

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH AT KOLKATA**

**ORIGINAL APPLICATION NO. 155 OF 2022**

**IN THE MATTER OF:**

**Talab Bachao Abhiyan (TBA)**

**...Applicant(s)**

**Versus**

**Government of Bihar & Ors.**

**...Respondent(s)**

**COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7**  
**(MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE).**

**INDEX**

<b>SL. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1	Affidavit	1-7
2	Copy of the Wetlands (Conservation & Management) Rules, 2017 as Annexure A.	8-21
3	Copy of Hon'ble NGT, Principal Bench, New Delhi's order dated 25.11.2021 in O.A. No. 351/2019 as Annexure B.	22-52



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**COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7**  
**(MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE)**

1. I, M Rajeshwar Prasad, S/o M. Bhaskar Rao, aged about 55 years, working as Scientist 'C' in the Integrated Regional Office at Ranchi to the Government of India Ministry of Environment, Forest and Climate Change (MoEF&CC), having office located at 2<sup>nd</sup> Floor Headquarter-Jharkhand State Housing Board, Harmu Chowk, Ranchi-834002, Jharkhand, do hereby solemnly affirm and state as follows: -

2. 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.

3. It is humbly submitted at the very outset that this Respondent No. 7 denies each averment and/or submission made in the application which is contrary to and inconsistent with the averments made and facts stated in the present reply.

It is submitted that nothing stated in the application may be deemed to have

*M. Rajeshwar Prasad.*



549 13 MAR 2023  
Ref.No. Date

been admitted by the Respondent No. 7 unless and until the same is expressly admitted in the present reply.

4. It is humbly submitted that, a short affidavit is being filed by the answering Respondent at this stage and craves leave and liberty to file a detailed Counter Affidavit to the aforesaid application, as and when required.
5. It is humbly submitted that, Wetlands are vital parts of the hydrological cycle and are highly productive ecosystems which support rich biodiversity and they 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.
6. That, depletion and destruction of wetlands is a serious concern for the answering respondent. 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.
7. That, 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.
8. That, the National Environment Policy, 2006 recognizes 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.
9. That, India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory.
10. That, for preparing a National level wetland inventory, a survey was carried out by Space Application Centre (SAC), Ahmadabad during 2007-11

M. Rajeshwar Prasad.



(published in 2010-2011) using multi-date IRS-LISS-III Data of 2006-07 timeframe on 1: 50,000 scales under project “National Wetland Inventory and Assessment (NWIA)” funded by MoEF&CC. The mapping was carried out in collaboration with State Remote Sensing Applications Centers and Academic Institutes. The country level geo-database of NWIA 06-07 has been hosted on SAC web portal (<http://www.vedas.sac.gov.in>). Wetland atlases are hosted on the said web portal and also on that of MoEF&CC.

11. That, MoEF&CC notified the wetlands (Conservation and Management) Rules, 2010 to regulate various activities within the wetlands i.e. wetlands to be regulated under these Rules.

12. That, the Hon’ble Supreme Court in the matter of M.K. Balakrishnan & Ors. Versus Union of India & Ors. bearing Writ Petition (Civil) No.230 of 2001 passed an order dated 8th February, 2017 applying the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 on all the 2,01,503 wetlands (>2.25 hectares) mapped and identified by the Government of India. The inventory of these wetlands (State-wise/sorted on State code), is available at <http://moef.gov.in/wp-content/uploads/2019/08/National-Wetland-Inventory.pdf>.

*M. Rajeshwari Rooda*

13. That, for more effective conservation and management of wetlands in the country, MoEF&CC in consultation with all the stakeholders, had notified the Wetlands (Conservation & Management) Rules, 2017 on 26<sup>th</sup> September, 2017 superseding the Wetlands (Conservation and Management) Rules, 2010 vide which the State/Union Territories (UT) Wetlands Authorities have been constituted (in place of Central Wetlands Regulatory Authority) and powers for inventorisation and notification of wetlands have been delegated to the State Governments and UT Administrations.

Copy of the relevant rule is annexed herewith as **Annexure – A.**



13. That, as per Rule 2(1)(g) of the Wetlands (Conservation and Management) Rules,

2017, "*Wetlands*" 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 construed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes".

14. That, Rule 3 of the Wetlands (Conservation and Management) Rules, 2017, provides that these rules shall apply to the following wetlands or wetlands complexes, namely:-

a. *Wetlands categorized as 'wetlands of international importance' under Ramsar Convention;*

b. *Wetlands as notified by the Central Government, State Government and Union Territory Administration;*

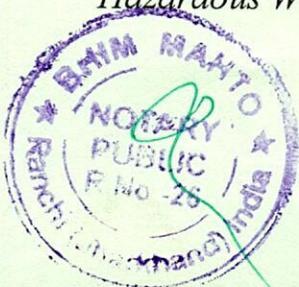
15. That Rule 4(1) of the Wetlands (Conservation and Management) Rules, 2017, provides that the wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority and Rule 4(2) enumerates that the following activities shall be prohibited within 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)*

M. Rajeshwar Reddy



*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 meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,*

*(vii) poaching.*

16. That, Rule 5(1) & 5(2) of the Wetlands (Conservation and Management) Rules, 2017 speaks about constitution of Wetlands Authorities in each State and Union Territory and Rule 5(4) talks about the powers and functions to be exercised and performed by the State Wetlands Authority or Union Territory Wetlands Authority.

17. That Rule 7 of the Wetlands (Conservation and Management) Rules, 2017 specifically speaks about delegation of powers and functions to the State Governments and UTs.

18. That, relying on the stand of the Bihar State Wetland Authority, it is submitted that the mentioned ponds, Dighi, Harahi and Ganga Sagar, located in the Darbhanga District of the State of Bihar are not notified as Wetlands under Wetlands (Conservation and Management) Rules 2017.

19. That, however, in pursuance of the judgment given by the Hon'ble NGT, Principal Bench, New Delhi, in O.A. No. 351/2019 titled as Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors., wherein it was held that all the water bodies in order to be protected and preserved have to be identified as wetlands, MoEF&CC has been actively pursuing the matter of Notification of wetlands with the State Govt./UTs through communications addressed to State Govt./UTs and also conducting Video Conferences. Many States/UTs have, as a result, started the process of Notifications of wetlands.



M. Rajeshwar Prasad.

The relevant portion of the judgment is laid below:

*“The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in M.K. Balakrishnan, supra, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.”*

Copy of the relevant order dated 25.11.2021 is annexed herewith as **Annexure – B**

20. Further, as per the Wetland (Conservation and Management), Rules 2017, the current matter relates to the State Government of Bihar and its concerned organization, which are required to take further necessary action in the matter.

