

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**Original Application No. 106/2021/EZ**

IN THE MATTER OF:

Sisir Kumar Panda

... Applicant(s)

Versus

Union of India & Ors

... Respondent(s)

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Place- *Bhubaneswar*

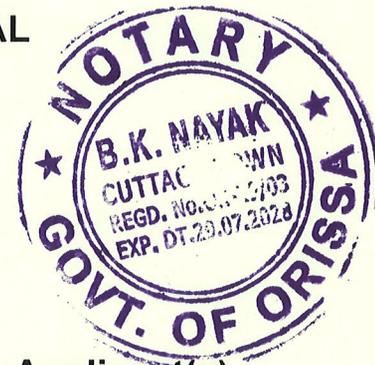
Date- *20.05.2025*

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## BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 106/2021/EZ



IN THE MATTER OF:

Sisir Kumar Panda

... Applicant(s)

Versus

Union of India &amp; Ors

... Respondent(s)

Affidavit on behalf of Respondent No.1, i.e., Ministry of Environment, Forest & Climate Change and Respondent No.11, i.e., IRO-Bhubaneswar, MoEF&CC.

I, Shri. M. Rajeshwar Prasad S/o Shri. M. Bhaskar Rao, aged about 57 years, presently working as Scientist 'C' at the Ministry of Environment, Forest & Climate Change (MoEF&CC), Regional Office, A/3, Chandrashekharapur, Bhubaneswar – 751023, do hereby solemnly affirm and declare on oath 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, under the present application, the issue pertains to the removal of illegal construction/obstruction caused by the state authorities as well as the private persons in the Ecological Sensitive Zone i.e. Agula Bandha (Common water bodies) and its embankment at Gosaninuagaon under Berhampur Tahasil of Ganjam District of Odisha.
3. That, vide order dated 14.12.2021, in response to the Hon'ble Tribunal's inquiry regarding any notification from the MoEF&CC

*M. Rajeshwar Prasad.*

*B.K. NAYAK*  
NOTARY  
CUTTACK TOWN  
Regd. No. ON-29/03

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designating Agula Bandha as an Eco-Sensitive Zone or a Wetland, the learned counsel for the applicant submitted that Agula Bandha has not been declared as either an Eco-Sensitive Zone or a Wetland by the Government of India or the State Government.

4. That, the present application was disposed of, vide judgment/order dated 03.08.2022, wherein the Hon'ble tribunal directed the Collector-cum-District Magistrate, Ganjam District, to remove the said temple from Plot No. 1509/2918 over an area 0.012 acres within one month and restore the said land as 'Jalasaya' and file affidavit of compliance, and the State Government of Odisha was directed to demarcate land of an equivalent size of 11.500 acres including 0.012 acres of the land which will become available after demolition of Maa Mangala Temple, as far as possible close to the Agula Bandha water body and if not possible, in some other area nearby and re-create a water body of the same size and depth as Agula Bandha. Order dated 03.08.2022 is annexed as **Annexure/R1&11/1**.

M. Rajeshwari Prasad.

5. That, the Hon'ble Tribunal took a Suo Moto cognizance in MA No. 37/2022 in the present application, wherein it was observed that the directions passed vide order dated 03.08.2022 have not been complied with, accordingly, vide order dated 13.12.2022, notice was issued to the District Collector, Ganjam and State Government of Odisha for filing of compliance reports.

6. That, the aforementioned MA No. 37/2022 was disposed of vide order dated 19.01.2023 observing that,

*"2. So far as the direction of the Tribunal in its order dated 03.08.2022 for demolition of the Maa Mangala Temple over the 'Jalasaya' land in*

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question is concerned, it is stated in the counter affidavit that the concerned party has approached the High Court of Orissa at Cuttack through W.P.(C) No.22622 of 2022 Maa Mangala Temple and Kalyan Mandap Managing Committee Ganjam and Ors. Vs. Union of India and Ors. and the Hon'ble High Court vide its order dated 07.09.2022 has directed the status-quo be maintained till the next date. It is stated that the Writ Petition(C) No.22622 of 2022 is still pending in the High Court of Orissa at Cuttack and stay order is still operating.

3. So far as the second direction of the Tribunal is concerned with regard to Plot No.1509, Khata No. 1375 and direction for preservation of the same, it is stated in the affidavit of the Collector-cum-District Magistrate, Ganjam that the Tahasildar, Berhampur was directed vide letter dated 10.08.2022 to make an assessment of the available land measuring an area of Ac.11.5 decimals to develop a pond at the said area. The Tahasildar, Berhampur vide his letter dated 17.08.2022 (as the Annexure-2 to the counter affidavit) submitted that though such land is not available in a single patch close to the Agula Bandha, nor in other mouza of this Tahasil, but one abandoned Bandha known as Beda Bandha is located in the same mouza where Agula Bandha exists, wherein major part of the Bedha Bandha is covered with water 4 plants, bushes, filled with earth mane and silt and this waterbody can be recreated by digging and renovating in the same area Ac.11.5 decimals, in compliance of the directions of the Tribunal."

M. Rajeshwar Prasad.

Judgment dated 19.01.2023 is annexed as **Annexure/R1&11/2**.

7. That, an MA No. 33/2024 was filed in compliance of order dated 21.03.2024 passed by the Hon'ble High Court of Odisha in WP(C)

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No. 22622/2022 in the matter of "*Maa Mangala Temple and Kalyan Mandal Managing Committee, Berhamur, Ganjam & Ors. vs Union of India & Ors.*", wherein the matter was remitted back to this bench of the Hon'ble Tribunal. The Hon'ble Tribunal, revived the present application, disposing of the MA No. 33/2024 vide judgment/order dated 27.08.2024. The copies of Order dated 21.03.2024 passed in WP(C) No. 22622/2022 and Order dated 27.08.2024 passed in MA No. 33/2024 is annexed as **Annexure/R1&11/3**.

8. That at the outset, it is submitted that this respondent, MoEF&CC 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.
9. 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.
10. 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

M. Rajeshwari Prasad.

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Management) 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), Ahmadabad 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\\_moef.pdf](https://indianwetlands.in/uploads/Wetlands201718_inventory%20list_moef.pdf). The order dated 08.02.2017 is annexed as **Annexure/R1&11/4**.

11. That, for effective conservation and management of wetlands in the country, the MoEF&CC, had notified the Wetlands (Conservation and Management) Rules, 2017, superseding the Wetlands (Conservation and Management) Rules, 2010 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 these Rules, the State/Union Territories Wetland Authorities have been constituted, thereby, replacing the erstwhile Central Wetlands Regulatory Authority. The powers & functions of State/UT wetland authorities are outlined under Rule 5, while Rule 7 specifies the delegation of powers and functions to the State Governments and UT Administrations for notification of the wetlands. The Wetlands (Conservation & Management) Rules, 2017 are annexed as **Annexure/R1&11/5**.
12. That, Rule 4(1) provides that wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined

M. Rajeshwar Reddy

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by the Wetlands Authority. Rule 4(2) enumerates the activities which are prohibited within the wetlands:

- 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;*
- 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.*

M. Rajeshwar Prasad.

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.

13. 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 8<sup>th</sup> 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*

  
**B.K. NAYAK**  
 NOTARY  
 CUTTACK TOWN  
 Regd. No.ON-29/03

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*Management) Rules, 2010*". The order dated 04.10.2017 is annexed as **Annexure/R1&11/6**.

14. 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 as **Annexure/R1&11/7**.
15. 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*. The order dated 11.12.2024 is annexed as **Annexure/R1&11/8**.
16. That the States/State Wetlands Authorities (SWAs) are entrusted with the powers and responsibility to monitor and conserve wetlands within their jurisdiction. The subject matter of the present application pertains to the State Government of Odisha & its concerned organizations and State Wetlands Authority, Odisha; accordingly,

*M. Rajeshwari Prasad.*

they are required to take necessary action in the Agula Bandha (Common water bodies) and its embankment at Gosaninuagaon under Berhampur Tahasil of Ganjam District of Odisha.

17. That, in view of the aforesaid, the Hon'ble Tribunal may pass the order(s) as it deems appropriate.

*M. Rajeshwar Prasad*

**DEPONENT**  
एम. राजेश्वर प्रसाद  
**M. RAJESHWAR PRASAD**  
वैज्ञानिक 'सी' / SCIENTIST 'C'  
भारत सरकार / Govt. of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & CC  
क्षेत्रीय कार्यालय / Regional Office  
भुवनेश्वर / Bhubaneswar

**VERIFICATION**

I, the above named deponent do hereby verify 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.

Verified at Bhubaneswar on this the 20<sup>th</sup> day of May, 2022.



*M. Rajeshwar Prasad*  
**DEPONENT**

एम. राजेश्वर प्रसाद  
**M. RAJESHWAR PRASAD**  
वैज्ञानिक 'सी' / SCIENTIST 'C'  
भारत सरकार / Govt. of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & CC  
क्षेत्रीय कार्यालय / Regional Office  
भुवनेश्वर / Bhubaneswar

The deponent being identified by Self Adv/Clerk swears on oath & solemnly affirms before me on dt: 20/05/2022 that the facts stated above are true to his/her knowledge.

*M. Ananta*  
Notary for Cuttack Town  
Govt. of Orissa  
Regn. No. ON-29/03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA**

.....

