please,
5. Chairman, South Dumdum Municipality, for his kind information & necessary action please.,
6. Executive Engineer, Metropolitan Drainage Divn-I, for his kind information & necessary action please.,
7. Executive Engineer-I, Canals Division, for his kind information & necessary action please.,
8. Assistant Engineer, Baguihati Highway Sub-Divn, this is for his information and necessary action please.

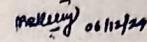
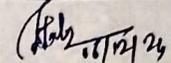
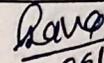
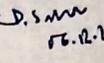
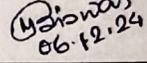
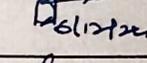
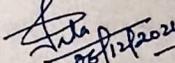
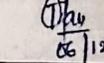
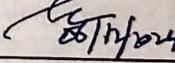
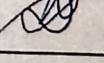


**Ex. Eng., Barasat Highway Divn No-I, PWRD &
Nodal of Committee of Original Application no
169 / 2024 of NGT, EZ**

Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024.

Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road),
Date : 06-12-2024; Time : 03:00 PM

**New Committee Meeting on 06/12/2024 at 3:00 PM at Golaghata Office
Regarding The Hon'ble National Green Tribunal O.A. No. 169 of 2024/EZ**

Sl. No.	Name of the Officer	Designation	Mobile No.	email Id	Signature
1	Milon Murmu	A.E (MDD-3)	8013161276	murmu.milon 257@gmail.com	 06/12/24
2	Anirban Bhattacharya	EE-I Cases Division	9133106668	ee.anirbha@yeco. com	 06/12/24
3	Lakshmi Kant Haldar	Sr. Scientist	9330893808	Mkhalder6@ gmail.com	 06/12/24
4	Rana Toran	EX. ENG B.H.D-I	947313444	ee.bhd1 @gmail.com	 06/12/2024
5	Pritam Saha	Assistant Engineer. Baguihati Division	947714431	96694444 @gmail.com	 06.12.24
6	MRINMAYEE BISWAS	S.A.E SDDM	9804047876	Southdumdum 74@gmail. com	 06.12.24
7	DEBASHIS DUTTA	S.E S.O.D.M	9752518191	Southdumdum 74@gmail.com	 06/12/24
8	Samaresh Saha	Law cell SDDM	9752518191	"	 06/12/2024
9	Ud. Tanvir Haq	AE/MDD-F LRWD	9621610214	tanvir.haq@ gmail.com	 06/12/2024
10	SIBOJYOTI CHAKRABARTI	State Advocate	9227015537	30540 @advocate @gmail.com	 06/12/2024
11	Nita Saha	VICE-Chair S.O.A.M	9858502382		
12					
13					
14					

Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024,

Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road), Date : 08-01-2025; Time : 04:00 PM

In continuation of last meeting held on 06-12-2024, Ex Eng, Barasat Highway Division No-I, Public Works (Roads) Directorate Govt. of West Bengal welcomed all the participants in the meeting and discussion are listed below.

1. Development Already Done by PWD in compliance of Hon'ble NGT Order:-

PWRD already constructed bridge connecting VIP Road and Bangur Avenue Township for free flow of water and also completed the construction of Embankment, walking pathway, Bio-Diversity Park from Bangur to Dumdum Park of Kazi Nazrul Islam Avenue (VIP Road)

2. Water quality of the Nayanjuli water bodies: -

As directed by Hon'ble National Green Tribunal , in his order dated Sep 12,2022 vide original application No 85/2019/EZ and as per discussion of last meeting dated 06.12.2024, WBPCB submitted a test report water quality parameters of TDS, BOD, COD, PH, Fecal coliform and total coliform at four locations A) Dakhindari B) Debighat C) Laketown to Bangur on VIP road and D) Bangur to Dumdum Park on VIP road.

There is a guideline of water quality parameters under CPCB manual and Notification dated 25th September, 2000 by Ministry of environment and Forrest.

According to guideline, PH of the water at all waterbodies found satisfactory. However improvement of BOD, FC, TC, COD etc is required to be achieved as these results are not satisfactory except for stretch of Bangur to Dumdum park.