21. In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass such other order and further order(s) as this Hon'ble Tribunal may deem fit and necessary in the interest of justice.

*M. Rajeshwar Prasad*  
**DEPONENT**



Signature identified by the Advocate

एम. राजेश्वर प्रसाद / M. Rajeshwar Prasad  
वैज्ञानिक / Scientist 'C'  
भारत सरकार / Govt. of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Mo Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय, राँची  
Integrated Regional Office, Ranchi

Enr. No - D/1185/2021

**VERIFICATION**

Verified at Ranchi on this 13<sup>th</sup> day of March, 2023 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

*M. Rajeshwar Prasad*

**DEPONENT**

एम. राजेश्वर प्रसाद / M. Rajeshwar Prasad  
वैज्ञानिक 'सी' / Scientist 'C'  
भारत सरकार / Govt. of India  
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग  
Mo Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय, राँची  
Integrated Regional Office, Ranchi

*Identified by  
Adv. Rajeev Ranjan  
Gov. A.O. - D/1185/2021*

Signature identified  
by the Advocate





# भारत का राजपत्र The Gazette of India

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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 बहिःवाह 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।

5864 GI/2017

(1)

(9)

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 सरकारें 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 हैं, 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;

(2)

- (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 बहिष्कारों 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 डेडीकेटेड 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 बढ़ोतरी, 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 बहनीय 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 बढ़ावा 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.

(21)

- (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'

**ALOK  
KUMAR**

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Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 351/2019

(With reports dated 30.10.2021 and 15.11.2021)

Raja Muzaffar Bhat

Applicant

Versus

State of Jammu and Kashmir & Ors.

Respondent(s)

Date of hearing: 25.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Saurabh Sharma, Advocate

Respondent: Mr. A.K. Mehta, Chief Secretary, UT of J&K  
Ms. Manju Pandey, Joint Secretary, MoEF&CC with Mr. Balendu  
Shekhar, Advocate  
Mr. Pradeep Mishra, Advocate for UPPCB

**ORDER**

1. The issue for consideration initially considered in this application was prevention of unscientific dumping of waste and encroachment of Hokersar Wetland, Wular Lake and Kreentchoo-Chandhara Wetland in the Union Territory of Jammu & Kashmir. By later orders, scope of consideration was extended to protection of all wetlands in the country in the light of observations of the Hon'ble Supreme Court that 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. It was further

observed that conservation of wetlands is of immense ecological importance. The Hon'ble Supreme Court did not appreciate that the Central Government was attempting to abdicate its responsibility under the Environment (Protection) Act, 1986 in favour of the State Governments.

2. Order of the Hon'ble Supreme Court dated 3.4.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*<sup>1</sup> as follows:

*“17. 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 30-6-2017.** 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 organisations, individuals and civil society organisations. That being the position, there is obviously a great deal of interest in the Rules being 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 finalising the Rules. Finally, **the conservation of wetlands is of immense ecological importance.***

*18. The 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 30-6-2017. 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 organisations, individuals and civil society organisations before taking a final decision.*

*19. With regard to the Central Wetlands Regulatory Authority, we are told that its term is expiring on 14-2-2017. We have been informed by the learned counsel for the Union of India that the Central Wetlands Regulatory Authority will be notified on 13-2-2017. The Union of India is bound by the statement made by the 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.*

*20. In our order dated 31-1-2017 [Set out in paras 11 to 13, above.], we had required the Union of India to tell us the steps taken to preserve 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***

<sup>1</sup>(2017) 7 SCC 805

**time to time. What specific steps have been taken including how the funds made available have been utilised 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.**

**21. The learned counsel for the petitioners has drawn our attention to an additional affidavit filed by the Union of India on or about 9-9-2014. The additional affidavit contains an information brochure "National Wetland Inventory & Assessment". This brochure indicates on p. 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 ha. 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.**

**22. The apprehension expressed by the 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.**

**23. 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 inventorise 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:**

**"4. (1)(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 27-11-1989 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 5-12-1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified vide S.O. No. 2265(E), dated 24-9-2008;**

**(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;

(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.”

24. The 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 Wetlands 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 31-3-2017.”**

3. Further, vide order dated 04.10.2017, the Hon’ble Supreme Court in *M.K. Balakrishnan, supra* observed:

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

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

Learned counsel for the parties say that they have very serious objections to some of these Rules. **It is submitted that it appears that the Central Government has abdicated its responsibility**

**under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.**

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

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

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

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

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

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

**We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the**

**presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.**

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

***We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.***

4. Thus, the Hon'ble Supreme Court, apart from directing the High Courts where Ramsar Convention sites are located to monitor the management of such sites, also directed application of Rule 4 of the Wetland (Conservation and Management) Rules, 2010 to 2,01,503 wetlands already mapped by the Central Government. It was further directed that the Central Government will identify and inventorise the said wetlands with the assistance of the State Governments and communicate the order of the Hon'ble Supreme Court to the State Governments who will be bound by the said order. Rule 4 in question provides for protection of wetlands against any incompatible activity, including encroachment and dumping of waste which is to be ensured by the State Wetland Authorities.

5. In this matter, a factual and action taken report was sought from a joint Committee of Jammu & Kashmir Pollution Control Board ('State PCB'), Department of Wildlife Protection and Deputy Commissioners of Budgam, Srinagar and Bandipora. The matter was considered by this Tribunal on 16.12.2019 in the light of the report dated 09.12.2019 filed by the joint Committee of authorities of J&K in respect of certain wetlands in J&K. The report mentioned the steps taken to prevent dumping of solid

waste and to remove the encroachments, apart from other steps for conservation of the wetlands. It was stated that the demarcation of the boundary of the wetlands had been done and map of the demarcated line prepared. The Tribunal also considered the Minutes of the Meeting held on 30.11.2019 wherein further decisions were taken for remedial action, to prevent menace to the environment. The Tribunal directed further steps in the matter and sought an action taken report. The Tribunal thereafter considered the matter on 27.08.2020 in the light of further the report of the joint Committee of officers of J&K dated 18.08.2020 which mentioned the measures taken in respect of Hokersar Wetland Conservation Reserve, Wullar Lake and Kreentchoo-Chandhara Wetland. The applicant gave certain suggestions as noted in the last order. The Tribunal directed the joint Committee to take further action.

