

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Execution Application No.01 of 2025 (SZ) in

Original Application No.153 of 2016 (SZ)

IN THE MATTER OF:

Paryavaran Parirakshana Sangham,

Andhra Pradesh & Anr.

...Applicant(s)

Versus

Union of India & Ors.

...Respondent(s)

Sl.No	Particulars	Page No
1	AFFIDAVIT ON BEHALF OF RESPONDENT NO.6 i.e., THE UNION OF INDIA THROUGH ITS SECRETARY, MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE	01-14
2	The order dated 08.02.2017 is annexed as Annexure/R1&2/1.	15-24
3	The Wetlands (Conservation & Management) Rules, 2017 are annexed as Annexure/R1&2/2	25-38
4	The order dated 04.10.2017 is annexed here as Annexure/R1&2/3	39-43
5	The O.M. dated 08.03.2022 is annexed as Annexure/R1&2/4	44
6	The order dated 11.12.2024 is annexed here as Annexure/R1&2/5	45-61
7	The Ministry's Letter dated 26.05.2025 is annexed as Annexure/R1&2/6	62-148
8	The Forest Department's Letter dated 30.06.2025 is annexed as Annexure/R1&2/7	149-151

Place: Vijayawada

Date: 03.07.2025

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Execution Application No.01 of 2025 (SZ) in

Original Application No.153 of 2016 (SZ)

IN THE MATTER OF:

Paryavaran Parirakshana Sangham,

Andhra Pradesh & Anr.

...Applicant(s)

Versus

Union of India & Ors.

...Respondent(s)

**Affidavit on behalf of Ministry of Environment, Forest & Climate Change
(Respondent No. 1) and National Wetlands Committee (Respondent No. 2)**

I, Dr. Murali Krishna Chimata S/o Srinivasulu Chimata (Late) working as Scientist-E , aged about 44 years, at the Ministry of Environment, Forest & Climate Change (MoEF&CC), Sub-Office Vijayawada , do hereby solemnly affirm and declare on oath as under: -

ch. Murali Krishna

1. That, I am the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus, competent to swear the present affidavit.
2. That, the present execution application has been filed seeking compliance of Order dated 13.04.2022, passed in OA No. 153/2016, titled as Paryavaran Parirakshana Sangham & Anr vs. UOI & Ors, wherein, the Hon'ble Tribunal has passed the following directions:

“117. In the result, this Original Application is allowed in part with the following directions: -

- i. *The concerned department viz., Environment, Forests, Science and Technology Department, State of Andhra Pradesh shall include the Salim Ali Centre for Ornithology and Natural History (SACON) as well, as one of the members of the committee and identify the wetland mapped and included in the National Wetland Atlas in respect of Sompeta wetland complex in continuation of the study conducted by the Salim Ali Centre for Ornithology and Natural History*

Ch. Prudhvi Krishna

- ii. (SACON) in this regard, which was referred to in this Judgment and complete the study, if any, to be undertaken further and make recommendation to the State Wetland Authority within the time frame provided under the Rules and on receipt of the same, the State Wetland Authority is directed to consider the proposals and make recommendations to the State Government to take steps to notify the Sompeta Wetland Complex on the basis of the recommendations made by the State Wetland Authority.
- iii. The concerned department is also directed to identify and prepare a brief document regarding the other wetlands in the Srikakulam District and also in the State of Andhra Pradesh which were mapped in the National Wetland Atlas prepared by the MoEF&CC in tune with the Rules prevailing during 2010, in consonance with the covenants of the Ramsar Convention and also other wetlands available in the State and on that basis, submit a proposal to the State Wetlands

Ch. Prudhvi Krishna

Authority which in turn shall make a recommendations within the time frame and on that basis, the State Government is also directed to take steps to notify those wetlands as well, within the time frame provided under the Wetlands (Conservation and Management) Rules, 2017.

- iv. *Till this exercise is completed, the State of Andhra Pradesh is directed not to permit any activity within these mapped wetlands and wetlands included in the National Wetland Atlas prepared by the MoEF&CC and not to take any steps to assign or lease any part of these wetlands till that time as directed by the Hon'ble Apex Court in M.K. Balakrishnan Vs. Union of India & Ors. and subsequent order dated 09.10.2017 in the same case.*
- v. *Even if the wetlands identified and mapped were not to be included as wetlands, then they will have to be treated as water bodies and steps will have to be taken to protect the same as has been observed by the Hon'ble Apex Court in M.K. Balakrishnan's case cited supra and remove encroachments and restrain any activity in the wetland or water body, as it is necessary to protect the water bodies also as equal to*

Ch. P. Venkatesh Krishna

wetlands, as they also play a great role in sustainability of the environment and provide valuable ecosystem services.

- vi. *If Sompeta wetland is declared as wetland under the Wetlands (Conservation and Management) Rules, 2017, then the State of Andhra Pradesh is directed to take steps to cancel or revoke the assignment made in favour of the 4th Respondent, in accordance with law.*
- vii. *Even if any portion of the wetland to be left out of the consideration as a wetland, this will have to be treated as a water body to be protected and even in that event, the State of Andhra Pradesh is directed to take steps to recall the order of assignment in favour of the 4th Respondent in respect of the area covered by the water body, in accordance with law.*
- viii. *Till this exercise is completed, the 4th Respondent is restrained from doing any act in this disputed area.*
- ix. *The Special Chief Secretary to Government - Environment, Forests, Science and Technology Department is directed to submit a periodical report regarding the progress of the*

ch. P. Nurali Krishna

exercise done by them in this regard, once in 3 (Three) months till it is completed.

- x. *The Special Chief Secretary to Government – Revenue Department is directed to submit a report regarding the action taken to revoke the assignment made in favour of the 4th Respondent and others as directed above within a period of 3 (Three) months.*
- xi. *The Registry is directed to communicate this order to the District Collector concerned, Ministry of Environment, Forests & Climate Change (MoEF&CC), Principal Chief Conservator of Forests (Head of Forests Force) & Chief Wildlife Warden, National Wetland Authority, State Wetland Authority – Andhra Pradesh, Special Chief Secretary to Government - Revenue Department, Special Chief Secretary to Government - Environment, Forests, Science and Technology Department, and also to the Chief Secretary to Government, State of Andhra Pradesh for their information and compliance of directions.*

Ch. P. Prudh. Krishna

xii. *The Registry is directed to place the report before this Bench as and when it is received for consideration and also for issuing necessary directions (if any) required in this regard.*

xiii. *Considering the circumstances, parties are directed to bear their respective cost in the application.”*

3. That, vide order dated 02.05.2025 in the present execution application, notice was issued to the respondents for filing of their reports.
4. That, at the outset, it is submitted that this respondent, MoEF&CC is the nodal agency of the Central Government for planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, lakes and rivers, its biodiversity, natural resources and wildlife.
5. That the 'land' & 'water' are a subject matter of State Government. The forest/wetland areas and the legal boundaries thereof, are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to

Ch. Pratik Krishna

determine status of any parcel of land, giving due regards to gazette notifications, provisions under Central and State Acts and concerned judgments and directions of the Hon'ble Courts/Tribunals.