3. Cleaning of Hydrophytes, shrubbery etc from water bodies from Ultadanga flyover to Bangur avenue:-

Vice Chairman, South Dumdum Municipality reported that the cleaning of the water bodies has done recently by the south Dumdum municipality. Nodal/ Ex. Eng, Barasat Highway Divn No-I, PWRD of the committee asked him to keep it clean periodically as per NGT directive.

4. Improvement of water quality –

To improve Total Coliform & Fecal Coliform chlorine dosing can be adopted after expert consultation. Cleaning of Hydrophytes, shrubbery etc can reduce BOD, the committee asked South Dumdum Municipality to keep it clean periodically and also discharge can


 13 19-01-2025



Minutes of Meeting of Hon'ble National Green Tribunal, Eastern Zone, Original Application no 169/2024,

Venue : Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road), Date : 08-01-2025; Time : 04:00 PM

be regulated. However, South Dumdum Municipality can take further expertise opinion in this regards.

The committee decided to take necessary precautions to restrict entry of organic materials to the above mentioned water bodies. Such natural and human induced mechanisms which are contributing organic materials to waterbody will be identified and restricted. This will reduce BOD of the water and hence increase water quality. South Dumdum Municipality requested to take necessary steps to improve water quality at Dakhindari, Debighat, Laketown to Bangur on VIP road immediately and WBPCB representative has been requested to further water sample in the month of Feb'2025.

Next meeting will be held on 19-03-2025 at Baguihati Highway Sub-Divn Office, Golaghata, Kazi Nazrul Islam Avenue (VIP Road) at 4:00 pm and request to attend the meeting or send Senior representative. After discussion of all agenda items and additional points raised, meeting concluded with thanks.

Ex. Eng., Barasat Highway Divn No-I, PWRD &
Nodal of Committee of Original Application no
169 / 2024 of NGT, EZ



WEST BENGAL POLLUTION CONTROL BOARD



Central Laboratory
Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake City, Kolkata 700 106.
Tel: (033) 2335-5953

Report No: 1259

TEST REPORT

Issue Date: 02/01/2025

Sample Details	Nayanjuli Water Body	A.R.F No.	66/2024
Sample Received From	Central Laboratory	Sampling Date	19/12/2024
Test Material	Water samples from Nayanjuli	Sample Received on	19/12/2024
Sampling Location	1. Nayanjuli (Dakshindari) 2. Nayanjuli (Debighat) 3. Nayanjuli (Lake Town to Bangur) 4. Nayanjuli (Bangur to Dum Dum Park)	Total no of Sample	4
Height/Depth	NA	Period of Analysis	19/12/2024 to 27/12/2024
Sample Condition	Good	Climate Condition	Sunny
Name of Industry/Source	Nayanjuli Water Body	Address	Nayanjuli (Dakshindari to Dum Dum Park)
Sample Collected by	Lakshmi Kanta Haldar, Samanway Mazumder & Soumya Guha Roy		

Sampling Procedure Reference - CL/SOP/32

SI	Treated/Untreated	Collection Time	Sampling Details (Collection / Discharge)
1	-	1315	Nayanjuli (Dakshindari)

Parameters	Result	Unit	LOD	Method
pH (Unit)	8.06	Units	4 Units	APHA 4500-H+ B (24th edition, 2023)
COD	66.64	mg/L	6.00 mg/L	APHA 5220 B, 5220 D (24th edition, 2023), USEPA Method 410.4, revision 2.0, August 1993
BOD(3days@27°C)	24.25	mg/L	0.20 mg/L	CL/WI/5.4/19 issue # 2 issue Date 13/02/2015, 2015
TDS(@180°C)	862.00	mg/L	4 mg/L	APHA 2540 C (24th edition, 2023)

SI	Treated/Untreated	Collection Time	Sampling Details (Collection / Discharge)
2	-	1330	Nayanjuli (Debighat)

Parameters	Result	Unit	LOD	Method
pH (Unit)	7.76	Units	4 Units	APHA 4500-H+ B (24th edition, 2023)
COD	27.44	mg/L	6.00 mg/L	APHA 5220 B, 5220 D (24th edition, 2023), USEPA Method 410.4, revision 2.0, August 1993
BOD(3days@27°C)	14.83	mg/L	0.20 mg/L	CL/WI/5.4/19 issue # 2 issue Date 13/02/2015, 2015
TDS(@180°C)	584.00	mg/L	4 mg/L	APHA 2540 C (24th edition, 2023)