6. Apart from the above, the Tribunal also directed the National Wetland Committee to compile information about the status of compliance in respect of all significant wetlands in the country in the light of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*. The operative part of the order is reproduced below:

*"7. Conservation of wetlands in general and Ramsar sites in particular is a significant aspect of protection of environment. To give effect to the Sustainable Development and Precautionary Principles, which have been held to be part of right to life and are to be statutorily enforced by this Tribunal under Section 20 of the National Green Tribunal Act, 2010, effective action plan and its execution is imperative.*

*8. One of the serious challenges is solid and liquid waste management, apart from encroachments. There are binding directions of the Hon'ble Supreme Court in *Almitra H. Patel Vs. Union of India & Ors*<sup>2</sup>. and *Paryavaran Suraksha vs. Union of India*<sup>3</sup> on the subject of scientific management of solid waste and sewage/effluents in accordance with the statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, ('Water Act') Air (Prevention and Control of Pollution) Act, 1981, ('Air Act') and waste management rules*

<sup>2</sup> (2000) 2 SCC 679

<sup>3</sup> (2017) 5 SCC 326

framed under the Environment (Protection) Act, 1986 ('EP Act'). There is large scale non-compliance of the said statutory provisions which has led this Tribunal to consider the issue of river pollution in OA No. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB" in view of acknowledged data of 351 polluted river stretches in the country. Apart from the said issue, large scale failure has been found in the matter of solid waste management as repeatedly recorded in O.A. No. 606/2018. The Chief Secretaries of all the States/UTs were required to remain present in person before this Tribunal for interaction and further planning. In O.A. No. 325/2015, Lt. Col. Sarvadaman Singh Oberoi v. UOI & Ors., the Tribunal has considered the issue of restoration of water bodies. In Original Application No. 593/2017, Paryavaran Suraksha Samiti & Anr. v. UOI & Ors., the issue of untreated sewage or effluent being discharged in water bodies have been taken up for consideration. There are several other matters dealing with such issues, including coastal pollution, pollution of industrial clusters etc.

9. There is discussion in the media about inadequacy of monitoring of action for restoration of lakes, wetlands and ponds which is certainly necessary for strengthening the rule of law and protection of public health and environment<sup>4</sup>. Several directions have been issued by the Hon'ble Supreme Court in *M.K. Balakrishnan and Ors. v. UOI & Ors.*<sup>5</sup>

10. Wetland (Conservation and Management) Rules, 2017 contain elaborate provisions for protection of Wetlands and National and State Wetland Authorities have been set up. However, the fact remain that the wetlands are facing serious challenge of conservation as shown by the present case and other cases which are the Tribunal dealing with from time to time. Secretary, MoEF&CC heads the National Wetlands Committee with 18 other Members for integrated management of wetlands, monitoring implementation of the Rules and other allied functions. The Committee is statutorily required to meet once in six months. The State Wetlands Authorities are headed by Environment Ministers of the States with Chief Secretaries as Vice Chairperson and 16 other members. Likewise, the Union Territories Wetland Authorities are headed by the Chief Secretaries. They are required to statutorily plan and oversee necessary action for management of the Wetlands. In spite of high level authorities in place, there are widespread grievances of failure to manage some of the important wetlands, as in the present case and another matter dealt with today relating to Sambhar Lake in Jaipur.

11. Accordingly, the report received from the Joint Committee, showing the extent of challenges faced by the Wetlands in question, may also be forwarded to the Secretary, MoEF&CC and the CPCB as

<sup>4</sup> <https://gradeup.co/lakes-in-india-i-4b99dc80-f6ce-11e7-9d78-07a242af4480>

<http://www.saconenvis.nic.in/publication/Lake%20Protection%20and%20Management%20of%20Urban%20Lakes%20in%20India.pdf>

[http://www.worldlakes.org/uploads/Management\\_of\\_lakes\\_in\\_India\\_10Mar04.pdf](http://www.worldlakes.org/uploads/Management_of_lakes_in_India_10Mar04.pdf)

<sup>5</sup> (2017) 7 SCC 805

*a feedback for further planning and action on the pattern of the problems depicted in the report.*

*12. We also direct that the National Wetlands Committee may compile data of status of compliance of environmental norms in respect of all significant wetlands in the country to ensure remedial action. The State PCBs/PCCs and State/UT Wetland Authorities in India may give the status of management of wetlands in their respective States to the Secretary, MoEF&CC within three months. On that basis a joint Committee of the Secretary and Chairman CPCB may give a consolidated report to this Tribunal before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."*

7. The matter was last considered on 22.07.2021 in light of report of the J&K PCB dated 19.01.2021 and report filed by the Scientist -D, MoEF&CC dated 11.06.2021. The Tribunal found that the reports were incomplete. The report of J&K failed to mention the status of remedial action and the report of MoEF&CC failed to give the entire relevant data. The Tribunal accordingly directed the State of J&K to prepare an action plan with budgetary support and to identify the accountable persons. It was further directed that the action plan may be overseen by the Chief Secretary, J&K who may remain present in person by Video Conferencing with the compliance status. It was further directed that National Wetland Authority (NWA) may compile all relevant data about status of compliance for 2,01,503 wetlands. Considering the report filed by the MoEF&CC for action plans for wetlands pan India, it was observed that National Wetland Authority had failed to provide all relevant information inspite of categorical orders of the Hon'ble Supreme Court dated 08.02.2017, requiring the Central Government to inventorize 2,01,503 wetlands to which the principle of Rule 4 of the Wetlands Rules 2010 was made applicable. Accordingly, the Tribunal directed the NWC to ensure that action plans are prepared and executed under the control of District Magistrates and District Level Committees and also monitored by the State Wetland Authorities which may at National level be monitored by the Joint

Secretary, MoEF&CC. The Joint Secretary MoEF&CC was also directed to remain present in person by video conferencing.

8. The operative part of the order is reproduced below:-

*"8. From the above, it is seen that while in the last column of 'major challenges', the challenges are mentioned, **the status of remedial action has not been given. Thus, the report is incomplete and does not serve the required purpose. Let an action plan in respect of each of the wetland be prepared within one month for action in a time bound manner, with budgetary support and identified accountable persons. The plan may include among others remedial action against weed infestation, sewage discharges, solid waste disposal, encroachments etc. This may be overseen by the Chief Secretary, J&K in view of significance of the matter and continued violation of orders of the Hon'ble Supreme Court, noted earlier. The Chief Secretary, J&K to remain present in person on the next date, by video conferencing, with compliance status as on 31.10.2021.***

9. We now take up the report of the MoEF&CC with regard to status of compliance of the environmental norms in respect of significant wetlands, based on the information furnished by the State PCBs, PCCs/ Wetland Authorities of States/ UTs.