**ORIGINAL APPLICATION No. 106/2021/EZ**

**IN THE MATTER OF:**

**Sisir Kumar Panda,  
S/o Late Ram Prasad Panda,  
Aged about 50 years,  
Advocate by Profession,  
R/o Nehru Nagar, 7<sup>th</sup> Lane, Gosaninuagaon,  
Berhampur, P.S.-Gosaninuagaon, District-Ganjam,  
Pin – 760003, Odisha,**

**....Applicant(s)**

**Versus**

- 1. Union of India,  
Through Secretary,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhavan, Jorbagh Road,  
New Delhi – 110003,**
- 2. Chief Secretary to Govt. of Odisha,  
State Secretariat, Bhubaneswar,  
Pin – 751001,**
- 3. Principal Secretary to Government,  
Water Resource Department,  
Odisha State Secretariat, Bhubaneswar,  
Pin – 751001,**
- 4. Principal Secretary to Government,  
Home Department,  
Odisha State Secretariat, Bhubaneswar,  
Pin – 751001,**
- 5. Principal Secretary to Government,**

**Forest, Environment and Climate Change Department,  
Odisha State Secretariat,  
Kharavel Bhavan, Bhubaneswar,  
Pin – 751001,**

- 6. Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhavan, East Arjun Nagar,  
New Delhi – 110032,**
- 7. Member Secretary,  
Odisha State Pollution Control Board,  
Paribesh Bhawan, A/118, Nilakantha Nagar,  
Unit-8, Bhubaneswar,  
Pin – 751012,**
- 8. Commissioner-cum-Secretary to Government,  
Revenue and Disaster Management Department,  
Government of Odisha,  
State Secretariat, Bhubaneswar,  
Pin – 751001,**
- 9. Commissioner-cum-Secretary to Government,  
Urban and Housing Development Department,  
Government of Odisha.  
3<sup>rd</sup> Floor, Kharvel Bhavan, West Wing Room No. 301,  
State Secretariat, Bhubaneswar,  
Pin – 751001,**
- 10. Revenue Divisional Commissioner, Southern Division,  
At/Po: Berhampur, District-Ganjam,  
Pin – 760004,**
- 11. Deputy Director General of Forests (C),  
Regional Office, Eastern Zone (EZ),  
Ministry of Environment, Forests and Climate Change,  
A/3, Chandrasekharpur, Bhubaneswar,  
Pin – 751023,**

12. **Regional Director,**  
Regional Directorate, Central Pollution Control Board,  
Ministry of Environment, Forests and Climate Change,  
South end Enclave Block-502, 5<sup>TH</sup> & 6<sup>TH</sup> Floor,  
1582, Razidanga, Main Raod,  
Kolkata – 700107,
13. **Tahasildar, Berhampur,**  
At/Po: Berhampur, District-Ganjam, Odisha,  
Pin – 760004,
14. **Collector-cum-District Magistrate,**  
Ganjam Collectrate,  
At/Po: Chatrapur, District-Ganjam, Odisha,  
Pin – 761020,
15. **Sub-Collector, Berhampur,**  
At/Po: Berhampur, District-Ganjam,  
Odisha – 760004,
16. **Commissioner, Berhampur Municipal Corporation,**  
At/Po: Berhampur, District-Ganjam,  
Odisha – 760002,
17. **Secretary, Board of Revenue,**  
At/Po: Cuttack, Odisha,  
Pin – 753002,

....Respondent(s)

**COUNSEL FOR APPLICANT:**

**Mr. Biranchi Narayan Mahapatra, Advocate**

**COUNSEL FOR RESPONDENTS :**

**Mr. Soumitra Mukherjee, Advocate for R-1,  
Mr. Tarun Pattnaik, ASC for R-2 to 5, 8 to 10, 13-15 & 17,  
Mr. Ashok Prasad, Advocate for R-6 & 12,  
Ms. Papiya Banerjee Bihani, Advocate for R-7,  
Mr. Ramesh Sahoo, Advocate for R-16**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**  
**HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

**Reserved On:- July 26<sup>th</sup>, 2022**  
**Pronounce On:- August 3<sup>rd</sup>, 2022**

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- |   |            |
|---|------------|
| 1. Whether the Judgment is allowed to be published on the net?          | <b>Yes</b> |
| 2. Whether the Judgment is allowed to be published in the NGT Reporter? | <b>Yes</b> |
- 

**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the parties and perused the documents on record.

2. This Original Application has been filed by the Applicant for removal of illegal constructions/obstructions caused by the State Authorities as well as the private persons in the Ecological Sensitive Zone i.e. Agula Bandha (Common Water Bodies) and its embankments situated at Gosaninuagaon under Berhampur Tahasil of Ganjam District of Odisha.

3. When we put a specific question to Mr. Biranchi Narayan Mahapatra, learned Counsel for the Applicant, to show us the Ministry of Environment, Forests and Climate Change Notification declaring Agula Bandha as an Ecological Sensitive Zone or as a Wetland, the learned counsel submitted that it has not been declared as an Ecological Sensitive Zone or a Wetland by the

Government of India nor has it been declared as an Ecological Sensitive Zone or a Wetland by the State Government.

4. It is stated that within the jurisdiction of the Berhampur Municipal Corporation, District Ganjam, Odisha, there are 42 ponds as per Revenue/Municipality records including Agula Bandha, the land details of which are mentioned in paragraph 4 of the original application but over a period of time a Police Station, Revenue Inspector Officer, Over Bridge, Rajib Abas Project, Maa Mangla Temple have been constructed over Agula Bandha water body and its boundary has been constructed over the water body in question.

5. The learned Counsel for the Applicant has referred to the proceedings of the meeting held on 05.02.2021 in the office of the Berhampur Divisional Commissioner, Berhampur, and submitted that the proposal to convert the 'Jalasaya Kissam' of the land in question to 'Non-Jalasaya' was taken as late as on 12.02.2021 in spite of the fact that this Tribunal had earlier decided one matter pertaining to the water bodies under the Behrampur Municipal Corporation, being Original Application No. 82/2015/EZ; (*Biranchi Narayan Mahapatra Vs. State of Odisha & Ors.*) and vide its order dated 24.08.2017 passed therein had disposed of the said Original Application on the assurance given by the State Government in an affidavit filed therein that the State Government may be granted reasonable time for completion of the entire process of removal of

encroachers from the ponds and its embankment and their rehabilitation within one year.

6. The learned Counsel has also referred to Lok Adalat proceedings, (Annexure A-5 to the Original Application), and Award of the Lok Adalat dated 05.05.2016 in an application filed under Section 22 C(1) of the Legal Services Authorities Act, 1987 which pertains to the restoration of the status of Agula Bandha of Gosaninuagaon, Berhampur as 'Water Body'.

7. Notices were issued to the Respondents and in response, counter-affidavits have been filed.

8. The Applicant has filed a supplementary affidavit dated 12.11.2021 alleging therein that the constructions made in the premises of the 'Jalasaya' in question and its embankments are absolutely illegal and that for any such constructions, if permissible, prior Environment Impact Assessment is mandatory under the Environment Impact Assessment ('EIA' for short) Notification, 2006 issued by the Ministry of Environment, Forests and Climate Change, but the Respondents have recklessly permitted constructions to be made over the Plots in question which are water bodies without obtaining any Environmental Clearance.

9. An affidavit dated 02.02.2022 has been filed on behalf of the Respondent Nos. 6 & 12, Central Pollution Control Board, and all that has been stated therein is that the EIA Notification 2006 has been amended and it is now provided that building and

construction activities which cover an area of more than 20,000 square meters of built-up area would fall under 'Category-B' and it is mandatory for the Project Proponent to obtain Environmental Clearance from the State Environment Impact Assessment Authority ('SEIAA' for short), in addition to other statutory provisions such as Consent to Establish and Consent to Operate from the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974.

10. The Respondent No.16, Berhampur Municipal Corporation, has filed its affidavit dated 28.02.2022, wherein it is stated that the pond in question, namely, Agula Bandha, is not situated over the entire land of 18.480 acres in Khata No. 1375 as alleged by the Applicant, rather the water body is situated on Plot No. 1509 area 6.860 acres and 0.086 acres of Plot No. 438. It is also stated that constructions which have been made are all public utility services undertaken in the greater interest of general public of the Bermapur town and that constructions have been made over land which has lost its characteristic as 'Jalasaya' (water body). It is also stated that the Kisam of Plot Nos. 1509/2918, 1509/2638, 1509/3123 have been changed to 'Patita' Kisam by the orders passed in Alienation Miscellaneous Case No. 662/1994, Alienation Miscellaneous Case No. 1/1991 and Alienation Miscellaneous Case No. 41/1998. It is also stated that Kisam of Plot No. 1509/4190 and 438/4189 have been changed to Kisam 'Gharabari' (Homestead) by virtue of the order passed in Alienation Miscellaneous Case No. 01/2020. In support of the averments, Mr. Ramesh Sahoo, learned Counsel for

the Corporation has referred to the document filed as Annexure B/16 (at page no. 361) to the affidavit, which is the record of the Office of Tehsildar, Berhampur, Ganjam, dated 23.02.2022 which reads as under:-

**“OFFICE OF THE TAHASILDAR, BERHAMPUR,  
GANJAM (ODISHA)**

Ph: (0680) 2283824

Email: [tah\\_berhampur@yahoo.in](mailto:tah_berhampur@yahoo.in)

Letter No. 899

Date 23.02.2022

To

*The Commissioner,  
Berhampur Municipal Corporation.*

*Sub: Submission of detail field report, land status and structures related to NGT case No. 106/2021 Mouza-Gopabandhunagar of this tahasil.*

*Ref: Your Good Office L. No. 2954 dated 21.02.2022.*

*Sir,*

*In inviting a kind reference to the letter on the subject cited above, I am to intimate that as per the report of the Rev. Inspector Gosaninugaon RAY Project, RI Office, Gosaninugaon Aganwadi Centre, Police Station Gosaninuagaon, Consumer forum court, Railway over bridge and other construction are exist over Plot No. 1509, 438, 437, 1510 in different khatas of Mouza Gopalbandhu Nagar. The detail field report, land status and structures related to NGT case No. 106/2021 Mouza Gopabandhunagar are as below:-*

| <i>Khata No.</i> | <i>Plot No.</i> | <i>Area</i> | <i>Kisam</i> | <i>RT</i>        | <i>Remarks</i>         |
|------------------|-----------------|-------------|--------------|------------------|------------------------|
| 1375             | 1509            | 6.986       | Jalasaya     | Rakhita<br>Khata | Agula Bandha           |
|                  | 1510            | 0.719       | Adi          |                  | Railway Over<br>Bridge |

|        |           |       |          |                                |                                    |
|--------|-----------|-------|----------|--------------------------------|------------------------------------|
|        | 437       | 0.148 | Adi      |                                |                                    |
|        | 438       | 0.086 | Jalasaya |                                |                                    |
| 1373   | 1509/2918 | 1.000 | Patita   | Anabadi<br>Khata               | RAY Project &<br>Consumer<br>forum |
|        | 1509/2638 | 2.480 | Patita   |                                | RAY Project                        |
|        | 1509/3132 | 1.000 | Patita   |                                | RI Office,<br>Aganwadi<br>Centre   |
| 1372/3 | 1509/4190 | 0.040 | Gharbari |                                | Gosaninuagaon<br>Police Station    |
|        | 438/4189  | 0.300 | Gharbari |                                |                                    |
| 1372/1 | 1509/3030 | 0.120 | Patita   | Khadya Jogan Bivag<br>(Odisha) |                                    |

*The demarcated report of RI Gosaninuagaon with Trace Map and RoR copy of the land scheduled are enclosed herewith for favour of your kind information and necessary action.*

*Encl: As above*

*Yours Faithfully,*

**Tahasildar, Berhampur,”**

A perusal of the aforesaid document would show that a Jalasaya continues to exist over an area of 6.986 acres on Plot No. 1509 and over 0.086 acres on Plot No. 438.