Authorised Signatory :

Kaly
 Jr. Scientist
 (Checked by)

[Signature]
 Scientist
 (Verified by)

[Signature]
 Chief Scientist
 (Issued by)

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1. Chief Engineer, Planning / EIM Cell, WBPCB
2. OSD (O & E), WBPCB
3. Central Laboratory, WBPCB



Report No: 1259

Issue Date: 02/01/2025

3

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1355

Nayanjuli (Lake Town to Bangur)

Parameters	Result	Unit	LOD	Method
pH (Unit)	7.64	Units	4 Units	APHA 4500-H+ B (24th edition, 2023)
COD	9.80	mg/L	6.00 mg/L	APHA 5220 B, 5220 D (24th edition, 2023), USEPA Method 410.4, revision 2.0, August 1993
BOD(3days@27°C)	5.38	mg/L	0.20 mg/L	CL/WI/5.4/19 issue # 2 issue Date 13/02/2015 ,2015
TDS(@180°C)	274.00	mg/L	4 mg/L	APHA 2540 C (24th edition, 2023)

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1415

Nayanjuli (Bangur to Dum Dum Park)

Parameters	Result	Unit	LOD	Method
pH (Unit)	7.72	Units	4 Units	APHA 4500-H+ B (24th edition, 2023)
COD	12.74	mg/L	6.00 mg/L	APHA 5220 B, 5220 D (24th edition, 2023), USEPA Method 410.4, revision 2.0, August 1993
BOD(3days@27°C)	3.05	mg/L	0.20 mg/L	CL/WI/5.4/19 issue # 2 issue Date 13/02/2015 ,2015
TDS(@180°C)	264.00	mg/L	4 mg/L	APHA 2540 C (24th edition, 2023)

Note:- LOD: Limit of Detection, BDL: Below Detection Limit, NT: Not Traceable, NA: Not Applicable, ND: Not Done

1) For Sampling details pl. refer to A.R.F No. 66/2024 Dated: 19/12/2024. 2) Results are reported based on preserved materials.

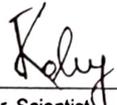
3) Sample will be destroyed after 2 months from the date of receiving of the sample/s. Sample will be preserved according to Standard Method.

4) The Test Report shall not be reproduced without the written permission of the Laboratory.

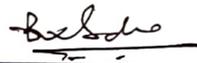
The Parameter are under the scope of NABL accreditation ISO/IEC 17025:2017 Certificate No TC-6291 valid upto 30/03/2025.

Remarks:-

Authorised Signatory :


Jr. Scientist
(Checked by)


Scientist
(Verified by)


Chief Scientist
(Issued by)

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WEST BENGAL POLLUTION CONTROL BOARD

Central Laboratory
Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake City, Kolkata 700 106.
Tel: (033) 2335-5953

Report No: 1259

TEST REPORT

Issue Date: 02/01/2025

Sample Details	Nayanjuli Water Body	A.R.F No.	66/2024
Sample Received From	Central Laboratory	Sampling Date	19/12/2024
Test Material	Water samples from Nayanjuli	Sample Received on	19/12/2024
Sampling Location	1. Nayanjuli (Dakshindari) 2. Nayanjuli (Debighat) 3. Nayanjuli (Lake Town to Bangur) 4. Nayanjuli (Bangur to Dum Dum Park)	Total no of Sample	4
Height/Depth	NA	Period of Analysis	19/12/2024 to 19/12/2024
Sample Condition	Good	Climate Condition	Sunny
Name of Industry/Source	Nayanjuli Water Body	Address	Nayanjuli (Dakshindari to Dum Dum Park)
Sample Collected by	Lakshmi Kanta Halder, Samanway Mazumder & Soumya Guha Roy		

Sampling Procedure Reference - CL/SOP/32

Sl	Treated/Untreated	Collection Time	Sampling Details (Collection / Discharge)	
1	-	1315	Nayanjuli (Dakshindari)	
parameters	Result	Unit	LOD	Method
Temperature - Air	27.0	°C	--	APHA 2550 (24th edition, 2023)
Temperature - Water	25.0	°C	--	APHA 2550 (24th edition, 2023)