10. The report mentions that the Wetland Division is implementing National Plan for Conservation of Aquatic ecosystems (NPCA) for Conservation and Management of Wetlands in the country on cost sharing basis between Central Government and respective State Governments with the object of National Plan for Conservation of Aquatic Ecosystems (NPCA). The Plan NPCA aims at holistic conservation and restoration of wetlands and lakes for achieving the desired water quality enhancement, besides improvement in biodiversity and ecosystems and to promote mainstreaming of wetlands in developmental programming with States by supporting formulation and implementation of integrated management plans, capacity development and research. Till date MoEF&CC has funded 92 nos. of wetlands in 24 States under NPCA scheme. 100 days programme for rejuvenating and restoring wetlands was initiated wherein over 130 wetlands were targeted using the 4 - pronged approach of preparing Brief Documents, filling Ecosystem Health Cards, instituting Wetland Mitras and formulating Integrated Management Plans. Health Cards have been prepared for 115 nos. of wetlands covering an area of 24,55,321.91 ha. States were advised to prepare Integrated Management Plans (IMP) for these wetlands based on the health and specific threats facing the wetlands which ensures rejuvenation in an outcome-oriented manner. Phase II of this initiative is now underway. It is envisioned to include about 1000 wetlands and help identify synergies between different stakeholders. Over 500 health cards have been prepared with the help of knowledge partners and sent to states for validation. two wetlands, namely Sukhna (Chandigarh) and Raamgarh Taal (UP) have been notified under the Rules. Draft notifications for many other wetlands are at

various stages of notification by the State Governments. Currently, India has 42 nos. of wetlands designated as Ramsar Sites (Wetlands of International Importance) covering 1,081,438 hectares area and spread across 19 states and UTs. MoEF&CC has provided financial assistance to States under various Centrally Sponsored Schemes (CSS), namely National Action Plan for Conservation of Aquatic ecosystems (NPCA), Integrated Development of Wildlife Habitat (IDWH) and Conservation and Management of Mangroves and Coral reefs (CMMC). Out of 42 nos. of Ramsar sites, 35 nos. of sites were supported through financial assistance under various Centrally Sponsored Scheme by MoEF&CC for conservation and management. 16 nos. of Ramsar sites are being monitored by Central Pollution Control Board (CPCB) for water quality. According to the National Wetland Inventory and Assessment (NWIA) carried out through Space Applications Centre (SAC), Ahmedabad based on 2006-07 satellite data, **a total 201503 nos. of wetlands have been mapped at 1: 50,000 scale which are >2.25 ha and cover an area of approx. 14.7 Million ha. Significant wetlands include the 42 nos. of Ramsar wetlands and other wetlands.** The Ministry had earlier prepared a health card system, which provides the health status of the wetland based on a rapid study of health of each wetland ecosystem. Using health and threat score, 130 wetlands were rapidly assessed in a special drive of 100-day Programme. The nodal officers for 33 nos. of these wetlands which fell under Low Health and High Threat category, were guided for preparing and reviewing the management plans of these wetlands to mitigate the threats.

11. We have considered the report filed by the MoEF. 'Summary of data received' given in the report is hardly of any value as against most of the States, remarks are 'not responded'. Under the heading 'Examples of some best practices implemented for the rejuvenation of wetlands', reference has been made to certain steps taken only two places - Anusupa and Chillika Lakes, Odisha.

12. **We are disappointed at inadequacy of the report filed almost 10 months after the last order and four years after the order of the Hon'ble Supreme Court. It is surprising to note that even after such long period, the National Wetland Authority is not able to get relevant information from the concerned States, inspite of categorical orders of the Hon'ble Supreme Court dated 08.02.2017, requiring the Central Government to inventorize 2,01,503 wetlands to which the principle of Rule 4 of the Wetlands Rules 2010 was made applicable. If even the relevant information with regard to compliance of the binding direction of the Hon'ble Supreme Court could not be compiled by the National Wetland Authority, one wonders what meaningful action will be taken by the said Authority. It is a matter of serious great regret and failure.**

13. The applicant has filed response to the report of the joint Committee dated 11.06.2021. Suggestion on the subject of performa for deciding which wetlands are significant wetland must include component like:

"8. ... (i) whether the concerned wetland is having any significance from livelihood sourcing point of view and if that

*has been affected for any reason, (ii) whether there exist any communities who possess traditional knowledge with respect to the wise use of wetlands, so that the same knowledge can be utilised for replication in similar type of wetlands elsewhere which are under threat and (iii) what enforcement action has been taken for each identified threat and how much of the threat has been addressed."*

*It is further pointed out that only 363 wetlands have been identified as 'significant wetlands' out of 2,01,503 wetlands which are more than 2.25 ha.*

**14. Accordingly, we direct that the National Wetland Committee may expeditiously compile all relevant data about status of compliance of environmental norms in terms of directions of Hon'ble Supreme Court which covers 2,01,503 wetlands. Out of the said data, data in respect of 'significant wetlands' may be placed before the Tribunal. Under Rule 6(3) (c) of the Wetland Rules 2017, the National Wetland Committee has to monitor compliance of Rules by the State Wetland Authorities. The Committee needs to get action plans formulated and executed under control of DMs and District level Committees. The States may accordingly prepare annual reports and MoEF&CC may bring out National Annual Status Report as required under the said Rules. This exercise may be overseen by Joint Secretary, MoEF&CC to be nominated by the Secretary, MoEF&CC. Nomination may be done within one week from today. The suggestion that identification of significant wetlands could not be based merely on the size but all factors, including the suggestion of the applicant, mentioned above. Report about status as on 31.10.2021 may be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The said Joint Secretary may remain present in person by video conferencing on the next date."**

9. In pursuance of above, reports have been filed by the State of J&K as well as by MoEF&CC. Shri. A.K. Mehta, Chief Secretary, J&K and Ms. Manju Pandey, Joint Secretary, MoEF&CC are present in person by Video Conferencing. We have considered the report dated 30.10.2021 filed by State of J&K and report dated 15.11.2021 by the MoEF&CC. We have heard the Chief Secretary, J&K as well as Joint Secretary, MoEF&CC and perused the report.