11. In his rejoinder affidavit dated 09.04.2022, the Applicant has alleged that the constructions, namely, Gosaninuagaon Police Station, Revenue Inspector Officer, Over Bridge, Rajib Abas Project, District Consumer Disputes and Redressal Commission, Railway

Over Bridge, Khadya Jogan Bivag (Odisha), and Aganwadi Centre have been made over the Plot No. 1509, 438, 437 and 1510 of Khata No. 1375 of Gopabandhu Nagar Mouza of Berhampur Tehsil of Ganjam District, Odisha, as would be evident from the document dated 23.02.2022 (already extracted herein above). It is also stated that the State Government is constructing a morrum road with connectivity between Gosaninuagaon Police Station and District Consumer Disputes Redressal Commission by filling up the Agula Bandha (Jalasaya/Water Body).

12. The Respondent No.7, Odisha State Pollution Control Board, has also filed its affidavit dated 05.04.2022, bringing on record an Inspection Report of an inspection carried out on 31.01.2022 of Agula Bandha water body filed as Annexure R-7/1 (page no. 444 of the paper book). The Observations and Conclusion & Recommendations in the Inspection Report are reproduced herein below:-

***“Following Observations are made during inspection:***

1. *From the surroundings it was observed that waste water was discharged to the Agula Bandha near Revenue Inspector Office. Gosaninuagaon in West direction.*
2. *One no. of storm water drain outlet was found to be connected to Agula Bandha near Gosaninuagaon Police Station in West direction.*
3. *It was apprehended from the surroundings, during rainy season surface run off might be discharged into the water body as guard wall was not constructed around the Agula Bandha.*

4. *There is no provision for removal of excess water during rainy season from the water body.*
5. *Agula Bandha water body is filled with Algee, crabgrass and yellow nutsedge and other foreign particles on its surface.*
6. *Solid waste including plastic bottles are found to be dumped near its embankment towards western part of the water body.*
7. *Collected one no. of water sample from Agula Bandha on 20.02.2022 for analysis. The analysis result thus obtained indicates that water quality does not conform to Class B (Outdoor Bath Organised) with respect to Dissolved Oxygen (DO). Biochemical Oxygen Demand (BOD) and Total Coliform (TC), MPN/ 100 ml as per the classification made by CPCB(ADSORBS/ 3/ 1978-79).*
8. *Such non-conformance with respect to DO, BOD & TC may be due to discharge of wastewater into the water body.*

### **Conclusion & Recommendations:**

*In view of the above following recommendations are made:*

1. *Immediate steps shall be taken to stop discharge of waste water into Agula Bandha.*
2. *Municipal Authority shall take necessary measures to remove the solid materials including plastic bottles, Algee, crabgrass and yellow nutsedge and other foreign particles from the surface of the water body.*
3. *Necessary steps shall be taken by the Municipal Authority to stop/divert outlet of storm water drain into the water body.*
4. *There shall be provision for removal of excess water during rainy season from the Agula Bandha.*
5. *Awareness shall be created among the local people of the surrounding areas to prevent disposal of garbage into the water body.”*

13. The Collector & District Magistrate, Ganjam District, has also filed an affidavit dated 30.04.2022, stating therein that the common pond Agula Bandha does not exist over all the plots as alleged by the Applicant in his Original Application and, in fact, the common pond is now confined only to an area of 6.860 acres in Plot No. 1509, Khata No. 1375 and this water body has been preserved intact. The details of the other plots on Khata No. 1375 are mentioned in para 4 of the affidavit which reads as under:-

*“4. Save what are matters of record, the averments made in paragraph 4 of the Original Application are disputed and denied. The averment of the Applicant that Agula Bandha is a common water body is disputed and denied. The common pond does not exist over all the plots as mentioned in this paragraph. The common pond is now confined to Plot Nos. 1509 over an area Ac. 6.860 dec. in Khata No. 1375. The water body has been kept intact. The area of the other plots in the Khata are (i) Plot No. 438 area 0.080, (ii), Plot Nos. 1504/1788 Area 0.005, (iii) Plot No. 1507/1791 Area 0.008, (iv) Plot No. 1506/1790 Area 0.006, (v) Plot No. 1505/1789 Area 0.005, (vi) Plot No. 1502/1786 Area 0.006, (vii) Plot No. DI-438 0.438 recorded as Jalasaya, (viii) Plot No. D1 437 area 0.148, (ix) Plot No. 1510 Area 0.719 recorded as Agula Bandha Adi. The aforesaid details of the Plots described with the corresponding area are evident from a bare perusal of the Record of Right. The deponent undertake to file translate copies of RoR at the time of hearing, if necessary.*

*It is also pertinent to mention that the Respondent No.14 vide its order dated 27.03.1993, by exercising its power under Section 3A of OGLS (Amendment and Validation) Act, 1975, has sanctioned the de-reservation of the government lands in Khata No. 1375 Plot No. 1509*

*admeasuring an area of 3.600 acres out of 11.500 acres which had already lost its original characteristics of Jalasaya. Further, on 19.08.1999, the Respondent No.14 vide its order dated 19.08.1999, has sanctioned the de-reservation of the government lands in Khata No. 1375 Plot No. 1509 admeasuring an area of 1 acre out of 7.900 acres which had already lost its original characteristic of Jalasaya. The constructions such as Ray Project, consumer forum, Revenue Inspector Office, Anganwadi Centre, Gosaninuagaon Police Station, temple Khadya Jogan Bivaga have been carried over the plots after the said plots had already been de-reserved and classified as Patita.”*

14. It is also stated that the Respondent No.14, Collector-cum-District Magistrate, Ganjam District, in exercise of powers conferred in Section 3A of Orissa Government Land Settlement (OGLS) (Amendment and Validation) Act, 1975, vide his order dated 29.03.1993, has sanctioned the de-reservation of the Government Lands in Khata No. 1375, Plot No. 1509 admeasuring an area of 3.600 acres out of an area of 11.500 acres which had already lost its original characteristics of ‘Jalasaya’. It is further stated that the Collector & District Magistrate, Ganjam, vide another order dated 19.08.1999, has sanctioned de-reservation of Government Lands in Khata nO. 1375, Plot No. 1509 admeasuring an area of 1 acre out of 7.900 acres which had already lost its original characteristics of ‘Jalasaya’. It is also stated that the constructions such as – Ray Project, Consumer Forum, Revenue Inspector Office, Anganwadi Centre, Gosaninuagaon Police Station, Temple, Khadya Jogan Bivag, have been made over these plots after the same had been de-reserved and classified as ‘Patita’. The Record of Rights have also

been filed as Annexure-B/14 (colly) to the affidavit. The details of constructions which have been made in Khata No. 1373, Plot No. 1509/2918, Plot No. 1509/2638, Plot No. 1509/3123, Khata No. 1372/3, Plot No. 1509/4190 & Plot No. 438/4189, Khata no. 1372, Plot No. 1509/3030 and Plot No. 1509/2918 are given in para 5 of the affidavit which reads as under:-

“5 .....xxxx.....xxxx.....xxxx.....xxxxx.....xxxx.....

- a. *Consumer forum building which is part of Ray project, has been constructed over Khata No. 1373, Plot No. 1509/2918 admeasuring over an area Ac. 1.000 and the nature of the said land is Kissam Patita.*
- b. *Plot No. 1509/2638 admeasuring an area of Ac. 2.480 decimals and the nature of the land is Kissam Patita. The said area has been reserved for Ray Project.*
- c. *Revenue Inspector Office and Anganwadi Centre have been constructed over Plot No. 1509/3123 admeasuring an area Ac. 1.000 and the nature of the land is Kissam Patita.*
- d. *Gosaninuagaon Police Station, Berhampur has been constructed over Khata No. 1372/3, Plot No. 1509/4190 having an area of Ac. 040 decimals and Plot No. 438/4189 having an area of Ac. 0.300 decimals. The nature of the land is Kissam Gharbari.*
- e. *In Khata No. 1372/1 Plot No. 1509/3030 area Ac. 0.120 Kissam Patita for Khadya Jogan Bivag (Odisha) Office and the Railway over bridge is constructed over the Plot No. 1510 and 437 Kissam Ad of the Agula Bandha.*
- f. *Maa Mangala Temple constructed over the Plot No. 1509/2918 over an area of Ac. 0.012 and the nature of the land is Kissam Patita.”*

15. It is also stated that the existing water body in Agula Bandha is confined to Plot No. 1509 admeasuring an area of 6.860 acres and all necessary steps have been taken to protect the existing water body and steps have also been taken by the Tehsildar to remove encroachments in and around the water body in question. It is also stated that the 'ADI' is not a water body but is an embankment of pond situated on the periphery of the pond. It is also stated that in a meeting held on 05.02.2021 under the Chairmanship of the Revenue Divisional Commissioner (R.D.C.) (Southern Division), Berhampur, necessary permission has been accorded for changing the Kisam of land from 'Jalasaya-I' to 'Patita' and the Collector, Ganjam, in pursuance of the decision taken by the Committee, has vide his order dated 01.03.2021 effected the transfer of the land measuring 0.300 acre in Plot No. 438 and 0.040 in Plot No. 1509 of Khata No. 1375 in favour of Home Department for construction of Gosaninuagaon Police Station since the land had lost its characteristics of 'Jalasaya'.

It is reiterated that this area has not affected the remaining water body of Agula Bandha. It is also stated that the construction of Gosaninuagaon Police Station is for public purpose and covers the area from Ward No. 24 to 28 of the BeMC, Berhampur and Mouza New Khajuria and Old Khajuria and other nearby establishment areas. It is also reiterated that only those lands have been de-reserved from 'Jalasaya' to 'Patita' which have lost their characteristic as 'Jalasaya'.