1	-	1330	Nayanjuli (Debighat)	
parameters	Result	Unit	LOD	Method
Temperature - Air	27.0	°C	--	APHA 2550 (24th edition, 2023)
Temperature - Water	25.0	°C	--	APHA 2550 (24th edition, 2023)

1	-	1355	Nayanjuli (Lake Town to Bangur)	
parameters	Result	Unit	LOD	Method
Temperature - Air	27.0	°C	--	APHA 2550 (24th edition, 2023)
Temperature - Water	25.0	°C	--	APHA 2550 (24th edition, 2023)

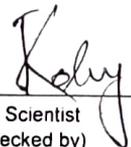
1	-	1415	Nayanjuli (Bangur to Dum Dum Park)	
parameters	Result	Unit	LOD	Method
Temperature - Air	27.0	°C	--	APHA 2550 (24th edition, 2023)
Temperature - Water	25.0	°C	--	APHA 2550 (24th edition, 2023)

Note:- LOD: Limit of Detection, BDL: Below Detection Limit, NT: Not Traceable, NA: Not Applicable, ND: Not Done

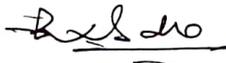
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- 3) Sample will be destroyed after 2 months from the date of receiving of the sample/s. Sample will be preserved according to Standard Method.
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Remarks:-

Authorised Signatory :


Jr. Scientist
(Checked by)


Scientist
(Verified by)


Chief Scientist
(Issued by)

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2. OSD (O & E), WBPCB
3. Central Laboratory, WBPCB

End of Report



WEST BENGAL POLLUTION CONTROL BOARD

Central Laboratory

Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake City, Kolkata 700 106.
Tel: (033) 2335-5953



Report No: 447

TEST REPORT

Issue Date: 02/01/2025

Sample Details	Nayanjuli Water Body	A.R.F No.	65/2024
Sample Received From	Central Laboratory	Sampling Date	19/12/2024
Test Material	Water samples from Nayanjuli	Sample Received on	19/12/2024
Sampling Location	1. Nayanjuli (Dakshindari) 2. Nayanjuli (Debighat) 3. Nayanjuli (Lake Town to Bangur) 4. Nayanjuli (Bangur to Dum Dum Park)	Total no of Sample	4
Height/Depth	NA	Period of Analysis	19/12/2024 to 23/12/2024
Sample Condition	Good	Climate Condition	Sunny
Name of Industry/Source	Nayanjuli Water Body	Address	Nayanjuli (Dakshindari to Dum Dum Park)
Sample Collected by	Lakshmi Kanta Haldar, Samanway Mazumder & Soumya Guha Roy		

Sampling Procedure Reference - CL/SOP/32

SI	Treated/Untreated	Collection Time	Sampling Details (Collection / Discharge)															
1	-	1315	Nayanjuli (Dakshindari)															
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Parameters	Result	Unit	LOD	Method														
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Note:- LOD: Limit of Detection, BDL: Below Detection Limit, NT: Not Traceable, NA: Not Applicable, ND: Not Done

1) For Sampling details pl. refer to A.R.F No. 65/2024 Dated: 19/12/2024. 2) Results are reported based on preserved materials.

3) Sample will be destroyed after 15 days from the date of receiving of the sample/s. Sample will be preserved according to Standard Method.

4) The Test Report shall not be reproduced without the written permission of the Laboratory.

The Parameter are under the scope of NABL accreditation ISO/IEC 17025:2017 Certificate No TC-6291 valid upto 30/03/2025.

Remarks:-

Authorised Signatory :

Satta
Env Analyst
(Checked & Verified by)

Balaha
Chief Scientist
(Issued by)

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1. Chief Engineer, Planning / EIM Cell, WBPCB

2. OSD (O & E), WBPCB

3. Central Laboratory, WBPCB (Computer No. 259886)

18

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 25th September, 2000

G.S.R. 742(E).— In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely.