10. The report filed by UT of J&K mentions the action plan with regard to each of the wetland in their jurisdiction which includes remedying the issues of siltation, weed infestation, pollution, habitat modification, degradation of water quality, solid waste and encroachment. It is stated that Integrated Management Action Plan (IMAP) for Hokersar, Hygam, Shallabugh, Mirgund, Chattlum, Manibugh, Fashkoori and Krenctchoo with a budgetary outlay of Rs. 46.70 crores has been prepared by the Department of Wildlife Protection, J&K. Wetland-wise Action Plan covering major issues are reproduced below:-

**“1. Silting and Floods:**

*Hygam, Hokersar, Mirgund and Shallabugh wetlands are getting silted up by recurring flooding. As a result of heavy deposits of silt, many important species of plants and animals are under threat to lose their habitats, however, a few new species are appearing and spreading fast. The destruction caused by flood waters and sediment deposition will be detrimental to many species of water-birds inhabiting these wetlands if corrective measures are not taken in hand. Adequate flood control measures are therefore, essential to ensure the survival of these productive ecosystems.*

*That, in order to address this issues IMAP envisages to increase the water holding capacity of all these Wetland Conservation Reserves under the control of Wildlife Protection Department in Kashmir by at least 50% during the plan period by way of:*

- *Removal of 416500 willow trees and other plantations from and within wetlands raised on 833 Ha of land followed by desilting of these plantation zones.*
- *Selective dredging of 895 Ha of Silted areas.*
- *Opening and deepening of existing natural water channels and courses by desilting of 353300 Cum of Silt.*
- *Construction of 5 No of water regulatory gates to manage high loads of sediments during floods and to regulate optimum water level in each wetland during the rest of the periods.*
- *Construction & Maintenance of settling Basins over an area of 22 Ha.*

## **2. Encroachment:**

**Wetland wise detail is as under:**

### **Hygam Wetland:**

- On 28.10.2021 eviction drive was conducted by the Department of wildlife Protection J&K jointly in collaboration with Baramullah District Administration, Police and Forest Protection Force demolished intersectional embankments raised to facilitate illegal paddy cultivation on 42.5 Ha of land of this wetland. These drives however shall continue to be held till complete eviction of the wetland area.
- Eviction notices under relevant laws are also being served upon each encroacher to opt for voluntarily eviction within the stipulated time frame work failing which eviction proceedings shall be initiated and action under rules shall be taken for complete eviction.
- Along with District administration, Police, Forest Protection Force and local community groups working towards a joint strategy for complete eviction, removal and demolition of **56** house holders and **96** otherwise action under rules shall be initiated.
- Demarcated boundaries will be permanently consolidated by way of fixing of **100 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of Chain link fencing **6.68 Km**, Barbed Wire Fencing **2.28 Km** and Bio fencing by way of planting of **95000** willow and other plants along the peripheries.
- Demolition of **3 Km** of temporary cross-sectional embankments inside the wetland to evict seasonal illegal paddy cultivators.
- "**Wise use**" of wetlands however, as defined under the Ramsar Convention that "the maintenance of ecological character of wetlands shall be achieved through the implementation of ecosystem approaches, within the context of sustainable development" shall strictly be ensured. That, Copies of the statements showing the ownership of lands in the wetlands as authenticated by Revenue Department are enclosed as : **Annexures- 10 to 15**

### **Hokersar Wetland:**

- Demarcation of part of Hokersar falling in District Budgam indicates that out of 23233 K 3 M (**1161.665** Ha) of land 1338 K 14 M (67 Ha) of land is proprietary in nature with residential status on 135 K 5 M, under crop 1010 K and vacant 195 K 9 M. Besides 1724 K and 5 M is registered under Section 5 of Revenue Act with Crop on 655 K 7 M and vacant 1068 K 18 M.

- Demarcation of part of Hokersar falling in District Srinagar indicates that out of 3906 K 1 M (**195.3 Ha**) of land 33 K 17 M of land is proprietary in nature besides 69 K 4 M is registered under section 5 of the Revenue Act.
- Demarcated boundaries will be permanently consolidated by way of fixing of **100 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of Chain link fencing 7.92 Km, Barbed Wire Fencing **2.68 Km** and Bio fencing by way of planting of **286700** willow and other plants along the peripheries.
- Demolition of temporary cross-sectional embankments inside the wetland to evict seasonal paddy cultivators.
- The rightful owners of the land in the wetland will be given access to wise use of wetland resources only without exercising any change in the land-use of the wetland.

**Mirgund Wetland:**

- Demarcation of part of Mirgund falling in Check Kawosa Jagir District Budgam indicates that out of 6906 K 3 M (345.6 Ha) of land no land is proprietary in nature. However, 96 K 19 M (5.7Ha) is registered under Section 5 of Revenue Act.
- Demarcated boundaries will be permanently consolidated by way of fixing of **50 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of Barbed Wire Fencing **2.36 Km** and Bio fencing by way of planting of 3000 willow and other plants along the peripheries.
- Demolition of **2.9 Km** temporary cross-sectional embankments inside the wetland to evict seasonal illegal paddy cultivators.
- The rightful owners under section 5 in the wetland will be given access to wise use of wetland resources only without exercising any change in the land-use of the wetland.

**Chattlum Wetland:**

- Demarcation of Chatlum Wetland indicates that out of 852 K 17 M (**42.7 Ha**) of land, 79 K 04 M (**3.96 Ha**) is encroached in the form of plantation and seasonal agricultural use.
- Demarcated boundaries will be permanently consolidated by way of fixing of **50 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of chain link fencing **1 Km** Barbed Wire Fencing **1 Km**, Bio fencing by way of planting of **3000** willow and other plants along the peripheries. Besides construction of embankment involving **4000 Cum** along the peripheries.

- *Eviction notices under relevant laws are being served upon each encroacher to opt for voluntarily eviction within the stipulated time frame work failing which eviction proceedings shall be initiated and action under rules shall be taken for complete eviction of the encroachment.*

**Fashkoori Wetland:**

- *Demarcation of Fashkoori Wetland indicates that out of 341K 14 M (17.06 Ha) of land, 96 K 17 M (4.85 Ha) is encroached in the form of plantation and seasonal agricultural use.*
- *Demarcated boundaries will be permanently consolidated by way of fixing of 40 No of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of chain link fencing 1 Km, Bio fencing by way of planting of 15000 willow and other plants along the peripheries. Besides construction of embankment involving 4000 Cum along the peripheries.*
- *Eviction notices under relevant laws are being served upon each encroacher to opt for voluntarily eviction within the stipulated time frame work failing which eviction proceedings shall be initiated and action under rules shall be taken for complete eviction of the encroachment.*
- *Regarding Shallabugh, Manibugh and Krentchoo there are no recorded encroachments.*

**Sewage Discharges and Solid Waste Disposal.**

- *That working towards integrating Rural-Urban Sanitation & Waste Management Schemes and role of the concerned Government Departments has been envisaged in the action plan for healthy Wetlands and their surrounds. In this regard following measures are envisaged:*
- *The Directorates of Urban Local Bodies and Rural Sanitation J&K Government have agreed to work on joint strategy to collect and scientifically dispose the solid waste collection and management system in all the villages falling in zone of influence of each wetland conservation Reserve in Kashmir.*
- *J&K Urban Local Bodies, will promote application of concept of civic bodies at grass root level in these areas for creating people's participation in improving and achieving the objectives of sanitation, Solid Waste management and other civic amenities/ services by way of exploration and utilization of available resources at local level.*
- *A sustained well-run mechanism of performance and functions shall be arrived at for implementing the operational schemes like Public Health, Sanitation and Solid Waste Management falling in the zone of influence of each wetland wherever applicable.*
- *The Rural Sanitation Department under Swachh Bharat (Gramin) will focus on improving the levels of cleanliness in the*

area falling under the zone of influence of each Wetland Conservation Reserve through Solid and Liquid waste management activities and making Gram Panchayats Open Defecation Free (ODF), clean and sanitized components like Individual House Hold Latrines and Community sanitary complexes shall be promoted in each village under the zone of influence of all the eight wetlands.