6. That, it is pertinent to mention that Hon'ble Supreme Court of India vide its order dated 08.02.2017, in the matter of MK Balakrishnan vs. Union of India (WP No. 230/2001), inter-alia, directed the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to the 2,01,503 wetlands (>2.25 ha) that have been mapped by the Union of India. The inventory of these wetlands prepared by Space Applications Centre (SAC), Ahmadabad based on the satellite data of 2006-07 is available at <https://indianwetlands.in/uploads/National-Wetland-Inventory.pdf>. Subsequently, SAC has prepared the national wetlands inventory (>2.25 ha) based on the satellite data of 2017-18 along with decadal wetland change analysis with reference to earlier wetland inventory of 2006-07. The same is available at https://indianwetlands.in/uploads/Wetlands201718_inventory%20list_mof.pdf. The order dated 08.02.2017 is annexed as **Annexure/R1&2/1**.

Ch. P. Prudhvi Krishna

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

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

- i. *Conversion for non-wetland uses including encroachment of any kind;*

Ch. P. K. Krishna

- 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 Trans-boundary 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 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 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.*

Ch. J. K. Krishna

9. That, the Hon'ble Supreme Court vide Order dated 04.10.2017 in the aforementioned matter has inter-alia, directed that, "*We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010*". The order dated 04.10.2017 is annexed here as **Annexure/R1&2/3**.
10. That, an Office Memorandum (O.M.) dated 08.03.2022 was issued to all the State/UT Wetlands Authorities by the Ministry, wherein it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules. The O.M. dated 08.03.2022 is annexed as **Annexure/R1&2/4**.
11. That, vide order dated 11.12.2024, the Hon'ble Court observed that "*Prior to 2017, the figures given by ISRO regarding the number of wetlands in India having an area more than 2.25 Hectares was 2,01,503. The latest ISRO data, which is of the year 2021, shows that this figure has now*

Ch. P. Ravi Krishna

*increased to 2,31,195.”, and further, inter-alia, directed that each of the State/UT Wetland Authorities shall complete ground truthing as well as the demarcation of wetland boundaries of each of the Wetland which have been identified for their State by Space Application Centre Atlas (SAC Atlas), 2021 as expeditiously as possible, but definitely within a period of three months from 11.12.2024. The order dated 11.12.2024 is annexed here as **Annexure/R1&2/5.***

12. It is pertinent to mention that the Ministry's Letter dated 26.05.2025, followed by reminders, were sent to Special Chief Secretary, Environment Department, Government of Andhra Pradesh and the State Wetlands Authority, requesting to provide the current status of compliance of the directions passed by the Hon'ble NGT vide the said Order dated 13.04.2022 w.r.t notification of wetlands in Srikakulam District, including the Sompeta area under the Wetlands (Conservation and Management) Rules, 2017. The Ministry's Letter dated 26.05.2025 is annexed as **Annexure/R1&2/6.**
13. That, in response to Ministry's letter dated 26.05.2025, a letter dated 30.06.2025 has been received from the Department of Forest, Government of Andhra Pradesh stating that as per the provisions of Wetlands

Ch. Kudri Krishna

(Conservation & Management) Rules, 2017, the ground truthing of 1616 wetlands was undertaken and Boundary of 61 Wetlands was demarcated in the Srikakulam District. It has also been stated that Draft notification proposals of four Wetlands were submitted to the District Collector, Srikakulam, out of which three draft proposals were approved with respect to Sompeta Wetlands, and has been submitted for further approval. Draft proposal of one Wetland is under scrutiny at District Collectorate, Srikakulam, Andhra Pradesh. The Forest Department's Letter dated 30.06.2025 is annexed as **Annexure/R1&2/7**.

14. That the State Governments/State Wetlands Authorities (SWAs) are entrusted with the powers and responsibility to monitor and conserve wetlands within their jurisdiction. The subject matter of the present application pertains to the State Government of Andhra Pradesh & its concerned organizations and Andhra Pradesh State Wetlands Authority; accordingly, they are required to take necessary action in the present matter.

15. In view of aforesaid, the Hon'ble Tribunal may pass any order(s) as it deems appropriate.

Ch. Murali Krishna

DEPONENT

डॉ. मुरली कृष्ण चिमटा/Dr. Murali Krishna Chimata
वैज्ञानिक "ई"/Scientist "E"
भारत सरकार/Government of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
उप-कार्यालय, विजयवाडा-520 010
Sub-Office, Vijayawada-520 010

VERIFICATION

Verified at Vijayawada on the 03rd of July 2025 that the contents of Paragraphs of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

Ch. Murali Krishna

DEPONENT

डॉ. मुरली कृष्ण चिमटा/Dr. Murali Krishna Chimata
वैज्ञानिक "ई"/Scientist "E"
भारत सरकार/Government of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
उप-कार्यालय, विजयवाडा-520 010
Sub-Office, Vijayawada-520 010

डॉ. मुरली कृष्ण चिमटा/Dr. Murali Krishna Chimata
 वैज्ञानिक "ई"/Scientist "E"
 भारत सरकार/Government of India
 पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 उप-कार्यालय, विजयवाडा-520 010
 Sub-Office, Vijayawada-520 010

ITEM NO.102

COURT NO.5

SECTION PIL(W)

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

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

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

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

CORAM :

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

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

For Respondent(s)/
applicant(s)

UOI

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

Mr. Jayant Bhushan, Sr. Adv.

For States of
Andhra Pradesh

Mr. Guntur Prabhakar, Adv.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(i) reclamation of wetlands;

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

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

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

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

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

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

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

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

24

10

List the matter on 3rd April, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 802]

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

No. 802]

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

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

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

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

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

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

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

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

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

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

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

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

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

- (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 बहिस्त्रावों का निस्सारण;
- (v) किसी स्थायी प्रकृति का किसी निर्माण सिवाय नाव घाटों के, पचास मीटर के भीतर इन नियमों के प्रारंभ की तारीख से पिछले दस वर्षों में प्रेक्षित बाढ़ के औसतन उच्च स्तर से गणना की जाएगी; और
- (vi) अवैध शिकार।

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

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

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

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

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

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

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

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

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

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

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

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

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

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

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

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

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

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

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

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

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

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

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

1. Short title and commencement.—

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

2. Definitions.—

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

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

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

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

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

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

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

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

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

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

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

- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
- (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;
- (xi) Director, Remote Sensing Centre - Member *ex-officio*;
- (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

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

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

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

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

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

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

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

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

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

Dr. A. DURAISAMY, Scientist 'G'

ITEM NO.4

COURT NO.3

SECTION PIL-W

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

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

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Ms. Veera Mahuli, Adv.
Mr. Naresh Kumar, AORFor Respondent(s)/
applicant(s)
UOI/DelhiMr. A.N.S. Nadkarni, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. Wasim A. Qadri, Adv.
Mr. Ajay Kumar Singh, Adv.
Ms. Binu Tamta, Adv.
Mrs. Sunita Sharma, Adv.
Mr. Sanjai Kumar Pathak, Adv.
Mr. Shalinder Saini, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Mr. S.A. Siddiqui, Adv.
Mr. Satya Siddiqui, Adv.
Mr. Zaki Kazmi, Adv.

Intervenor

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

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

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

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

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

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

Convention sites.

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

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

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

Centre.