16. Mr. Biranchi Narayan Mahapatra, learned Counsel for the Applicant has placed reliance upon certain judgments in support of his contention that a water body cannot be allowed to be converted into any other kind of land other than the water body and encroachments thereon also cannot be permitted.

17. Reference has been made to the judgment of the Tribunal dated 24.08.2017 passed in Original Application No. 82/2015/EZ; (*Biranchi Narayan Mahapatra Vs. State of Odisha & Ors.*), which was in respect of all water bodies including Agula Bandha and a direction was issued by the Tribunal to complete the entire process of eviction and comply with the orders of the Tribunal within six months and also to remove all encroachments from the ponds and its embankments and their rehabilitation within one year. There can be no quarrel with the directions given by the Tribunal in Original Application No. 85/2015/EZ.

18. The stand of the State Respondents is that an area of 6.860 acres over Plot No. 1509 in Khata No.1375 is still preserved as 'Water Body' and steps have been taken by the Tehsildar to remove encroachments from the said water body and its embankments.

19. Reference has also been made to the judgment of the High Court of Odisha passed in Writ Petition (C) No. 8797 of 2004; (*Tapan Kumar Das Vs. Commissioner, Cuttack Municipal Corporation & Ors.*) along with other connected cases decided on 11.10.2012. The High Court gave certain directions to the effect that Revenue Divisional Commissioner (R.D.C.) (C.D.) Cuttack, shall form a

Committee and this Committee shall deal with the protection, preservation and conservation of water bodies in the city of Cuttack and take decision accordingly. It was also provided that applications for change of classification/kisam of land from 'Jalasaya' to 'Homestead' shall be processed through the Tehsildar, Sadar, Cuttack, to the Collector for appropriate orders and the decision of the Collector shall then be placed before the Committee for approval and if the Committee is of the opinion that the lands which have lost their characteristic as 'Jalasaya' and those which are actually not 'Jalasaya' or 'Swampy' lands but have been recorded as 'Jalasaya', change of classification of such lands may be allowed. The Division Bench of the High Court further directed that it will be open for the State Government to adopt the directions given in respect of Cuttack city for other cities in the State. Paras 14 and 15 of the High Court judgment are extracted herein below:-

*"14. Considering the facts and circumstances of the case, for preservation and conservation of tanks/water bodies in Cuttack City, and to deal with such tanks/water bodies, we direct as follows:*

*(1) The State Govt. shall act upon the report dated 31.08.2007 submitted by the R.D.C (C.D.) Cuttack, and the affidavit dated 18.05.2020 filed by the Principal Secretary to Govt. H&U.D. Department and shall ensure that the steps indicated therein are taken within a period of two years from today.*

*(2) The R.D.C. (C.D.) Cuttack, under his chairmanship shall form a Committee not exceeding seven members including the Vice Chairman, C.D.A., Municipal Commissioner, CMC, Cuttack, and an Environmentalist*

*of the State Pollution Control Board, Odisha. Needless to say, the other members of the Committee shall be nominated by the R.D.C. The Committee shall deal with the protection, preservation and conservation of water-bodies in the city and shall take decisions accordingly.*

*(3) The applications for change of classification/kissam of lands from Jalasaya to homestead shall be processed through the Tahasildar, Sadar, Cuttack, to the Collector for appropriate orders. The decision of the Collector shall be placed before the Committee as constituted above for approval. Only after approval of the Committee, change of classification/kissam of the land shall be allowed. The Committee shall record the reasons for allowing change of classification/kissam of such lands. However, if the Committee is of the opinion that the lands, which have lost their character as Jalasaya, and those, which are actually not Jalasayas or swampy lands but have been recorded as Jalasaya, change of classification of such lands may be allowed. This shall be effective from the date of the judgment.*

*(4) The Committee shall also make enquiry, if it is so necessary, to find out whether classification of the lands recorded as Jalasaya has been changed by orders of the Tahasildar during operation of the order of status quo passed by this Court on 08.04.2005 in O.J.C. No. 6721/1999. In case it is found that the classification has been changed during continuance of the order of status quo, the same shall be treated as non est in the eye of law.*

*15. For the aforesaid purpose, Cuttack city shall be construed to be the old Cuttack City comprising the areas shown in the satellite maps of the ORSAC of 1990 and 2006, which have been annexed to the Report of the R.D.C. dated 31.08.2007. It will be open to the State Govt. to adopt the directions given in respect of Cuttack City in the foregoing paragraph for other cities in the State.”*

20. Learned Counsel for the Applicant has also referred to the judgment of the Hon'ble Supreme Court passed in Civil Appeal No. 4787 of 2001; (*Hinch Lal Tiwari Vs. Kamala Devi & Ors.*), (2001) 6 SCC 496, decided on 25.07.2001 wherein the Hon'ble Supreme Court has observed as under:-

*“It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is failing in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites. For the aforementioned reasons, we set aside the order of the High Court, restore the order of the Additional Collector dated 25-2-1999 confirmed by the Commissioner on 12-3-1999. Consequently, Respondents 1 to 10 shall vacate the land, which was allotted to them, within six months from today. They will, however, be permitted to take away the material of the houses which they have constructed on the said land. If Respondents 1 to 10 do not vacate the land within the said period the official respondents i.e. Respondents 11 to 13 shall demolish the construction and get possession of the said land in accordance*

*with law. The State including Respondents 11 to 13 shall restore the pond, develop and maintain the same as a recreational spot which will undoubtedly be in the interest of the villagers. Further it will also help in maintaining ecological balance and protecting the environment in regard to which this Court has repeatedly expressed its concern. Such measures must begin at the grass-root level if they were to become the nation's pride."*

21. Reference has also been made to the judgment of the Hon'ble Supreme Court passed in Civil Appeal No. 5109 of 2019; (*Jitendra Singh Vs. Ministry of Environment & Ors.*), (2019) 20 SCC 581, decided on 25.11.2019. Para 23 of the judgment reads as under:-

*"23. For the reasons stated above, we allow the appeal and set aside the impugned order passed by the NGT. The allotment of all water bodes (both ponds and canals), including Khasra Nos.552 and 490 to Respondent No.6, or any other similar third party in village Saini, tehsil Dadri, district Gautam Budh Nagar is held to be illegal and the same is hereby quashed. Since this Court has on 15.07.2019 already directed the parties to maintain status quo, Respondent Nos.1 to 5 shall restore, maintain and protect the subject-water bodies in village Saini. Respondents are further directed to remove all obstructions from the catchment area through which natural water accumulates in the village ponds, all within a period of three months."*

22. Reference has also been made to (1996) 2 SCC 572; (*Delhi Water Supply & Sewage Disposal Undertaking & Anr. Vs. State of*

*Haryana*), decided on 29.02.1996, wherein in para 10 of the judgment the Hon'ble Supreme Court has held as under:-

*“10. So far as water supply from river Jamuna to Delhi is concerned, we order and direct that Delhi shall continue to get as much water for domestic use from Haryana through river Jamuna which can be consumed and filled in the two water reservoirs and treatment plants at Wazirabad and Hyderpur. Both the Wazirabad and Hyderpur reservoirs shall remain full to their capacity from the water supplied by Haryana through river Jamuna. We direct the State of Haryana through all its officers who are party to these proceedings and who have filed affidavits before us not to obstruct the supply of water to Delhi as directed by us at any time. This order of ours is not dependent on the MOU mentioned above or any other proceedings which may be initiated under any other law between the parties.”*

In this case, the Hon'ble Supreme Court has directed that so far as water supply from river Jamuna to Delhi is concerned, Delhi shall continue to get as much water for domestic use from Haryana through river Jamuna which can be consumed and filled in the two water reservoirs and treatment plants at Wazirabad and Hyderpur. In our opinion, the aforesaid judgment has no application to the facts of the present case.

23. The learned Counsel for the Applicant has next referred to (2011) 11 SCC 396; (*Jagpal Singh & Ors. Vs. State of Punjab & Ors.*), decided on 28.01.2011 which has been considered by the Hon'ble Supreme Court in the case of *Jitendra Singh* (Supra).

24. Reference has also been made to the judgment of the National Green Tribunal, Principal Bench, dated 18.11.2020 passed in

Original Application No. 325 of 2015; (*Lt. Col. Sarvadaman Singh Oberoi Vs. Union of India & Ors.*), wherein the Tribunal issued the following directions in para 22 of the judgment which read as under:-

**“Directions**

22. Accordingly, we dispose of this application with following directions:

(i) All States/UTs may forthwith designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated.

(ii) Under oversight of the Chief Secretaries to the States/UTs, the designated nodal agency may

a. Hold its meeting not later than 31.01.2021 to take stock of the situation and plan further steps, including directions to District authorities for further course of action upto Panchayat levels and to evolve further monitor mechanism as well as Grievance Redressal Mechanism (GRM).

b. Submit periodical reports to the CPCB/Secretary Jal Shakti, Government of India. First such report may be furnished by 28.02.2021.

(iii) The CMC for monitoring remediation of 351 polluted river stretches, headed by the Secretary, MoJS may monitor the steps for restoration of water bodies by all the States periodically, at least thrice in a year. First such monitoring may take place by 31.03.2021.

(iv) The CMC may give its action reports to this Tribunal in OA 673/2018 and first such report may be furnished preferably by 30.04.2021 by e-mail.”

In this case, the Tribunal directed all States/UTs to designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated and monitor the steps for restoration of water bodies by all states periodically.

However, further directions were also issued by the Tribunal in M.A. No. 26 of 2019 filed in Original Application No. 325 of 2015; (*Lt. Col. Sarvadaman Singh Oberoi Vs. Union of India*).

25. The next case referred by the learned Counsel for the Applicant is the judgment of the Hon'ble Supreme Court passed in Civil Appeal No. 812 of 2002; (*Vijay Sayal & Anr. Vs. State of Punjab & Ors.*), decided on 22.05.2003. This judgment relates to selection/non-selection of candidates to the posts of Assistant District Transport Officer, advertised by the Punjab Subordinate Selection Board and has absolutely no application to the controversy involved in the present case.

26. Learned Counsel for the Applicant has next referred to (1995) 1 SCC 421; (*Chandra Shashi Vs. Anil Kumar Verma*) decided on 14.11.1994, which again has no application to the facts of the present case.