- The local municipalities have agreed to collect and dispose scientifically the collected solid waste on regular and sustained basis.

**Wetland wise detail is as under:**

**Hokersar Wetland:**

- Through community based solid waste management system 400 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology 7 Artificial Wetlands shall be constructed near the source points to act as biofilters and address the issues of sewage discharge and leaching of nutrients into the wetland.
- **100** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

**Hygam Wetland:**

- Through community based solid waste management system 400 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- 50 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban/rural sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

**Shallabugh Wetland**

- Through community based solid waste management system 400 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.

- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- 60 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Mirgund Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- 30 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Chattlum Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology 3 Artificial Wetlands shall be constructed near the source points to act as biofilters and address the issues of sewage discharge and leaching of nutrients into the wetland.
- 30 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Fashkoori Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology 3 Artificial Wetlands shall be constructed near the source points to act as biofilters and address the issues of sewage discharge and leaching of nutrients into the wetland.

- **30** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation Oty for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Manibugh Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- **30** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Krentchoo Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- 30 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.”

11. The report of MoEF&CC mentions following broad details about status of 2.01 lakh wetlands:

<b>S. No</b>	<b>Type of wetlands</b>	<b>Number</b>	<b>Area</b>
	<b>Wetlands &gt;2.25 ha</b>	<b>2,01,503</b>	<b>14705015 ha</b>
1	Wetlands protected under the Forest Act i.e., falling	27,905	2758580 ha

	<b>inside the Recorded Forest Area</b>		
2	Wetlands protected under the <b>Coastal Regulation Zone notification</b>	13,033	4140116 ha
3	<b>Tanks/Ponds</b> -separate programs being run by other Ministries of GOI for their conservation and rejuvenation	1,22,370	1310443 ha
4	Manmade wetlands protected by the Departments under which they were created	20,442	263389 ha
	Total wetlands with protection	1,83,750 (91%)	8472528 ha
	Balance	17,753	6232487 ha

12. Steps taken are outlined as follows:-

#### **“REGULATORY INITIATIVES**

8. The **Guidelines for implementing the Wetlands (Conservation and Management) Rules, 2017 (Annex-IV)** were published in January 2020 to support the State Governments/UT Administrations in the implementation of the Rules by providing guidance on various aspects like identifying wetlands for notification under the Rules, delineating wetlands, wetland complexes and zones of influence, preparation of Brief Document, developing a list of activities to be regulated and permitted, constitution and operational matters of the Wetlands Authorities among other issues.
9. The Guidelines clarify the concepts to be taken into account while filling the brief documents, the format to be used and the step by step process. A format for draft notification of wetlands under the Rules and how to fill it is also a part of the Guidelines followed by a draft format for reporting status of notified wetlands. Issues like overlapping regulations and notifications in a wetland site and applicability of Rules are also explained. Since April 2020-21, only the plans submitted in accordance with the IMP format prescribed in these Guidelines are being considered for financial support under the scheme.

**CAPACITY DEVELOPMENT**

10. Continuous workshops have been organised by the Ministry for all the SWAs region wise to guide them on all aspects of wetland management including implementation of the wetland Rules, 2017. 11. To sensitise officers on the importance of wetlands and the technicalities of wetland conservation, it was decided to catch them young and a wetland module has now been introduced for the probationers in the **Indira Gandhi National Forest Academy (IGNFA)**.

**WEB PORTAL**

12. As required under the 2017 Rules, **a dedicated web portal for wetlands to host the digital inventory from the State and UT Wetland Authorities, has been prepared and was made public on 2nd October, 2021.** The portal indianwetlands.in is a publicly available information and knowledge platform to facilitate knowledge sharing, information dissemination, host capacity building material, and provide a single-point access data repository. It is a system for processing information and making it available to the stakeholders in an efficient and accessible manner. One of the primary features of the portal is the Management Information System (MIS) login for each and every state/UT wherein information pertaining to the wetlands in their administration needs to be uploaded. This information would be linked with the public front of the portal and will be available for the public with varying access rights. Login credentials to the MIS have been provided to the States and UTs which have provided their web portal nodal point information.
13. This technology driven platform has been created for Force multiplier impact. The platform would help in regular sharing of good work being done in different geographies and providing visibility to relevant stakeholders involved in wetland restoration. This way the local initiative in one wetland shall be visible to others for replication.

**RAMSAR SITES – cover more than 10.83 lakh ha area**

14. **The number of Ramsar sites in India have increased to 46 covering an area of 10,83,322 ha.** India has the largest number of Ramsar sites in South Asia. Further, about 10 more sites covering an area of about 6.87 lakh ha would soon be declared as Ramsar sites increasing this area covered to 17,71,134 ha. Therefore, about 12 % of the area of wetlands is notified under the Ramsar Convention.

**FOCUSSED FOUR PRONGED APPROACH**

15. *One of the transformative ideas taken up by the MoEF&CC as part of the PM's 100 days program was to start work on the restoration and rejuvenation of at least 100 major wetlands across the country wherein over 130 wetlands were targeted using the 4 - pronged approach of preparing Brief Documents, preparing Ecosystem Health Cards, involving all stakeholders by instituting Wetland Mitras and formulating Integrated Management Plans.*
16. *For the first time, **Health Cards** (Annex - V) have been prepared for wetlands and targeted IMPs were prepared based on the health and specific threats facing the wetlands. The health cards were prepared based on the 500 more health cards have been prepared since then. The basic criteria checked for preparing the health cards is percentage of **Area** of wetland converted, the Hydrological regimes ie the Ratio of natural inflows choked and diverted to total number of natural **Inlets**, Ratio of natural outflows choked and diverted to total number of natural Outlets, percentage of **Water Quality** samples conforming to desired Biological Oxygen Demand / Dissolved Oxygen levels, Percentage wetland area covered by **Invasive Macrophytes**, Annual January **Water Bird Count** as a proportion to maximum count observed count in last 10 years and the status of Governance.*