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

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

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

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

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

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

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

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

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

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

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

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

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

Ramesh

(Dr. M. Ramesh)
Scientist 'E'

Tel.: 011-20819249

Email: ramesh.motipalli@nic.in

To

The Member Secretaries of State and UT Wetlands Authorities

ITEM NO.6

COURT NO.13

SECTION PIL-W

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

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

ANAND ARYA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 131361/2018 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 230/2001 (PIL-W)
(I.A.NO.203606/2022 IN W.P.(C)NO.230/2001
IA No. 203606/2022 - INTERVENTION APPLICATION)W.P.(C) No. 302/2020 (PIL-W)
(FOR impleading party ON IA 172736/2024
FOR INTERVENTION/IMPLEADMENT ON IA 172736/2024
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 172737/2024
IA No. 172737/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 172736/2024 - INTERVENTION/IMPLEADMENT)

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

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAHFor Petitioner(s) Mr. Gopal Sankaranarayan, Sr. Adv.
Ms. Trisha Chandran, Adv.
Mr. Naresh Kumar, AORMr. Jayant Bhushan, Sr. Adv.
Ms. Reena George, Adv.
Mr. Rohit Kumar Singh, AOR
Mr. Amartya Bhushan, Adv.
Mr. Yojit Mehra, Adv.Ms. Anitha Shenoy, Sr. Adv.
Ms. Shibani Ghosh, AOR
Ms. Ayushma Awasthi, Adv.
Ms. Himanshi Gupta, Adv.For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupma Chaturvedi, Sr. Adv.
Ms. Manisha Chava, Adv.
Mr. Gurmeet Singh Makker, AOR

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

Mr. P. V. Yogeswaran, AOR

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

Mr. Kunal Verma, AOR

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

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

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

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

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

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

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

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

Ms. Supriya Juneja, AOR

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

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

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

Mr. V. N. Raghupathy, AOR

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

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

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

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

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

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

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

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

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

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

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

Mr. R. Ayyam Perumal, AOR

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

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

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

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

Ms. Suveni Bhagat, AOR

Mr. Gopal Prasad, AOR

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

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

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

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

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

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

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

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

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

XXXXX

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

XXXX

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

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

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

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

Acts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and forwarding the grievances raised by public to the Authority;

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

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

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

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

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

next date of listing.

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

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

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

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

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

“List of 85 Ramsar Sites

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

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

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

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

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

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

List the matter again on 25.03.2025.

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

(RENU BALA GAMBHIR)
COURT MASTER

Hon'ble NGT matter
Most Urgent
(by e-mail)

File no. W-4/8/2022-WTL
Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)

Indira Paryavaran Bhawan
 JorBagh Road
 New Delhi-110003

Date: 26.05.2025

To

The Special Chief Secretary
 Environment, Forest, Science & Technology Department
 Government of A.P., Secretariat, Velagapudi
 Guntur-522237, Andhra Pradesh
 Email: splcs_efst@ap.gov.in

Sub.: E.A. No. 1/2025 in O.A. No. 153/2016, in the matter of Paryavarana Parirakshana Sangam vs. Union of India & Ors. before Hon'ble N.G.T (Southern Zone)

Sir,

This has reference to the Execution Application No. 1/2025 filed for implementation of the Order dated 13.04.2022 (**copy enclosed**), wherein directions for notification of wetlands in Srikakulam District, including the Sompeta area, in accordance with the Wetlands (Conservation and Management) Rules, 2017, were passed by the Hon'ble N.G.T (Southern Zone), in the matter of Paryavarana Parirakshana Sangam vs. Union of India & Ors. (O.A. No. 153/2016). The Hon'ble Tribunal vide order dated 02.05.2025 (**copy enclosed**) in E.A. No. 1/2025 directed the respondents to file their respective replies/reports.

In this regard, it is requested to provide the current status of compliance of the directions passed by the Hon'ble NGT vide the said Order dated 13.04.2022 w.r.t notification of wetlands in Srikakulam District, including the Sompeta area under the Wetlands (Conservation and Management) Rules, 2017.

Yours Sincerely,

Encl.as above


 (Dr Ramesh Motipalli)
 Scientist 'F' &
 Member Secretary, NWC
 Tel. 011-20819338
 Email: ramesh.motipalli@nic.in

Copy to:

The Principal Chief Conservator of Forest & Chief Wildlife Warden, and Member Secretary, State Wetland Authority (SWA), Andhra Pradesh, A.P. Secretariat, Andhra Pradesh. Email: prlccf_hf_apfd@ap.gov.in, wildlifeap@gmail.com

Item No.03:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

[Through Physical Hearing (Hybrid Option)]

**Execution Application No.01 of 2025 (SZ) in
Original Application No.153 of 2016 (SZ)**

IN THE MATTER OF:

Paryavaran Parirakshana Sangham,
Andhra Pradesh and Anr.

...Applicant(s)

WithUnion of India,
Through the Secretary,
MoEF&CC, New Delhi and Ors.

... Respondent(s)

Date of hearing: 02.05.2025.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**For Applicant(s): Mr. Ritwick Dutta &
Mr. G. Stanly Hebzon Singh.

For Respondent(s): Mrs. Madhuri Donti Reddy for R3.

ORDER

1. Let notice be issued to the respondents through the Tribunal as well as privately.
2. The learned counsel Mrs. Madhuri Donti Reddy accepts notice on behalf of Respondent No.3.
3. Post the matter on **04.07.2025**. Meanwhile, the respondents are directed to file their respective replies/reports.

Sd/-**Smt. Justice Pushpa Sathyanarayana, JM****Sd/-****Dr. Satyagopal Korlapati, EM**

**E.A. No.01/2025 (SZ) in
O.A. No.153/2016 (SZ)
02nd May, 2025. Mn.**

Item No.1:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***(Through Video Conference)***Original Application No. 153 of 2016 (SZ)****IN THE MATTER OF**

Paryavarana Parirakshana Sangham,
Through its President Mr. Y. Krishnamurthy
Sompeta, Srikakulam District,
Andhra Pradesh and Anr.

...Applicant(s)

Versus

Union of India
Through Secretary,
Ministry of Environment, Forests and Climate Change,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi and Ors.

...Respondent(s)

For Applicant(s):

Mr. Ritwick Dutta along with
Mr. G. Stanley Hebzon Singh.

For Respondent(s):

Mr. G.M. Syed Nurullah Sheriff for R1 & R2.
Mrs. Madhuri Donti Reddy for R3.
Mr. A.R.L. Sundaresan, Senior Advocate
along with Mr. L.G. Sahadevan for R4.

Judgment Pronounced on: 13th April 2022.**CORAM:****HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER****ORDER**

Judgment pronounced through Video Conference. The original
application is disposed of with directions vide separate Judgment.

Pending interlocutory application, if any, shall stand disposed of.

Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O. A. No. 153/2016 (SZ)
13th April 2022. Mn.

Item No.1:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***(Through Video Conference)***Original Application No. 153 of 2016 (SZ)****IN THE MATTER OF**

1. Paryavarana Parirakshana Sangham,
Through its President Mr. Y. Krishnamurthy
Sompeta, Srikakulam District,
Andhra Pradesh.

2. E A S Sarma
14-40-4/1, Gokhale Road,
Maharanipeta,
Visakhapatnam- 530 002

...Applicant(s)

Versus

1. Union of India
Through Secretary,
Ministry of Environment, Forests and Climate Change,
Paryavarana Bhawan, CGO Complex,
Lodhi Road, New Delhi- 110 003.