27. Likewise, the judgment of the Hon'ble Supreme Court in the case of Writ Petition (Crl.) No. 15 of 1994; (*Dhananjay Sharma Vs. State of Haryana & Ors.*), decided on 02.05.1995. This matter relates to a civil dispute in which case under Section 406/420 IPC

was also got registered. This judgment also has absolutely no application to the facts of the present case.

28. Learned Counsel has next referred to the judgment of the Hon'ble Supreme Court in *Jagpal Singh* (Supra), which has already been considered by the Hon'ble Supreme Court in the case of *Jitendra Singh* (Supra).

29. The Respondents, on the other hand, have not disputed that a large part of the water body existing on Plot No. 1509, Khata No. 1375, which facts have already been noted by us herein above, but it is stated that those plots were converted by the State Government under Section 3A of the Orissa Government Land Settlement (Amendment and Validation) Act, 1975 as those lands had already been degraded and lost its characteristic of 'Jalasayas' and, therefore, constructions such as – Ray Project, Consumer Forum, Revenue Inspector Office, Anganwadi Centre, Gosaninuagaon Police Station, Temple, Khadya Jogan Bivag, have been made over the plots after de-reservation and classification of the same as 'Patita'. It is also stated that at present only 6.860 acres of Plot No. 1509, Khata No. 1375 is existing as a water body in Agula Bandha which has been preserved and encroachments have been removed therefrom.

30. Learned Counsel for the Respondents have further relied upon the judgment of the Division Bench of the Hon'ble High Court of Odisha in the case of *Tapan Kumar Das* (Supra) and it is submitted that the High Court had directed a Committee to be constituted

under the Chairmanship of Revenue Divisional Commissioner (C.D.) Cuttack, to deal with the issues relating to protection, preservation and conservation of water bodies in the city of Cuttack and take decisions accordingly and it was also directed that applications for change of classification/kisam of land from 'Jalasaya' to 'Homestead' shall be processed through the Tehsildar, Sadar, Cuttack to the Collector for appropriate orders. The decision of the Collector shall be placed before the Committee and if the Committee is of the opinion that the lands which have lost their characteristic as 'Jalasaya' and are not 'Jalasaya' or swampy lands but have been recorded as Jalasaya, change of classification/kisam of such lands may be allowed. The High Court further directed that it will be open to the State Government to adopt the directions given in respect of Cuttack city for other cities in the State.

31. On behalf of the Respondents reliance has also been placed on the observations made in para 17 of the judgment of the Hon'ble Supreme Court in the case of *Jitendra Singh* (Supra). Para 17 of the judgment reads as under:-

*"17. It is uncontroverted, in the present case, that the Government Order dated 03.06.2016 was a consequence of the afore-cited judgment in Jagpal Singh. Curiously, however, Clause 5 of the Government Order carves an exception of 'huge projects/works' (albeit in extraordinary circumstances) to Jagpal Singh's strict principle of non-alienation of common water bodies. It is clear that such ground of exception does not fall under the limited class of grants to 'landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a*

*school, dispensary or other public utility on the land". Such industrial activities without any rationale classification, unlike the narrow class exempted, do not serve a social public purpose or benefit the local people, and thus will be hit by the inalienability bar."*

32. Reliance has also been placed on the observations made in para 22 of the judgment of the Hon'ble Supreme Court in the case of *Jagpal Singh* (Supra) wherein the Hon'ble Supreme Court has observed that regularization of illegal possession should only be permitted in exceptional cases, for example where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land. Para 22 of the judgment reads as under:-

*"22. Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes,*

*or where there is already a school, dispensary or other public utility on the land.”*

33. We have considered the observations of the Hon'ble Supreme Court in *Jagpal Singh* (Supra) read with the directions given by the Division Bench of the High Court of Odisha in *Tapan Kumar Das* (Supra), which leave no doubt that where the *Jalasaya* has been degraded it can be de-classified as 'Jalasaya' and further that if at all there is illegal possession regularization of such illegal possession should only be permitted in those cases as mentioned in para 22 of the *Jagpal Singh* (Supra) including public utility on the land.

34. There is no dispute in the present case that constructions have been made by the Government itself after de-classifying the portions of *Agula Bandha* which they claim have lost its characteristic as 'Jalasaya'. Apart from 6.860 acres of land which is stated to be still existing as *Agula Bandha* water body, it has not been disclosed by the Respondents as to how much of the rest of the water body had lost its characteristics as a 'Jalasaya' and become degraded.

35. We cannot lose sight of the fact that degradation of water bodies cannot be allowed by the State by turning a Nelson's eye to deliberate encroachments upon the water body by unscrupulous persons and thereafter the Government taking a stand that the *Jalasaya* in question has lost its character as such.

36. We cannot also lose sight of the fact that water is a basic source of all life on earth. If there is no water, all life forms on earth would become extinct. Water bodies even natural springs, serve the purpose of collecting rainwater and runoff water and thereby help to recharge the groundwater through natural aquifers. Water bodies also help to sustain aquamarine life. Water bodies serve to provide drinking and bathing water to humans as well as animals and, therefore, water bodies cannot be allowed to be degraded or to lose their character as 'Jalasaya' and it is the bounden duty of the State to protect the water bodies thereby ensuring protection of the right to life as enshrined in Article 21 of the Constitution of India.

37. At the same time, in the facts of the present case, we cannot ignore the fact that large parts of Agula Bandha water body have been completely destroyed leaving only 6.860 acres which is still a water body. Government buildings have been constructed on the degraded parts of the water body and while the Government may take the plea that these buildings are public utility buildings and, therefore, even if such buildings are illegal, the same may be regularized in terms of para 22 of the judgment of the Hon'ble Supreme Court in the case of *Jagpal Singh* (Supra) but we also find that a Maa Mangala Temple has been constructed over Plot No. 1509/2918 over an area of 0.012 acres. The construction of a temple, by whichever name called, is not a public utility building and cannot be permitted on a specious plea that the Jalasaya has lost its characteristics as 'Jalasaya'.

38. In Original Application 22/2022/EZ, the National Green Tribunal, Principal Bench had directed demolition of Sri Sri Panchamukhi Hanuman Temple Trust, Ratilo, which was constructed within 35 meters from the embankments of River Mahanadi vide its order dated 15.12.2020. Aggrieved party approached the Hon'ble Supreme Court in Civil Appeal Nos. 4598-4599 of 2021 and the said Civil Appeals were also dismissed by the Hon'ble Supreme Court by its order dated 10.08.2021.

39. In the present case also there can be absolutely no justification for construction of Maa Mangala Temple over Jalasaya land on the plea that the said area of land has lost its characteristics as 'Jalasaya'. We, therefore, direct the Respondent No.14, Collector-cum-District Magistrate, Ganjam District, to remove the said temple from Plot No. 1509/2918 over an area 0.012 acres within one month and restore the said land as 'Jalasaya' and file affidavit of compliance by **08.09.2022**.

40. The Applicant in his Original Application has given the total land area of Plot No. 1509, Khata No. 1375 to be 18.480 acres and the various plots recorded in the Record of Rights particulars of which are as under:- Plot No. 438, measuring an area of 0.860 decimal (recorded as Jasalaya-I), Plot No. 1509 (6.8600 decimal recorded as Jasalaya-I), Plot No. 1504/1788 (0.050 decimal recorded as Jalasaya-I), Plot No. 1507/1791 (0.080 decimal recorded as Jalasaya-I), Plot No. 1506/1790 (0.060 decimal recorded as Jalasaya-I), Plot No. 1505/1789 (0.050 decimal

recorded as Jalasaya-I), Plot No. 1502/1786 (0.060 decimal recorded as Jalasaya-I), D1-438 (0.3860 decimal recorded as Jalasaya-I), D1-437 (0.1480 decimal recorded as AGULA BANDHA ADI), 1510 (0.7190 decimal recorded as AGULA BANDHA ADI), highly required for the preservation/protection of the common pond/common water body.

41. According to the State Respondents an area of 6.860 acres is still maintained as common pond/common water body in Plot No. 1509, Khata No. 1375. According to the State Respondents, the area of the Jalasaya which has lost its characteristics as such is measuring about 11.500 acres of which 3.600 acres was de-reserved in Khata No. 1375, Plot No. 1509 vide Collector's order dated 27.03.1993 and vide another order dated 19.08.1999, area admeasuring 1 acre out of the 7.900 acres of Khata no. 1375, Plot No. 1509 has been de-reserved in exercise of powers conferred in Section 3A of the Orissa Government Land Settlement (Amendment and Validation) Act, 1975. This means that out of a total area of about 18.480 acres of Jalasaya, 11.500 acres of area has lost its characteristic as such and 6.860 acres is still maintained as a common pond/common water body at Agula Bandha. This area of 11.500 acres of land which has been allowed by the State Government to degrade and lose its character as 'Jalasaya' needs to be restored by the Government. Since Government buildings have been constructed on this area of land, we direct the State Respondents to demarcate land of an equivalent size of 11.500 acres including 0.012 acres of the land which will become available

after demolition of Maa Mangala Temple, as far as possible close to the Agula Bandha water body and if not possible, in some other area nearby and re-create a water body of the same size and depth as Agula Bandha.

42. We may remind the State Respondents that this is not an impossible task considering that the Sukhna Lake in Chandigarh, having an area of 3 square kilometers with an overall depth of 8 feet (2.4 meters) maximum depth 16 feet (4.9 meters) was created as an artificial water body and, therefore, what can be done by the Government of Punjab to create a water body for its citizens, can also be replicated by the State of Odisha in the District of Ganjam, Odisha over the remaining area of 11.500 acres including 0.012 acres of the land which will become available after demolition of Maa Mangala Temple.

43. There are also umpteen examples of artificial water bodies created by various State Governments to help in providing drinking water as well as water for agriculture for the rural poor. The above example of Sukhna Lake in Chandigarh is just an illustration.

44. A direction is also issued to the Chief Secretary, Govt. of Odisha, in this regard to ensure compliance of our directions given herein above. The State Respondents shall file a Status Report within three months i.e., by **03.11.2022**.