**KNOWLEDGE PARTNERS AND WETLAND RESEARCH INSTITUTE**

17. *Knowledge Partners have been identified to help the Ministry as well as the State Wetland Authorities in the preparation of Brief Documents and Health Cards. Each State has been allotted a knowledge partner to guide it in preparing the details for the notifications.*
18. *Wetlands International South Asia(WISA), Worldwide Fund for Nature(WWF), Chilika Development Authority(CDA), Gujarat Ecological Education and Research Foundation (GEER Foundation), Centre for Water Resources Development and Management, Cochin(CWRDM), Environmental planning and Coordination Organisation, Bhopal (EPCO), Salim Ali Centre for Ornithology and Natural History, Coimbatore (SACON), Wildlife Institute of India, Dehradun(WII), Indian Institute of Technology, Roorkee are some of the organisations working as knowledge partners for the Ministry.*
19. *To help the Ministry in taking up research programs related to wetlands and help the State Wetland Authorities in the*

technical matters relating to wetlands, the **National Centre on Sustainable Coastal Management (NCSCM)**, Chennai has been asked to work as the wetland Research arm of the Ministry.

**INCLUSIVE APPROACH TOWARDS ACHIEVING HIGHER OUTREACH WITH LIMITED BUDGET**

20. While the Ministry has the National Program on Conservation of Aquatic Ecosystems, **the funds available under the same are just to the tune of about Rs. 50 crs which is not enough for the conservation of wetlands.** It is for this reason that the **Ministry has taken up an inclusive approach** wherein it has taken the support of various stakeholders like the knowledge partners, the members of the public in the form of wetland mitras, various corporates etc.
21. Special focus is given on building convergence of wetlands management with the ongoing sectoral developmental programmes. Comprehensive mapping of all schemes which include funds available from Jal Shakti Mantralaya, Namami Gange, MGNREGA, Smart Cities Programme etc which can contribute to conservation of a particular site is encouraged.

**AMRIT MAHOTSAVA IN 75 NOS OF SIGNIFICANT WETLANDS**

22. The Ministry recently celebrated the Iconic week as part of the Bharat ka Amrut Mahotsava celebrations where activities were held in 75 prominent wetlands across the country.
  - i. **Threats and Values signages** (Annex - VI) were got installed at 75 significant wetlands across the country. Boards were installed for local awareness and remedial action. The exercise has been undertaken to create awareness and flag wetland-wise threats and values to the local community and thereby create interest in the locals for the need for restoration of wetlands. The list of wetlands where the signages were to be installed, along with the actual design and content of the values and threats to each of these wetlands as well as the funding for it was all organised by the Ministry.
  - ii. **More than 10,000 nos of wetland mitras registered (Annex- VII)** during the week. The State and UTs were encouraged to register wetland mitras during the week and beyond. A logo for the wetland mitras was designed by the Ministry and during the iconic week, the registered mitras were oriented about their roles and responsibilities. In many wetlands, mitras also did

shramdaan to help clean up the wetlands and surrounding areas. The exercise has been done to have an inclusive approach where-in all the stakeholders take part in the process of conservation of wetlands.

- iii. **Wetland Ambassadors identified** - Wetland Ambassador is an iconic species, habitat, or cultural heritage that demonstrates the uniqueness of the particular wetland. In consultation with the wetland mitras network, a 'Wetland Ambassador' was identified, maintaining which would be one of the core objectives of the wetland management. A series of twitter posts on the wetland ambassador selection was also carried out the official handle of the Ministry, giving the people a chance to vote for the suitable ambassador.
- iv. **Wetland pledge** in English and Hindi (Annex - VIII) was drafted centrally and shared with all the states and UTs. About **10,000 people/wetland mitras took this pledge at various wetlands of the country during the week** and some states and UTs also translated the pledge into regional languages. This was done to instil a psychological & moral commitment for restoration of wetlands in people.

**The Hon'ble Minister of Environment & Forest Shri Bhupendar Yadav led the pledge at Wular.** In addition, more than 12,500 nos. of people (a mix of locals, educators, students, administrators, foresters, NGOs etc.) participated in more than 250 nos. of physical and/or virtual activities.

#### **INTERNATIONAL RECOGNITION**

23. The efforts taken by the GOI in wetland conservation has been recognised by the Ramsar Sectt and India was invited in the recent COP 26 held in Glasgow to talk about its wetland conservation program to a global audience.

#### **STATUS OF NOTIFICATION OF WETLANDS AND OTHER STEPS**

24. The details of the compliance of rules by the States is at Annex III. A gist of the important works carried out by the States/UTs is as under -

#### **WETLANDS NOTIFIED**

- IN REVENUE RECORDS

Uttar Pradesh has added 1,33,484 wetlands in their Revenue Records which gives protection to these wetlands from being used for any other purpose.

• **IN IRRIGATION RECORDS**

All wetlands of Gujarat are notified under the Bombay Irrigation (Gujarat Amendment) Act

• **UNDER WETLAND RULES 2017**

Eight wetlands have currently been notified under the Wetland Rules, 2017. These are 6nos from Goa, 1 nos from UP and 1 nos from Chandigarh. Draft notification for 5 nos of more wetlands has been put in the public domain in Goa. UP has also identified 23,890 wetlands for notification under the Wetland (Conservation and Management) Rules 2017 and has already prepared brief documents for 118 nos of wetlands.

**PREPARATION OF BRIEF DOCUMENTS**

- a. Seventeen states have either prepared or initiated the process of brief document preparation for a total of about 834 wetlands.
- b. Delhi has mapped 1011 nos of waterbodies and has already prepared brief documents for 370 nos of wetlands. After the same are vetted by the technical committee of the State wetland authority, the notification process would start by the end of the year.
- c. Tamil Nadu Wetland Mission announced by CM in assembly and budget session, focusing on identification, mapping, notification and restoration. The State has prepared brief documents for 141 wetlands and has identified wetlands for notification.
- d. Bihar and Uttar Pradesh are prioritising wetlands in the Ganga floodplains under the National Mission on Clean Ganga (NMCG) and are employing the brief document format as prescribed by NPCA for their conservation. 279 nos. of wetlands in the Ganga Basin in UP (10 kms on both sides of the River Ganges) are being conserved using the four pronged method employed by the Ministry

**OTHER INITIATIVES**

- i. Maharashtra has prepared a Mobile app to record the information with respect to the Brief Document of Wetlands. The respective District Collectors have filled information of Brief Document in the Mobile app after site visit / ground truthing.