2. Central Wetlands Regulatory Authority
Through its Chairman,
Ministry of Environment, Forests and Climate Change,
Indira Parayavaran Bhawan,
Jorbagh Road, Aligunj, New Delhi.

3. State of Andhra Pradesh
Through its Chief Secretary,
Government of Andhra Pradesh,
Secretariat, Hyderabad- 500 022.

4. M/s Nagarjuna Construction Company Ltd,
Nagarjuna Hills, Punjgutta,
Hyderabad, Andhra Pradesh

Also at:

M/s Nagarjuna Construction Company Ltd,
Project office at: Sompeta Town,
Sompeta Mandal, District, Srikakulam,
Andhra Pradesh

...Respondent(s)

For Applicant(s): Mr. Ritwick Dutta along with
Mr. G. Stanley Hebzon Singh.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R1 & R2.
Mrs. Madhuri Donti Reddy for R3.
Mr. AR.L. Sundaresan, Senior Advocate
along with Mr. L.G. Sahadevan for R4.

Judgment Reserved on: 28th January 2022.

Judgment Pronounced on: 13th April 2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgement is allowed to be published on the Internet - Yes/No

Whether the Judgement is to be published in the All India NGT Reporter - Yes/No

J U D G M E N T

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. The grievance in this application is regarding the activities being carried out by 4th respondent on the basis of the permission granted as per G.O.M No. 329 (Revenue Assn. I Department) dated 09.09.2015 for a "*Multi Product Industry Zone*" in Sompeta Wetlands against the provisions of Wetlands (Conservation and Management) Rules, 2010 which is situated in Srikakulam District, Andhra Pradesh.

2. It is alleged in the application that Applicant No. 1 is an organisation which aims at preservation of the Sompeta Wetlands. They were approaching the Government for this purpose on several occasions. The 1st applicant is a practicing Doctor and discharging his duties as the President of the Association and he has been authorised by resolution of the organisation evidenced by Annexure - A to file the litigation.
3. The Applicant No. 2 is the former Secretary to Government of India in Ministries of Power and Finance. He was also the former Principal Adviser (Energy) Planning Commission. He also held the positions of Secretary in Department of Urban Development and Energy and Environment in the erstwhile State of Andhra Pradesh. He obtained voluntary retirement from the Government in the year 2000 and after retirement, he was the Principal of Administrative Staff College of India, Hyderabad for last three years. For more than 11 years, he had been actively involved in promoting the Right to Information Act among the people.
4. Sompeta Wetland is a protected wetland under the Wetlands (Conservation and Management) Rules, 2010. Allocation of wetlands for industrial purpose constitutes a violation of statutory requirement under the Environment (Protection) Act, 1986 and the Wetlands (Conservation and Management) Rules, 2010 in addition to running contrary to the Principle of Sustainable Development, the Precautionary Principle, the Public Trust Doctrine and the Eco-centric approach propounded by the Hon'ble Supreme Court of India.

5. The Environmental Clearance granted to the 4th Respondent earlier for establishing a Coal based Thermal Power Plant was challenged before the erstwhile National Environment Appellate Authority (NEAA) by filing Appeal No. 4 of 2010 and 3 of 2010 respectively. The NEAA in its order dated 14.07.2010 set aside the Environmental Clearance granted to the said project. The respondents, therein, filed Review Application against the order which got transferred to the National Green Tribunal after its establishment in 2010 as **Appeal No. 23 of 2011** and by Judgment dated 23.05.2012 in **T. Mohana Rao Vs. Ministry of Environment and Forests and Ors.**, the National Green Tribunal concluded to the effect that Ministry of Environment and Forests and State Authorities had failed to give adequate opportunity to the people to represent their views at the public hearing and directed them to revisit the EIA report from the stage of public hearing pending which the Environmental Clearance to be treated as suspended. The Tribunal further directed that:

“36. the EC granted which is kept in suspension by the MoEF vide their order dated 15th July, 2010, shall continue as such till the directions issued by us are complied, and would also be subject to the report of the Chief Conservator of Forests.

37. MoEF may also finalise and notify the important wetlands in the Country as early as possible so that location of developmental projects in and around such ecologically sensitive areas could be avoided in future”

6. A Review Petition was filed against this Judgment dated 23.05.2012 as R.A. No. 13 of 2016 in Appeal No. 23-28 of 2011 and the same was withdrawn by the Review applicants on 21.01.2016 evidenced by Annexure-B.

7. The State of Andhra Pradesh had allotted Sompeta Wetlands measuring land at 972.69 acres in Srikakulam District to the 4th respondent- M/s Nagarjuna Construction Company for the development of a Multi Product Industry Zone” through G.O. Ms. No. 329 (Revenue Assn. I Development) dated 09.09.2015, evidenced by Annexure-C. The Wetlands in Sompeta Mandal in Srikakulam District of Andhra Pradesh is having following description:

Village	Survey Number	Classification as per Revenue records	Total Area (Acres)	Actual area available for alienation (Acres)
Rushikudda	152/2	Kaluva	399.85	395.36
Gollagandi	23/09/15	Tampara Poramboke	249.43	208.75
Baruvapet	247	Beela	277	169.78
Benkili	231	Beela Tampara	198.8	198.80
Total			1125.08	972.69

8. The Revenue classification of “Kaluva Poramboke” (Rushikudda Village) implies Government land subject to a water course. “Tampara Poramboke” in Gollagandi Village, “Beela Gayalu” in Baruvapeta Village and “Beela Tampara” in Benkili Village indicate that the lands in question are Governments lands which are swamp lands and wetlands. This was amply corroborated by extract from G.O. Ms No. 1107 (Revenue Assn I) Department dated 15.09.2008:

“The District Collector, Srikakulam, has also reported that the Tahsildar, Sompeta has submitted alienation proposals through RDO, Tekkali, to an extent of Ac. 1125.08 cts of Swamp lands locally called as Beela available in above (4) villages of Sompeta Mandal and all the above lands are Government Swamp lands which are situated in a low lying area, receiving the excess water from Mukundasagaram Pydigam Reservoir and Mahindratanaya Groin and flood water during rainy season from the villages lying in western side and due to receiving and stagnation of heavy

water it adversely affects surrounding paddy fields and agricultural crops by inundation during rainy season and that the standing water stagnates throughout the year makes in accessible to the swamp except Mid May when water dried up."

9. Despite the ecological and biodiversity significance of the Sompeta wetlands, the State Authorities have not taken necessary measures to protect the same. The erstwhile Government of Andhra Pradesh through G.O. Ms. No. 1107 (Revenue Assn I) Department dated 15.09.2008 had earlier assigned the said 972.69 acres of land in Sompeta Mandal in Srikakulam District of Andhra Pradesh in favour of M/s Nagarjuna Construction Company for setting up of a coal-based thermal power project of 1980 MW capacity evidenced by Annexure-D.