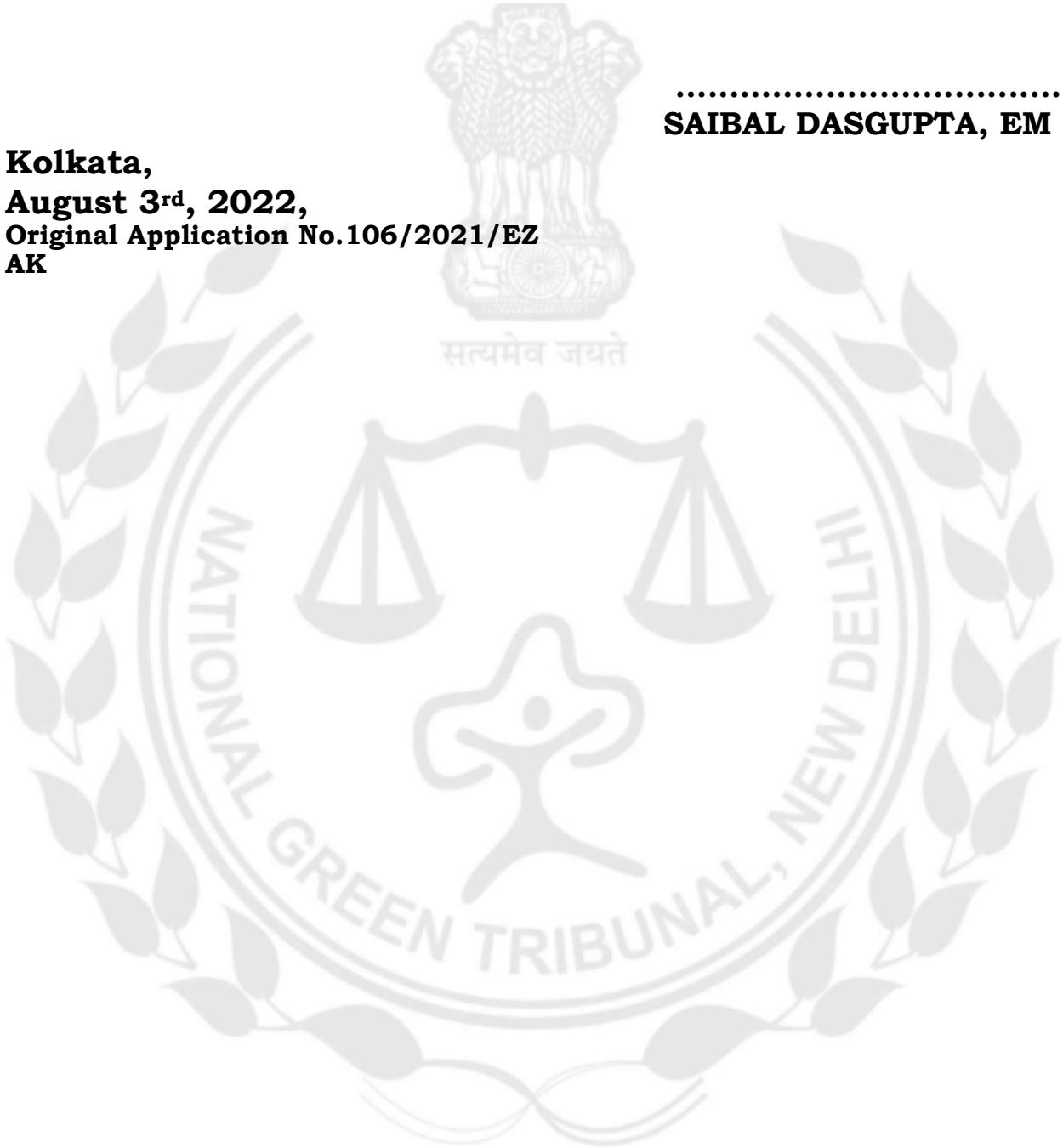
45. With the above directions, the Original Application No. 106/2021/EZ is disposed of.

46. There shall be no order as to costs.

.....  
**B. AMIT STHALEKAR, JM**

**Kolkata,**  
**August 3<sup>rd</sup>, 2022,**  
**Original Application No.106/2021/EZ**  
**AK**

.....  
**SAIBAL DASGUPTA, EM**



**NGT**

Item No.02

Court No.1

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

M.A. No.37/2022/EZ

In

Original Application No.106/2021/EZ

**In the Matter of:**

***Tribunal on its Own Motion***

**Reg.: Sisir Kumar Panda,**

S/o Late Ram Prasad Panda,  
Aged about 50 years,  
Advocate by Profession,  
R/o Nehru Nagar, 7th Lane, Gosaninuagaon,  
Berhampur, P.S.-Gosaninuagaon, District-Ganjam,  
Pin – 760003, Odisha

.....Applicant(s)

Versus

- 1. Union of India,**  
Represented by its Secretary,  
Ministry of Environment, Forest and Climate Change (MoEF&CC),  
Indira Paryavaran Bhavan,  
Jorbagh Road,  
New Delhi – 110003
- 2. Chief Secretary to Govt. of India,**  
State Secretariat,  
Bhubaneswar,  
Pin – 751001
- 3. Principal Secretary to Government,**  
Water Resource Department,  
Odisha State Secretariat,  
Bhubaneswar - 751001,  
Odisha
- 4. Principal Secretary to Government,**  
Home Department,  
Odisha State Secretariat,  
Bhubaneswar - 751001,  
Odisha
- 5. Principal Secretary to Government,**  
Forest, Environment and Climate Change Department,  
Odisha State Secretariat,  
Kharavel Bhavan,  
Bhubaneswar - 751001,

Odisha

- 6. Member Secretary,**  
Central Pollution Control Board,  
Parivesh Bhawan,  
East Arjun Nagar,  
New Delhi -110032,  
India
- 7. Member Secretary,**  
Odisha State Pollution Control Board,  
Paribesh Bhawan,  
A/118, Nilakantha Nagar, Unit-8,  
Bhubaneswar-751012,  
Odisha
- 8. Commissioner-Cum-Secretary to Government,**  
Revenue and Disaster Management Department,  
Government of Odisha,  
State Secretariat,  
Bhubaneswar - 751001,  
Odisha
- 9. Commissioner-Cum-Secretary to Government,**  
Urban and Housing Development Department,  
Government of Odisha,  
3<sup>rd</sup> Floor, Kharvel Bhavan,  
West Wing Room No:301,  
State Secretariat,  
Bhubaneswar - 751001,  
Odisha
- 10. Revenue Divisional Commissioner,**  
Southern Division,  
At/Po: Berhampur,  
District: Ganjam,  
Pin - 760004,  
Odisha
- 11. Deputy Director General of Forests (C),**  
Regional Office, Eastern Zone (EZ),  
Ministry of Environment, Forest and Climate Change (MoEF&CC),  
A/3, Chandrasekharpur,  
Bhubaneswar - 751023,
- 12. Regional Director,**  
Regional Directorate,  
Central Pollution Control Board,  
Ministry of Environment, Forest and Climate Change (MoEF&CC),

South End Conclave Block-502,  
5<sup>th</sup> & 6<sup>th</sup> Floor, 1582, Razidanga Main Road,  
Kolkata - 700107,  
West Bengal

**13. Tahasildar,**

At/Po: Berhampur,  
District: Ganjam,  
Pin - 760004,  
Odisha

**14. Collector-Cum-District Magistrate,**

Ganjam Collectorate,  
At/Po: Chatrapur,  
District: Ganjam  
Pin - 761020,  
Odisha

**15. Sub-Collector,**

At/Po: Berhampur,  
District: Ganjam,  
Pin - 760004,  
Odisha

**16. Commissioner,**

Berhampur Municipal Corporation,  
At/Po: Berhampur,  
District: Ganjam,  
Pin - 760002,  
Odisha

**17. Secretary,**

Board of Revenue,  
At/Po: Cuttack,  
Odisha - 753002

.....Respondent(s)

Date of hearing: 19.01.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Mr. Tarun Patnaik, ASC for R-2 to 5, 8 to 10, 13 to 15  
& 17 (in Virtual Mode),  
Mr. Ashok Prasad, Advocate for R-6 & 12 (in Virtual Mode),  
Ms. Papiya Banerjee Bihani, Advocate for R-7 (in Virtual Mode)

**ORDER**

1. Counter affidavit dated 17.01.2023 has been filed on behalf of the Respondent No.14, Collector-cum-District Magistrate, Ganjam Collectorate.
2. So far as the direction of the Tribunal in its order dated 03.08.2022 for demolition of the Maa Mangala Temple over the 'Jalasaya' land in question is concerned, it is stated in the counter affidavit that the concerned party has approached the High Court of Orissa at Cuttack through W.P.(C) No.22622 of 2022 *Maa Mangala Temple and Kalyan Mandap Managing Committee Ganjam and Ors. Vs. Union of India and Ors.* and the Hon'ble High Court vide its order dated 07.09.2022 has directed the status-quo be maintained till the next date. It is stated that the Writ Petition(C) No.22622 of 2022 is still pending in the High Court of Orissa at Cuttack and stay order is still operating.
3. So far as the second direction of the Tribunal is concerned with regard to Plot No.1509, Khata No. 1375 and direction for preservation of the same, it is stated in the affidavit of the Collector-cum-District Magistrate, Ganjam that the Tahasildar, Berhampur was directed vide letter dated 10.08.2022 to make an assessment of the available land measuring an area of Ac.11.5 decimals to develop a pond at the said area. The Tahasildar, Berhampur vide his letter dated 17.08.2022 (as the Annexure-2 to the counter affidavit) submitted that though such land is not available in a single patch close to the Agula Bandha, nor in other mouza of this Tahasil, but one abandoned Bandha known as Beda Bandha is located in the same mouza where Agula Bandha exists, wherein major part of the Bedha Bandha is covered with water

plants, bushes, filled with earth mane and silt and this waterbody can be recreated by digging and renovating in the same area Ac.11.5 decimals, in compliance of the directions of the Tribunal.