- ii. *Efforts are on the reconcile the wetland inventory to identify those wetlands which may not already be covered under any other laws."*

13. The applicant has filed his response to both the reports. In the response to the report of J&K, the suggestions of the applicant are as follows:-

"

- a. *Activities like Information Education and Communication activities (IEC) by way of Seminars, Workshops and Theatre shows be held around Wetland areas. Colleges and Schools be involved in this programme. The sanitation staff of ULBs be also trained. Panchayat Members, Village Biodiversity Committees and Women Self Help Groups (SHGs) and NGOs be also involved in this campaign.*
- b. *Community leaders, Religious leaders and Preachers be trained / sensitized/made aware as well so that they too speak about importance of wetlands and their conservation. A training module for awareness on this issue be prepared for them specifically which will have a great impact in villages and towns located near Wetlands of Kashmir.*
- c. *Let Regional Wildlife Warden Kashmir Wildlife Department, Mission Director SBM Grameen (Rural Sanitation Deptt) J&K plus Director ULB (Urban Local Bodies), Kashmir be directed to hold monthly meetings on Waste Management in Wetland areas. The monthly report be submitted before Hon'ble Tribunal.*
- d. *Let the Joint Committee submit any orders, notifications and MoU's signed between Wildlife Dept, Director ULB Kashmir and Directorate of Rural Sanitation, J&K (mission director Swatch Bharat Mission, Gramin)*
- e. *Chairpersons of District Development Councils (DDCs) Budgam, Bandipora & Pulwama and Principal Secretary Rural Development J&K Govt be taken on board while executing Solid and Liquid Waste Management Programmes in Wetland villages/areas.*
- f. *Directions be issued for measures for monitoring and assessment to determine whether the condition of wetlands is improving, neutral or declining and report to this effect be submitted to this Hon'ble Tribunal*
- g. *Responsibility be fixed of officers who have permitted the dumping of Solid waste in and around the Wetlands of Kashmir with action taken report to this effect be submitted to this Hon'ble Tribunal."*

14. The response of the applicant to the report of MoEF&CC is as follows:-

**“Submissions**

- 3. **On the issue of Capacity Development:** Para 10 of the Report states that Continuous workshops have been organised by the Ministry for all the SWAs region wise to guide them on all aspects of wetland management including implementation of the wetland Rules, 2017. It is stated that no such details regarding workshop dates, participants' details and minutes are there in this Report.
- 4. **On the issue of Web Portal:** Para 12 of the Report mentions that a web portal titled Indian wetlands. in was made public on 2nd October. It is stated that while accessing on '18th November, 2021 the portal was not functioning.
- 5. **On the issue of Ramsar Sites:** Para 14 of the Report talks about the number of Ramsar sites in India and the total area covered by them. It is stated that declaring any wetland a Ramsar site does not ensure protection of wetlands in terms of its land use conversion. Time series mapping of East Kolkata wetlands, Deepor Beel are important examples of land use conversion in spite of them being declared as Ramsar sites. And hence, simple boasting of numbers may not be enough from a protection point of view. Annexure A-20 filed by the applicant with his Response dated 20.07.2021 to Joint Committee's Report dated 11.06.2021 (from pages 614 to 623) may kindly be perused in this regard.
- 6. **On the issue of Focused Four Pronged Approach:** It is stated that para 15 and 16 of the Report have reiterated the same response, as stated in their previous report. However, it did not elaborate anything regarding the successful rejuvenation rates of the 130 wetlands for which health cards were prepared in the first phase. Since, it is a recurring approach of MoEF&CC, it will be good to have an understanding of the success rate with respect to this action
- 7. **On the issue of Threats and Value Signages got installed at 75 significant wetlands in the country:** It is stated that as per para 22. i. of the Report there is no rhyme or reason of having Amrit Mahotsava in only 75 'Significant Wetlands' for installation of Threats and Value Signages. In the previous report of MoEF&CC dated 11.06.2021, submitted to Hon'ble

NGT, 363 wetlands were identified as 'Significant wetlands'. The MoEF&CC ought to have dealt with the issue of Threats and Value Signages in all 363 Significant Wetlands. Compliance in only 75 wetlands, is not even one percent (it is only 0.04o/o of total) of the total mapped wetlands in India

Secondly, the NGT in its order dated 22.07.2021 directed to place data in respect of 'Significant Wetlands' before the Tribunal. This has not been presented as part of the current report of MoEFCC dated 15.11.2021.

8. **On the issue of more than 10,000 numbers of Wetland Mitras registered and refers to Annexure VII with respect to this:** Para 22. ii of the Report states that Annexure VII contains the list of 10,000 Wetland Mitras. It is stated that Annexure VII is a sample of Wetland Mitras Enrollment Form and not a list of 10,000 Wetland Mitras as has been claimed in the Report.

9. **On the issue of Status of Notification of Wetlands and Other Steps:** It is stated that according to para 24 of the Report 'under the Wetlands Rules 2017', UP has identified 23,890 wetlands for notification and has prepared brief documents for 118 numbers of wetlands. Whereas, under the head 'Preparation of Brief Documents', it says, 279 number of wetlands in the Ganga basin in UP are being conserved using four pronged method. A clarification may be sought in this regard

The figure of wetlands mentioned under this head is also creating a clear contradiction with Para 3 of the report According to the Table given under Para 3, **India has only '17,753 wetlands**, out of 2,01,503 wetlands (>2.25 Ha area), which need to be notified under the Wetlands Rules. And rest of the wetlands are protected under some other Acts like the Indian Forest Act 1927, Wild Life (Protection) Act 1972, Forest (Conservation) Act 1980, the State Forest Acts and Coastal Regulation Zone Notification, 20'1 1 etc. Whereas para 24 wise, UP alone has 23,890 wetlands for notifying under the Wetland Rules. Given this, Para 3 and Para24 are clear contradictions to each other. A clarification may be sought with respect to this as well.

10. It is stated that the MoEF&CC while submitting the present Report has failed to consider issues taken up by the Applicant in the earlier Response dated 20.07.2021."

15. We have noted the stand of learned Chief Secretary, J&K that the execution of action plans will be overseen on regular basis by Secretary,

Environment & Forest, J&K as well as by the Chief Secretary, J&K personally atleast once in a month for further continuous action. As regards the suggestions of the applicant, the same may be duly considered by the Chief Secretary, J&K, to the extent not already considered.

16. The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act, 1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier

mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.

18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions.

The application is disposed of.

A copy of this order be forwarded to MoEF&CC, National Wetland Authority, all States Wetland Authorities, all States PCBs/PCCs, Chief Secretaries and District Magistrates by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 25, 2021  
Original Application No. 351/2019  
SN