1. (1) These rules may be called the Environment (Protection) Amendment Rules, 2000.
- (2) Save as otherwise provided in this notification, they shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986,—
 - (1) In Schedule I, after serial number 89 relating to Noise standards for fire crackers and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:—

“90. Standards for coal mines**1. Air Quality Standards**

The Suspended Particulate Matter (SPM), Respirable Particulate Matter (RPM), Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) concentration in downwind direction considering predominant wind direction, at a distance of 500 metres from the following dust generating sources shall not exceed the standards specified in the Tables I, II and III given below:

Dust Generating Sources

Loading or unloading, Haul road, coal transportation road, Coal handling plant (CHP), Railway siding, Blasting, Drilling, Overburden dumps, or any other dust generating external sources like coke ovens (hard as well as soft), briquette industry, nearby road etc.

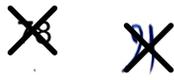
93. Primary Water Quality Criteria for Bathing Waters.

In a water body or its part, water is subjected to several types of uses. Depending on the types of uses and activities, water quality criteria have been specified to determine its suitability for a particular purpose. Among the various types of uses there is one use that demands highest level of water quality or purity and that is termed as "Designated Best Use" in that stretch of water body. Based on this, water quality requirements have been specified for different uses in terms of primary water quality criteria. The primary water quality criteria for bathing water are specified along with the rationale in table 1.

Table 1.

PRIMARY WATER QUALITY CRITERIA FOR BATHING WATER (Water used for organised outdoor bathing)

CRITERIA		RATIONALE
1. Fecal Coliform MPN/100 ml:	500 (desirable) 2500 (Maximum Permissible)	To ensure low sewage contamination. Fecal coliform and fecal streptococci are considered as they reflect the bacterial pathogenicity.
2. Fecal Streptococci MPN/100 ml:	100 (desirable) 500 (Maximum Permissible)	The desirable and permissible limits are suggested to allow for fluctuation in environmental conditions such as seasonal change, changes in flow conditions etc.
2. pH:	Between 6.5 –8.5	The range provides protection to the skin and delicate organs like eyes, nose, ears etc. which are directly exposed during outdoor bathing.
3. Dissolved Oxygen:	5 mg/l or more	The minimum dissolved oxygen concentration of 5 mg/l ensures reasonable freedom from oxygen consuming organic pollution immediately upstream which is necessary for preventing production of anaerobic gases (obnoxious gases) from sediment.
4. Biochemical Oxygen demand 3 day, 27°C:	3 mg/l or less	The Biochemical Oxygen Demand of 3 mg/l or less of the water ensures reasonable freedom from oxygen demanding pollutants and prevent production of obnoxious gases";



Designated Best Use Water Quality Criteria

Designated-Best-Use	Class of water	Criteria
Drinking Water Source without conventional treatment but after disinfection	A	Total Coliforms Organism MPN/100ml shall be 50 or less pH between 6.5 and 8.5 Dissolved Oxygen 6mg/l or more Biochemical Oxygen Demand 5 days 20C 2mg/l or less
Outdoor bathing (Organised)	B	Total Coliforms Organism MPN/100ml shall be 500 or less pH between 6.5 and 8.5 Dissolved Oxygen 5mg/l or more Biochemical Oxygen Demand 5 days 20C 3mg/l or less
Drinking water source after conventional treatment and disinfection	C	Total Coliforms Organism MPN/100ml shall be 5000 or less pH between 6 to 9 Dissolved Oxygen 4mg/l or more Biochemical Oxygen Demand 5 days 20C 3mg/l or less
Propagation of Wild life and <u>Fisheries</u>	D	pH between 6.5 to 8.5 Dissolved Oxygen 4mg/l or more Free Ammonia (as N) 1.2 mg/l or less
Irrigation, Industrial Cooling, Controlled Waste disposal	E	pH between 6.0 to 8.5 Electrical Conductivity at 25C micro mhos/cm Max.2250 Sodium absorption Ratio Max. 26 Boron Max. 2mg/l

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH,
KOLKATA

ORIGINAL APPLICATION
NO.169/2024/EZ

In The Matter of:

Sri Nabendu Kumar
Bandyopadhyay

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

COUNTER AFFIDAVIT ON
BEHALF OF THE RESPONDENT
NUMBER 09, THE EXECUTIVE
ENGINEER, BARASAT HIGHWAY
DIVISION NO.1, PW (ROADS)
DIRECTORATE, GOVERNMENT
OF WEST BENGAL.



SIBOJYOTI CHAKRABARTI

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