4. It is stated that the Report has been accepted and thereafter a request for a Detailed Project Report (DPR) amounting to Rs.29,22,58,790/- (Rupees twenty-nine crore twenty-two lakh fifty-eight thousand seven hundred ninety only) for the project “Rejuvenation and Peripheral Development of Beda Bandha Tank, Berhampur” has been forwarded by the Commissioner, Berhampur Municipal Corporation to the Chief Engineer-cum-Additional Secretary to the Govt., H.&U.D. Department and I.L.W, Berhampur Municipal Corporation for Technical Sanction and Administrative Approval vide his letter dated 07.01.2023.
5. Though no timeline for implementation of the rejuvenation and Development of Beda Bandha tank, Berhampur has been given in the counter affidavit, we direct the State Respondents to complete the project of “Rejuvenation and Peripheral Development of Beda Bandha tank, Berhampur” of 11.500 acres of waterbody by **31.12.2023**. However, in para 5 of the affidavit it is also stated that the said Bandha covers an area of about 33 acres. It should therefore be understood that the State Respondents shall restore the entire 33 acres of the Bandha which is at present said to be covered with plants, bushes, filled with earth mane and silt.
6. In this view of the matter, nothing further remains for adjudication in the present case.
7. Mr. Biranchi Narayan Mahapatra, learned Counsel has sought adjournment of this case through his application dated 18.01.2023 but in view of the directions we have passed in our opinion, it is not

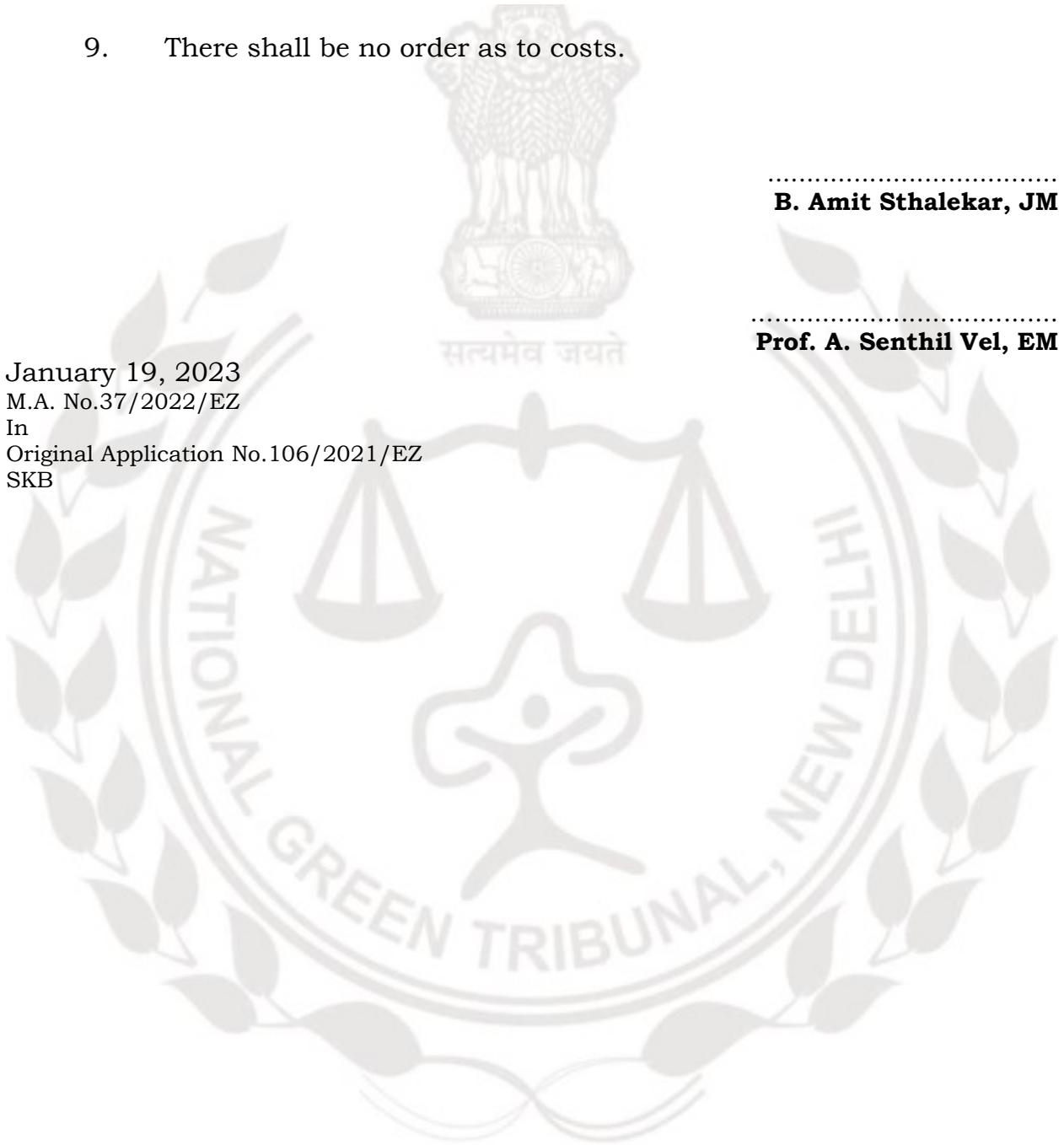
necessary to adjourn the proceedings in the light of the facts on record.

8. We dispose of this Miscellaneous Application No. **37/2022/EZ**.
9. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Prof. A. Senthil Vel, EM**

January 19, 2023  
M.A. No.37/2022/EZ  
In  
Original Application No.106/2021/EZ  
SKB



**NGT**

## IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22622 of 2022

*Maa Mangala Temple and Kalyan  
Mandap Managing Committee,  
Berhamur, Ganjam & Ors.*

..... *Petitioners*  
*Mr. S.P. Mishra, Sr. Adv.*  
*along with associate*

-Versus-

*Union of India & Ors.*

..... *Opposite Parties*  
*Mr. S.B. Panda, CGC*  
*(for O.P.1)*  
*Mr. G.R. Mohapatra, ASC*  
*(for O.P.Nos.1 to 5, 8 to 11, 13 to 15 & 17)*  
*Mr. B.P. Das, Adv.*  
*(for O.P.18)*  
*Mr. S. Senapati, Adv.*  
*(for O.P.18)*  
*Mr. Ramesh Sahoo, Adv.*  
*(for O.P.16)*

**CORAM:**  
**DR. JUSTICE S.K. PANIGRAHI**

**ORDER**  
**21.03.2024**

Order No.

03. 1. This matter is taken up through hybrid arrangement.  
2. Heard learned counsel for the parties.

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Reason: Authentication  
Location: High Court of Orissa Cuttack  
Date: 28-Mar-2024 19:06:37

3. In filing this Writ Petition, the Petitioners have challenged the judgment dated 03.08.2022 passed by the learned National Green Tribunal, Eastern Zone Bench, Kolkata in

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Original Application No.106/2021/EZ, wherein the learned Tribunal directed the Opposite Party No.14/The Collector, Ganjam to demolish Maa Mangala Temple within one month and restore the land as 'Jalasaya'.

4. Learned counsel for the Petitioners submits that the Petitioner No.1 is the managing committee of Maa Mangala Temple and Kalyan Mandap. The Petitioner Nos.2 to 11 are members of the said committee. The Opposite Party No.18 had filed O.A. No. 106/2021/EZ before the learned National Green Tribunal, Eastern Bench, Kolkata for removal of illegal construction/obstruction caused by the State Authorities as well as private persons in the Ecological Sensitive Zone i.e. Agula Bandha (Common Water Bodies) and its embankments situated at Gosaninuagaon under Berhampur, Ganjam, Odisha. All the parties to the present Writ Petition were arrayed as Opposite Parties to the said proceeding. But, the Petitioner No.1 was not made a party to the proceeding before the learned Tribunal. The Opposite Parties to the O.A. filed their respective counter affidavits to substantiate their case. The Opposite Party No.14 pleaded before the learned

Tribunal that land in dispute has already lost its original characteristics as 'Jalasaya' which was de-reserved and classified as 'Patita'. After such de-reservation and conversion

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of kissam, construction of Ray Projects, Police Station, Temple etc. were made over such plots. In his affidavit, Opposite Party No.14 stated that one Maa Mangala Temple is constructed over Plot No.1509/2918 over an area of Ac. 0.012dec and the kissam of the land is patita.

5. Learned counsel for the Petitioners further submits that after hearing the parties, the learned Tribunal observed that where the 'Jalasaya' has been degraded it can be de-classified. Further, if at all there is illegal possession and regularization of such illegal possession, it should only be permitted in those cases as mentioned in Paragraph 22 of the Supreme Court in *Jagpal Singh and Ors. Vrs. State of Punjab and Ors.*<sup>1</sup> including public utility on the land. Therefore, the buildings which have been constructed for public utility, even if illegal, can be regularized. However, while observing so, the learned Tribunal also observed that Maa Mangala Temple which has been constructed over Plot No.1509/2918 measuring an area of 0.012Ac. is not a public utility building and cannot be permitted on a specious plea that 'Jalasaya' has lost its characteristics.

6. Learned counsel for the Petitioners further argues that the learned Tribunal, without affording an opportunity of

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Location: High Court of Orissa Cuttack  
Date: 28-Mar-2024, 19:06:37

Decided on 28<sup>th</sup> January, 2011 in Civil Appeal No.1132/2011 @ SLP(C) No.3109 of

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hearing to the Petitioners and without directing the Applicant in the O.A. to implead the temple/Deity as a party, directed the Opposite Party No.14/The Collector, Ganjam to demolish the temple from Plot No.1509/2918 within one month and restore the said land as 'Jalasaya' and file compliance affidavit by 08.09.2022.

7. Learned counsel for the State/Opposite Party Nos.8,10,13,14 and 15 submits that the Respondent No.14 pleaded before the learned Tribunal that land in dispute has already lost its original characteristics as 'Jalasaya' and, therefore, the said lands were de-reserved and classified as 'Patita'. After such de-reservation and conversion of kissam, construction of Ray Projects, Police Station, Temple etc. were made over such plots. It was mentioned that there is plot wise construction wherein, one Maa Mangala Temple is constructed over Plot No.1509/2918 over an area of Ac.0.012 which comes under the category of "Homestead" land. He further submits that at present only 6.860 acres of land in Plot No.1509, Khata No.1375 is existing as water body in Agula Bandha which has been preserved and encroachments have been removed from Agula Bandha.

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Location: High Court of Orissa Cuttack  
Date: 28-Mar-2024 19:06:37

& Learned counsel for the State further contends that the learned Tribunal had observed that where the 'Jalasaya' has

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been degraded it can be de-classified and further if at all there is illegal possession regularization of such illegal possession should only be permitted in those cases where the building concerned are being used as "Public Utility" buildings. Therefore, the buildings which are constructed for public utility can be regularized. The learned Tribunal also observed that Maa Mangala Temple which has been constructed over Plot No.1509/2918 measuring an area of 0.012 Ac. is not a public utility building and cannot be permitted on a specious plea that 'Jalasaya' has lost its characteristic.