10. The wetlands are vital parts of hydrological cycle, are highly productive and support exceptionally large biological diversity and provide a wide range of ecosystem service such as waste assimilation, water purification, flood mitigation, erosion control, ground water recharge, micro climate regulation, aesthetic enhancement of the landscape while simultaneously supporting many significant recreational, social and cultural activities, besides being part of cultural heritage. The wetland has been defined under the earlier Wetlands (Conservation and Management) Rules, 2010 Wetlands means "an area or of marsh, fen, peatland or water; 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 and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and man-made wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of wetlands

as determined by the authority but does not include main river channels, paddy fields and coastal wetlands” covered under the notification of Government of India in the Ministry of Environment, Forests & Climate Change S.No.114(E) dated 19.02.1991 published in a Gazette of India, Extraordinary Part II, Section 3, Sub Section (ii) of dated 20th February 1991. It is important to state here that the drainage and catchment area of the actual wetland or its zone of direct influence is also included in the ambit of the definition of a wetland.

11. In order to ascertain the importance of this wetland, Salim Ali Centre for Ornithology and Natural History had been appointed by Ministry of Environment and Forests and they submitted a report in the name of “SACON Report” in respect of this wetland which reads as follows:-

"Sompeta Beela, a complex of three separate but connected water bodies of which two are brackish and the other fresh water, with its surrounding flood plains is a wetland complex with an approximate area of 800 hectares. It is an important habitat of 121 bird species and 493 plant species. Many bird species seen here fall under IUCN Red List. Around 100,000 people belonging to 30 villages around the wetland depend upon the wetland complex for various purposes, deriving ecosystem goods and services. During the dry season drained out portions of the wetland is used for grazing by thousands of cattle and wild boars. Around thousand families belonging to the traditional fisher communities fully depend upon the wetland for their sustenance. Around 2000 hectares of paddy (two crops) and 300 hectares of vegetable and horticultural crops are irrigated directly drawing water from the beela." (At page 2 of the Report)

"The Sompeta wetland and its environs is habitat to 122 bird species, of which 11 species fall under IUCN Red List. Black Headed Ibis, Darter, Eurasian Spoon Bill, Painted Stork, Pallid Harrier, Spot Billed Pelican, Black Necked Stork and Greater Grey Headed Fish Eagle seen here belong to 'Near Threatened' categories by IUCN. Among these, Eurasian Spoon Bill and Pallid Harrier fall under Schedule - 1 of the Indian Wildlife Protection Act. Lesser Adjutant is a 'Vulnerable' species found here."

As mentioned in the site inspection report by the committee formed by the MoEF, GoI, in October every year thousands of birds, locally known as 'Kondamkodi and Nathagotta' said to be coming from Siberia and Australia visit the wetland and stay there up to 5-6 months. The Beela is used as a resting and feeding habitat. This is an important migrant route and passage migrant place (Report of the site inspection committee, MoEF, 2010)." (At page 119 of the Report)

"As mentioned earlier, circumstantial evidences point to the possibility of the 'Critically Endangered' Pink Headed Duck occurring in the core area of the Pedda Beela in the Sompeta Wetland complex. As per literature stray populations of this bird were reported from Maharashtra and AP earlier. As the core area of the Pedda Beela is inundated throughout the year and with tall vegetation, extensive efforts will have to be taken in order to ascertain the presence of Pink Headed Duck during migratory season." (At page 119 of the Report)

"Our three rapid surveys conducted during the months of October 2011 and February March 2012 revealed the presence of 491 plant species in the Sompeta wetland area which indicate the floristic wealth of this area. Out of these 491 plants 206 plants are with medicinal properties, 15 plants edible and 10 plants are edible possessing medicinal properties. Jatropha tanjorensis reported from here is endemic to Coromandel costs of peninsular India. Apart from this, following plants viz., Asystasiadalzelliana, Barrieriaacuminata, Iseilemaanthephorodes and Phyllanthusrotundifolius are endemic to Indian subcontinent. Further surveys during different seasons may establish the presence of many other species.

Apart from the rich bird and plant biodiversity, it is a habitat for several important butterfly species. Because of the complex nature of the ecosystem, a detailed survey is required and that certainly would reveal the presence of several more vertebrate and invertebrate species." (At pages 119-120 of the Report)

The relevant extracts of the Report, "Wetlands of Srikakulam District: An Ecological Status Survey" by the Salim Ali Centre for Ornithology and Natural History (2012) is annexed and marked herewith as ANNEXURE-E."

- 12.** The allotment of this land was opposed by the local farmers, fishing community and environmentalists as it related to government land occupied by watercourse, swamp lands and wetlands. The issue was raised before the public hearing as well. In spite of that, the project was

granted Environmental Clearance dated 09.12.2009 evidenced by Annexure-F. The SACON Report highlighted the urgent need to protect all the wetlands in Srikakulam in view of their ecological significance with specific reference to the Sompeta wetlands and the proposed industrial activities. They have deprecated the proposal for setting up a Super Thermal Power Plants in those wetlands in their report. They also mentioned about the existence of other wetlands in that area.

13. They have further mentioned in the report that the wetlands complex is nearly 4000 acres and 20 km long covering parts of Baruva in Sompeta Mandal and Kapaasguddi in Kavitimandal. It is a wetland which is to be conserved under various State and Central Government policies and International treaties such as Ramsar Convention and the Wetlands (Conservation and Management) Rules notified by the MoEF&CC. It is further mentioned in that report that out of the 1882 acres handed over to Nagarjuna Construction Company, 1200 acres were in the Beela. This is highly fertile and 32 villages with population of around 3 lakhs depend upon the Beela for various purposes, for water for irrigation, fisheries, fodder, thatching materials, medicinal plants and several edible plants.

14. As per the provisions of the Wetlands (Conservation and Management) Rules, 2010 the State Governments are required to identify and demarcate protected wetlands. Despite the specific observation in the SACON report about the significance of the Sompeta wetlands and meeting the criteria for protected wetlands, the same is yet to be identified as protected wetland under the Wetlands (Conservation and Management) Rules. As per response of the MoEF&CC in a reply dated 05.10.2015 under the Right to Information Act dated 10.09.2015, it was mentioned that “no

wetland has been identified by Central Wetlands Regulatory Authority under these Rules except 25 Ramsar sites as specified in the Schedule of these Rules as none of the State Government/UTs submitted the requisite details in accordance with the criteria contained. So, it is evident that the State of Andhra Pradesh has neither prepared a brief statement or identified any protected wetland in that State including Sompeta Wetlands in terms of the provisions of the Wetlands (Conservation and Management) Rules, 2010. The Central Wetlands Regulatory Authority has to take steps under the provisions of the Wetlands (Conservation and Management) Rules, 2010.

15. Though, the applicant had made an application before the Central Wetlands Regulatory Authority dated 24.09.2015 evidenced by Annexure-H, no reply has been received. A request sent under the RTI application dated 11.05.2015 to the MoEF&CC, they received Annexure-I reply wherein they have stated that Central Wetland Regulatory Authority was not functional at present as its tenure was already over on 31.03.2015. However, the proposal for extending the tenure of Central Wetlands Regulatory Authority was under process. It was further mentioned that no meeting of Central Wetlands Regulatory Authority had been held since 2012.

16. In the context of the representation of the applicant regarding Sompeta Beela and its diversion for a Multi Product Industrial Zone, the MoEF&CC had through their letter dated 18.01.2016 directed the State of Andhra Pradesh to take appropriate action to identify and notify priority wetlands. There had been no response or action from the State Government in spite of that communication produced as Annexure-3.

Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 deals with restrictions on activities within the wetlands and certain activities were permissible but prior approval from the State Government has to be obtained. No wetland shall be converted to non-wetland use, unless the Central Government is satisfied on the recommendation of the authority that is expedient in the public interest and reasons justifying the decision are recorded.

17. Reading of the above provisions will go to show that the project of the 4th respondent is in violation of the Wetlands (Conservation and Management) Rules, 2010 as industrial activities are impermissible in wetlands.

18. According to the applicant, the application was filed within time as they wanted to rely on the inaction on the part of the authorities and violations of the statutory provisions is a continuing cause of action, it will give rise to fresh cause of action and as such it is within limitation. They have relied on the decisions reported in **T. Mohan Rao Vs. Ministry of Environment and Forest and Ors**¹ dated 23.05.2012 of National Green Tribunal, New Delhi, **Janhit Sewa Society Vs. State of U.P & Ors**² order dated 07.05.2015 of Principal Bench, National Green Tribunal, **N. Gajendran Vs. Principal Secretary, Corporation of Chennai & Ors.**³ of National Green Tribunal, **R.K. Singh Vs. Union of India & Ors**⁴ of National Green Tribunal, **T. Godavarman Vs. Union of India & Ors.**⁵,

¹ Appeal No. 23 of 2011

² O.A. No. 198 of 2014

³ O.A. No. 101 of 2015 (SZ)

⁴ O.A. No. 516 of 2014

⁵ (2012) 3 SCC 277

Hinch Lal Tiwari Vs. Kamala Devi and Ors⁶ and Better Living in Calcutta vs. State of West Bengal & Ors⁷ in support of their case.

19. Since, the authorities have not taken appropriate action, the applicant approached this Tribunal seeking following interim as well as final reliefs:

“INTERIM PRAYER

(i) Stay the GOM dated 09-09-2015 granted to respondent No.4, so as to prevent irreparable damage from occurring in the Sompeta Wetlands pending the application;

(ii) Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

MAIN PRAYER

(i) Direct Respondent Nos. 1 and 2 to consider the SACON Report and notify the wetlands in Srikakulam district, including the Sompeta land as "wetlands" in terms of the Wetland (Conservation & Management) Rules, 2010 for conservation.

(ii) Quash the GOMs No. 329 (Revenue Assn 1 Dept) dated 9-9-2015 whereby the Respondent No.5-Nagarjuna Construction Company has been allowed to set up multi-product industry zone in the Sompeta wetland area identified in the SACON Report, as it violates the Wetland (Conservation & Management) Rules, 2010.

(iii) Direct the Respondents to ensure that effective measures are taken to protect the wetlands and wetland complexes against the pressures of anthropogenic activities as per the Wetlands Rules, the Principle of Sustainable Development and the commitment under the Ramsar Convention;

(iv) Pass orders or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and the circumstances of the case."

⁶ (2001) 6 SCC 496

⁷ AIR 1993 Cal 215

20. The first respondent filed their counter affidavit contending that the Ministry of Environment, Forests and Climate Change, Government of India had been earlier implementing separate programmes, namely, National Lake Conservation Programme and National Wetlands Conservation Programme for conservation of identified lakes and wetlands in the Country. Under these sponsored schemes, financial assistance was provided to different States and UTs for conservation and management of identified lakes and wetlands in the Country.

21. To avoid overlap and promote better synergies, NLCP has been merged with the scheme of MWCP, into one integrated scheme of National Plan for Conservation of Aquatic Eco-systems. The scheme aims at holistic conservation and restoration of lakes and wetlands for achieving the desired water quality enhancement, besides improvement in biodiversity and ecosystem through an integrated and multidisciplinary approach and a common regulatory framework. NPCA is presently operational on cost sharing between Central Government and respective State Governments.

22. The proposal received from various State Governments and UTs are considered for financial assistance based on prioritization of water bodies in the States/UTs, conformity with the guidelines and availability of plan funds. So far financial assistance has been provided for conservation and management of 82 identified wetlands in the Country, including some Ramsar sites under NWCP/NPCA. Based on the proposal received from different States, the Ministry has so far sanctioned projects for conservation of 63 lakes in 14 States under the scheme of NLCP/NPCA.

23. The Central Government had notified the Wetlands (Conservation and Management) Rules, 2010 to regulate various activities within the wetlands. The provisions under the Rules include restriction on activities within the wetlands, include prohibited activities as well as those which should not be undertaken without prior approval of the State Government, process for identification of wetlands under different categories as well as the criteria for notifying the wetlands for regulation under the Rules. As per the Rules, all the State Governments were to prepare brief documents identifying and classifying wetlands within the respective territories in accordance with the criteria contained in the Rules, which include broad geographic delineation of the wetland, zone of influence along with a map (accurate and to scale), Size of the wetland, account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland and submit the same to the Central Wetlands Regulatory Authority.

24. During the meeting held in Ministry in November, 2013 regarding integrated management of lakes and wetlands, all the States and UTs were requested for specific consideration on the followings:

- i) Identification and notification of priority wetlands,
- ii) Constitution of wetland/lake authorities,
- iii) Development of integrated management plans,
- iv) Securing resources for implementation of management plans,
- v) Monitoring and evaluation,
- vi) Strengthening research-management interface.

25. The Ministry's letter dated 23.12.2013 and 19.09.2014 (Annexure-R-1/1 and R-1/2) all the State Governments were requested to accord high priority to the above recommendations and to take measures accordingly and to constitute a Wetland/Lake Authority in the State of Andhra Pradesh. As per the information available, the Government of Andhra Pradesh has yet to constitute the State Wetland/Lake Authority. Government of Andhra Pradesh has not submitted any proposal/ brief document for identification and notification of Sompeta Wetlands in Andhra Pradesh. Few States, namely, Odisha, Karnataka, Bihar, Sikkim, Tamil Nadu, Rajasthan, Madhya Pradesh and Punjab have already constituted State Wetland/Lake Authorities for taking up matter relating to conservation and management of wetlands and lake in an integrated and holistic manner. Specific lake authorities like Chilika Development Authority, Loktak Development Authority, Wullar Conservation and Management Authority and East Kolkata Wetland Management Authority have also been set up.

26. The Sompeta wetland as referred in the application is not identified under the NPCA nor notified under the Wetlands (Conservation and Management) Rules, 2010 Hence, the rules are not applicable to these wetlands. The land use and Master Plan of an area are within the domain of State Governments, whereby State Governments needs to demarcate the identified wetlands and restrain encroachment or reclamation thereof which is also the basic requirement for protection of any wetland to be identified by the State in terms of the Wetlands (Conservation and Management) Rules, 2010. Since, it is a matter for State Government to

take action as per the Rules and only after getting the proposal, the Ministry can take necessary action.

27. As per the order of the National Green Tribunal dated 23.05.2012 in Appeal No. 23 of 2011, the Ministry was required to finalize and notify wetlands in the Country as early as possible. The notification of the wetlands is an on-going process and wetlands, have to be notified as per the provisions of Wetlands (Conservation and Management) Rules, 2010 on the basis of the proposal received/ to be received from the State Governments. The Ministry's has requested all the State Governments including the State of Andhra Pradesh vide their letter dated 30.12.2010 and 25.04.2011 for submission of the brief statement as per the Wetlands (Conservation and Management) Rules, 2010 along with requisite information. But no such reports have been received from State of Andhra Pradesh. Certain allegations were made against M/s Nagarjuna Construction Company which has to be answered by them.