9. Learned counsel for the State further submits that the learned Tribunal directed the State to re-create a water body of the same size and depth as Agula Bandha as possible close to Agula Bandha water body. Therefore, all the structure and construction raised on the concerned land were allowed to remain as it is and in lieu of that another patch of land is to be created.

10. Learned counsel for the Opposite Party No.18 submits that the Petitioners are not taking care of the Maa Mangala Temple and Kalyan Mandap. He further submits that there is

no official record available which shows that the Petitioners are committee members of the Temple and Kalyan Mandap.

None of the Petitioners had claimed on behalf of the Temple

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Date: 28-Mar-2024 19:06:37

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and Kalyan Mandap before the learned Tribunal. The State/Respondents were also remained silent before the learned Tribunal and they have not disclosed the names of the present Petitioners while hearing and disposal of the O.A. No.106 of 2021/EZ. He further submits that the Petitioners have suppressed the material facts and have not approached this Court in clean hands. Hence, the Writ Petition may be dismissed in limine with cost.

11. On perusal of the impugned order and considering the facts and circumstances of the case and the submission made by learned counsel for the Petitioners, this Court is of the view that the contention raised by the learned counsel for the Petitioners does not appear to be unfounded.

12. Considering the submission made by the learned counsel for the Petitioners and considering the factual and legal aspects of the case, this Court finds that the learned National Green Tribunal has violated the principles of natural justice by not affording the Petitioners an opportunity of hearing. In such view of the matter, while setting aside the impugned order dated 03.08.2022 under Annexure-4, this Court remits the matter back to the learned National Green Tribunal,

East Zone Bench, Kolkata for adjudication of the issue. It is also made clear that the learned National Green

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Location: High Court of Orissa, Cuttack  
Date: 28-Mar-2024 19:06:37

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Tribunal, Eastern Zone Bench, Kolkata shall afford the Petitioners a reasonable opportunity of hearing first and thereafter, pass order in accordance with law.

13. This Writ Petition is accordingly, disposed of.

( *Dr. S.K. Panigrahi* )  
*Judge*

*Murmu*



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Reason: Authentication  
Location: High Court of Orissa Cuttack  
Date: 28-Mar-2024 19:06:37



Item No.01

Court No.1

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

Miscellaneous Application No.33/2024/EZ

In

Original Application No.106/2021/EZ

Sisir kumar Panda

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 27.08.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Biranchi Narayan Mahapatra, Adv. (in Virtual Mode)

**ORDER**

1. This Miscellaneous Application has been filed in compliance of the order dated 21.03.2024 passed by the Hon'ble Orissa High Court in W.P.(C) No.22622 of 2022 in the matter of "*Maa Mangala Temple and Kalyan Mandal Managing Committee, Berhamur, Ganjam & Ors. – Versus -v Union of India & Ors.*"
2. Hon'ble High Court of Orissa at Cuttack in its order dated 21.03.2024 vide para 12, has directed as under: -

“.....xxx.....xxx.....”

*12. Considering the submission made by the learned counsel for the Petitioners and considering the factual and legal aspects of the case, this Court finds that the learned National Green Tribunal has violated the principles of natural justice by not affording the Petitioners an opportunity of hearing. In such view of the matter, while setting aside the impugned order dated 03.08.2022 under Annexure-4, this Court remits the matter back to the learned National Green Tribunal, Eastern Zone Bench, Kolkata for adjudication of the issue afresh. It is*

*also made clear that the learned National Green Tribunal, Eastern Zone Bench, Kolkata shall afford the Petitioners a reasonable opportunity of hearing first and thereafter, pass order in accordance with law."*

3. In view of the order dated 21.03.2024 passed by the Hon'ble Orissa High Court in W.P.(C) No.22622 of 2022 in the matter of "Maa Mangala Temple and Kalyan Mandal Managing Committee, Berhamur, Ganjam & Ors. – Versus -v Union of India & Ors., the Original Application No.106/2021/EZ is revived.
4. All the Applicants of W.P.(C) No.22622 of 2022 in Hon'ble High Court of Orissa at Cuttack stand impleaded as Respondent Nos.18 to 28 in Original Application No.106/2021/EZ.
5. Issue notice to all the Respondents, returnable within six weeks.
6. Mr. Ashok Prasad, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.6 and 12, Central Pollution Control Board.
7. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1 and 11, Ministry of Environment, Forests and Climate Change (MoEF&CC).
8. Ms. Samapika Mishra, learned Additional Standing Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.2, 3, 4, 5, 8, 9, 10, 13, 14, 15, 16 & 17, State Respondents, Government of Odisha.
9. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.7, Odisha State Pollution Control Board.
10. All the Respondents shall file their counter affidavits within six weeks.

11. Miscellaneous Application No.33/2024/EZ stands disposed of.
12. **List O.A. No.106/2021/EZ on 21.10.2024.**

.....  
**Sheo Kumar Singh, JM**

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

August 27, 2024,  
Miscellaneous Application No.33/2024/EZ  
In  
Original Application No.106/2021/EZ  
SKB

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 &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; 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.

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

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| Mizoram     | Mr. Pragyan Sharma, Adv.<br>Mr. Shikhar Garg, Adv.<br>Mr. Ganesh Bapu, Adv.<br>Mr. P. V. Yogeswaran, AOR  |
| Nagaland    | Mrs. K. Enatoli Sema, AOR<br>Mr. Edward Belho, Adv.<br>Mr. Amit Kumar Singh, Adv.<br>Mr. K. Luikang Michael, Adv.   |
| Odisha      | Mr. Sibho Sankar Mishra, AOR<br>Mr. Umakant Mishra, Adv.  |
| Punjab      | Mr. Sanchar Anand, AAG<br>Mr. Apoorv Singhal, Adv.<br>Mr. Anant K. Vatsya, Adv.   |
| Rajasthan   | Mr. S.S. Shamsbery, AAG<br>Mr. Amit Sharma, Adv.<br>Mr. Ankit Raj, Adv.<br>Mr. Milind Kumar, Adv.   |
| Sikkim      | Ms. Aruna Mathur, Adv.<br>Mr. Yusuf Khan, Adv.<br>Mr. Avneesh Arputham, Adv.<br>Ms. Anuradha Arputham, Adv.<br>Mr. Amit Arora, Adv.<br>for M/s Arputham Aruna & Co. |
| Tamil Nadu  | Mr. B. Balaji, Adv.<br>Mr. S. Kumar, Adv.   |
| Telangana   | Mr. S. Udaya Kumar Sagar, Adv.<br>Mr. Mrityunjai Singh, Adv.  |
| Tripura     | Mr. Gopal Singh, AOR<br>Mr. Rituraj Biswas, Adv.<br>Ms. Varsha Poddar, Adv.   |
| West Bengal | Mr. Joydeep Mazumdar, Adv.<br>Mr. Debojyoti Bhattacharya, Adv.<br>Mr. Parijat Sinham Adv.   |
| Puducherry  | Mr. V. G. Pragasam, AOR<br>Mr. S. Prabu Ramasubramani, Adv.   |
| A&N Islands | Mr. Bhupesh Narula, Adv.<br>Ms. G. Indira, AOR<br><br>Dr. Monika Gusain, Adv.<br><br>Mr. Abhijit Sengupta, AOR  |

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Mr. Abhishek Chaudhary, AOR  
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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 7<sup>th</sup> 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 6<sup>th</sup> 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., 7<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 14<sup>th</sup> February, 2017. We have been informed by learned counsel for the Union of India that the Central Wetlands Regulatory Authority will be notified on 13<sup>th</sup> 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 31<sup>st</sup> 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 9<sup>th</sup> 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 31<sup>st</sup> March, 2017.

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List the matter on 3<sup>rd</sup> 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)

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**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 4<sup>th</sup> 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 31<sup>st</sup> 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:-
- advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;
  - evolve norms and guidelines for integrated management of wetlands based on wise use principle;
  - monitor implementation of these rules by the Authority;
  - 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;
  - recommend designation of wetlands of international importance under Ramsar Convention;
  - recommend trans-boundary wetlands for notification;
  - review progress of integrated management of Ramsar sites and transboundary wetlands;
  - advise on collaboration with international agencies on issues related to wetlands; and
  - 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:—
- demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;
  - demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;
  - ecological character description;
  - account of pre-existing rights and privileges;
  - list of site-specific activities to be permitted within the wetland and its zone of influence;
  - list of site specific activities to be regulated within the wetland and its zone of influence; and
  - 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'

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 &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; 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 GUPTAFor Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Veera Mahuli, Adv.  
Mr. Naresh Kumar, AORFor Respondent(s)/  
applicant(s)  
UOI/DelhiMr. 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.

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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, 26<sup>th</sup> 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

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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

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Centre.

We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> 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 9<sup>th</sup> 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

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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 8<sup>th</sup> 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 4<sup>th</sup> 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 8<sup>th</sup> 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](mailto: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.  
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For Respondent(s) Ms. Aishwarya Bhati, A.S.G.  
Ms. Swarupma Chaturvedi, Sr. Adv.  
Ms. Manisha Chava, Adv.  
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Mr. Guntur Pramod Kumar, AOR  
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Ms. Eliza Bar, Adv.

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Mr. Wasim Qadri, Sr. Adv.  
Mrs. Ruchi Kohli, Sr. Adv.  
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Mr. Arman Sharma, Adv.  
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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.  
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Ms. K. Enatoli Sema, AOR  
 Ms. Limayinla Jamir, Adv.  
 Mr. Amit Kumar Singh, Adv.  
 Ms. Chubalemla Chang, Adv.  
 Mr. Prang Newmai, Adv.

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 Mr. Rudraksh Pandey, Adv.  
 Mr. Gautam Barnwal, Adv.  
 Ms. Deepali Bhanot, Adv.  
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Ms. Baani Khanna, AOR  
 Mr. Robin Singh, Adv.  
 Mr. Rohit Kumar, Adv.  
 Mr. Siddharth Mishra, Adv.

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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.  
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Mr. Bhuvan Kapoor, Adv.  
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Ms. Sunita Sharma, Adv.  
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Mr. Aravindh S., AOR  
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Ms. Suveni Bhagat, AOR

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

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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

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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 ; -

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(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*

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*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**

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



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

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

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

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**