28. A representation was received from applicant no. 1 which was forwarded to State of Andhra Pradesh for necessary action on 18.01.2016. Another representation dated 25.01.2016 was received from applicant no.2 which was also forwarded to Government of Andhra Pradesh on 24.02.2016.

29. The 1st Respondent also gave paragraph wise reply to the allegations made in the application, more or less reiterating the contentions raised by them in the earlier paragraphs. They prayed for accepting their contentions and pass appropriate orders.

30. The 3rd Respondent filed counter affidavit contending that the Sompeta wet lands as referred to in the application are neither identified under National Plan for Conservation of Aquatic Eco-systems (NPCA) nor notified under Wetlands (Conservation and Management) Rules, 2010 and as such, these rules are not applicable to these wet lands. The Salim Ali Centre for Ornithology and Natural History Coimbatore (SACON) has conducted three surveys (on ecological status Survey) during the months of October 2011 and February - March 2012 on the wet lands of Srikakulam District and submitted the report to the MoEF&CC in the month of July, 2012 and has suggested on protection of wet lands (including interconnected wetland complexes such as coastal wet lands of Sompeta) in the District should not be allowed to be converted for any other purpose and also expressed that the plans for setting up of the super Thermal Power Plants in those wetlands should be re-examined so as to avoid adverse impact on environments, ecosystems, Limno systems, Hydro systems. Necessary sanctions for setting up of Thermal Power Plant were approved by the Government of Andhra Pradesh vide G.O.Ms.No.1107 Revenue (Assn-1) Department dt. 15.09.2008 and the Environmental Clearance was granted on 09.12.2009 by the MoEF&CC i.e. prior to the above Ecological Status Survey by SACON. Keeping in view of these suggestions by SACON and other institutions / organizations, a view has been taken by the Government of Andhra Pradesh, respecting the sentiments of the local people of Sompeta Mandal in Srikakulam District and keeping in view of creating employment to local people and also keeping in view of not affecting environment, Eco, Limno, Hydro etc. systems, the Government of Andhra Pradesh had changed the line of activity from setting up 1980 MW Thermal Power Plant vide sanctioned

in G.O.Ms.No.1107 Revenue (Assn-1) Department dt. 15.09.2008 and permitted M/s Nagarjuna Constructions Company Limited to utilize the same lands admeasuring Ac. 972.69 cents for development of "Multi Product Industry Zone" (Non Pollutional) vide G.O.Ms.No.329 Revenue (Assn-1) Department dated 09.09.2015. The public meeting was conducted on dated 18.8.2009 under the Chairmanship of the District Collector, Srikakulam and at that time, no objections were received from any sections of the society on establishment of Thermal Power Project. Regarding the livelihood of fishermen, the Inland Fishermen Co-operative Society, Manikyapuram Village of Kaviti Mandal in Srikakulam District, consisting of 158 members are catching their fish in the swamp lands and their area of operations is Manikyapuram, Rushikudda and Gollagandi. The water spread area under the possession of the society comes to Ac.584.44 cents which is available in Manikyapuram Village of Kaviti Mandal and Gollagandi, Rushikudda in Sompeta Mandai (i.e. Chinna Beela land) and their livelihood are not deprived. M/s. Nagarjana Constructions Company Ltd. in whose favour land is alienated for setting up of the Thermal Power Plant had deposited an amount of Rs. 62.00 lakhs with the Deputy Director, Fisheries Department, Srikakulam for deepening and forming a fish ponds to the fishermen to earn their livelihood in the Chinna Beela land Ac. 247.00 cents and also taken up training programmes to the educated unemployed fishermen youth through NAC/DRDA for getting employment. Regarding valuable wildlife species, the Divisional Forest Officer, Srikakulam reported that about 356 plant species, the predominant plant species of *Mangifera Indica*, *Borassus Flabellifera*, *Phoenixsylvestris*, *Diloxylon Regia*, *Acacia Nelouca*, *Tamarindus Indica*, *Cocos nucifera*, *Cassia Tora*, *Cassia*

occidentis, Abutilon Indicum, Achyranthes Aspera, Parthenium Hysterophorus, Tephrosia purpurea etc., have been identified within 10 KM radius of the project site. Similarly the animal species reported within the 10 KM study area are common in nature to this region and there is no endangered, protected, threatened animal and plant species in the study area and that there are no objections to the Forest Department, if the power plant is proposed to be established in the above land. Therefore, the MoEF&CC, Government of India vide its order No.J-13012/119/2001. IA- II (T) dated 09.12.2009 granted the Environmental Clearance (EC) for setting up of the proposed aforesaid Coal-based Thermal Power Plant at Sompeta in Srikakulam District. They admitted that the National Environment Appellate Authority (NEAA) had set aside the Environmental Clearances for the project on 14.07.2010 vide Appeal No. 4 of 2010 filed by the persons of Sompeta area. Aggrieved partly with these orders of NEAA, M/s. Nagarjuna Constructions Company Ltd. filed a Review Petition on 19.7.2012 as R.A.No.07/2012 in Appeal 23-28/2011 before the National Green Tribunal. As the aforesaid company opted to withdraw Thermal Power Project and establish eco-friendly Industrial Park and consequently, the Government of Andhra Pradesh had cancelled the allotment of land made to M/s. Nagarjuna Constructions Company Ltd. for setting up of Thermal Power Project in Sompeta Mandal issued vide G.O.MS.No.1107 Revenue (Assn-I) Dept, dt.15.9.2008 and concurrently, M/s Nagarjuna Constructions Company Ltd. was permitted to use the said lands for development of "Multi Product Industry Zone" vide G.O.Ms.No.329 Revenue (Assn-1) dated 09.09.2015 and they have withdrawn the review application and based on this, the National Green Tribunal has disposed of the R.A.No.07/2012 as

withdrawn vide its orders dated 21.01.2016. The litigation in National Green Tribunal is limited to the Environmental Clearance granted to NCC Thermal Power Project and it has nothing to do with permitting NCC Ltd. to use the lands for "Multi Product Industry Zone". The Environmental Clearance (EC) shall be obtained from the competent regulatory authority before any construction work or preparation of land by the project management, except for securing the land is started in the project or activity. They explained the procedure for application for Environmental Clearance as envisaged under EIA Notification, 2006. Public hearing is not a prerequisite for such project as per EIA Notification, 2006. With regard to mention of description of land in Revenue Records and its natural utility by the applicants at 7.2 & 7.3 of Para 6, it was submitted that M/s. Nagarjuna Construction Company Pvt. Limited, Hyderabad has submitted an application to the District Collector, Srikakulam for alienation of 1046.21 Acres of Government land for setting up of 1980 MW power plant with the investment of about 1915 crores by creating new employment opportunities to 2000 people and also to produce sufficient power for the usage in the State and also promote the Dynamic New Industrial policy of the Government of Andhra Pradesh by bringing rich dividends to the State in terms of Economic and Industrial Development, the District Collector, Srikakulam directed the then Tahsildar Sompeta Mandal to examine the feasibility of the lands and submit alienation proposals, and the Tahsildar, Sompeta had verified the lands covered by requisition of the company and the details of the lands verified are as follows.

Sl. No.	Name of the Revenue Village	Survey No.	Extent in Ac.
1	Rushikudda	152/2	396-85
2	Gollangandi	23/9	249-43
3	Baruvapeta	247	201-13
4	Benkili	231	198-80
	Total		1046-21

31. During the verification of the above lands, it was found by the Tahsildar, Sompeta that an extent of Ac. 1125-18 cents of Swamp lands locally called as Beela and these lands are Government lands and situated in a low lying, receiving the excess water from Mukundasagaram lies in Kanchili Mandal, Paidigam Reservoir and Mahendratanya groin and flood water during rainy season from the villages lying on the western side and due to receiving and storage of heavy water which adversely affects surrounding paddy and other agricultural crops in private lands by inundation during rainy season and water stagnates throughout the year makes inaccessible to the swamp (Beela), except mid May month when water dried up and these lands are neither suitable for agriculture nor for any commercial plantations, except useful for very few inland fishermen for fishing during the rainy season. As some portions of lands which are above the swamp level covered with BDR pattas, Channel, CRZ area and encroachments, the following extents were finally arrived at as detailed below:

Sl. No.	Name of the Revenue Village	Sy. No.	Classification	Net Extent arrived at (in Acs.)
1	Rushikudda	152/2	Beela Gayalu (Swamp)	395.36
2	Gollagandi	23/9	Beela Tampara (Swamp)	208.75
3	Baruva peta	247	Tampara Poramboke	169.78

4	Benkili	231	Kaluva Poramboke	198.80
			Total	972.69

32. On the proposal submitted by the District Collector, Srikakulam, the Government of Andhra Pradesh in its G.O.Ms.No.1107 Revenue (Assn-I) Department dated 15-9-2008 have accorded permission to the District Collector, Srikakulam to alienate the aforesaid land i.e. an extent of 972.69 Acres in favour of APIIC for onward transfer in favour of M/s. Nagarjuna Constructions Company Limited, Hyderabad for setting up of 1980 MW Thermal Power Project on payment of market value i.e. Rs.80,000/- per acre. Accordingly, the APIIC has allotted the said land in favour of M/s Nagarjuna Constructions Company Limited and also registered a deed of sale for the above land to an extent of 972.69 Acres land on 06.06.2009 and delivered the physical possession of land on 29.05.2009. The people of Sompeta area have agitated on the construction of this Thermal Power Plant on the reason that the proposed construction of power plant will adversely affect the Environment and Ecology and a view has been taken by the Government, respecting the sentiments of the local people of Sompeta Mandal in Srikakulam District and in line with the Dynamic New Industrial Policy of the Government of Andhra Pradesh and keeping in view of creating employment to the local people and also not affecting the Environment, changed the line of activity from setting up of 1980 MW Thermal Power Project vide sanctioned in G.O. Ms.No.1107 Revenue (ASSN-1) Department dt. 15.09.2008 and permitted the M/s Nagarjuna Constructions Company Limited to utilize the same lands admeasuring 972.69 Acres for development of "Multi Product Industry Zone" vide G.O.Ms.No.329 Revenue (Assn-1) Dept. dt.

09.09.2015 subject to the following conditions and also laid down in BSO-24 and G.O.Ms.No.571 Revenue (Assn-1) Dept. dt. 14.09.2012:

"1. The land shall be utilized for the purpose for which it is allotted within three years from the date of this order. 2. The alienee shall submit an annual report before 31st March on the progress of utilization to the District Collector. 3. The District Collector shall be the Authority to cancel and resume the land from the allottee Or Violation of conditions as well as for non utilization of land".

33. The Central Government has notified the Wetlands (Conservation and Management) Rules, 2010 to regulate various activities within the wetlands. Under the said Rules, 25 wetlands being Ramsar sites have been verified. The issue regarding the identification of Sompeta lands as protected wetlands under the Wetland Rules, a detailed remarks were offered at Para 3 of this counter statement. The Ministry of Environment, Forest and Climate change, Government of India has offered their remarks on the other allegations. Considering the sentiments of the local people against the establishment of Thermal Power Project in this area, the Government has changed their activity and assigned the said land to M/s Nagarjuna Constructions Company Ltd. for establishing a Multi Product Industry Zone. The same will not affect the environment of any type including eco-sensitive nature of this area. This is neither a protected wetland nor a notified one and as such, the Wetlands (Conservation and Management) Rules are not applicable. Further, it is not a wetland to be notified as required therein as well. The Tahsildar has submitted a report in letter No. RC.No.71/2017/SA/Dt. 13-03-2017 stating that the company has not constructed any buildings and developed the land for any purpose which effects Environment or Ecology. The lands in questions did not affect any animal species or plant

species or human life. The provisions of the Wetland Rule are not applicable to the Beela lands of Sompeta Mandal. So, they prayed for dismissal of the application, accepting their contentions.

34. The 4th Respondent has filed their counter affidavit contending that the application is not maintainable and it is barred by limitation. The Working President of the first applicant sangam, Shri. Madey Saratchandrudu, has already filed a Writ Petition as W.P.No.13904 of 2016 before the Honourable High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh challenging the G.O. Ms.No 329 dated 09.09.2015 which is the subject matter of the present main application wherein, the prayer was for a Writ of Mandamus declaring the action on the part of respondent authorities to allow the 9th Respondent to use the land admeasuring Ac.972.69 cents in Sy.No.152/2 etc. of Rushilonda, Gollagandi, Baruvapeta and Benkili villages of Srikakulam District for development of "Multi Product Industry Zone" is illegal, arbitrary, and unconstitutional and set aside the notification issued by the 1st Respondent, after declaring that the wetlands and swamp community lands, source of irrigation, Lift Irrigation Scheme and sources of livelihood for fishermen ought not have been alienated for alien purposes and pass such other order or orders as this Honourable Court may deem fit and proper in the interest of Justice. The said working President is also a signatory to the resolution authorizing Sri Yaradi Krishna Murthy, the President of the Sangam to sue the legal issues relating to Sompeta Wetland Complex which is marked as Annexure-A in the present main application. So, it is a clear abuse of process of Court. There is an interim order passed by the

Honourable High Court and the writ petition is pending for consideration. The present application is not maintainable under Section 14 (3) of the National Green Tribunal Act, 2010, as it is barred by limitation, as the application ought to have been filed within a period of six months from the date of cause of action first arose, as the notification in this case was issued as early as on 09.09.2015, but the application was filed on 11.07.2016, nearly one year after the issuance of the notification. Further, the limitation under Section 15 of the National Green Tribunal Act, 2010, of 5 years is not applicable to the present case, as there was no prayer for restoration of the wetland. The applicant was relying on the SACON report to notify the wetlands in Srikakulam District, including the Sompeta land as "Wetlands" in terms of the Wetlands (Conservation & Management) Rules, 2010 and that will amount to a declaration from this Honourable Tribunal for notifying the wetlands which is beyond the scope of the jurisdiction of this Hon'ble Tribunal. It is neither declared nor notified as a wetland by the MoEF&CC so as to bring within the provisions of the Wetlands (Conservation & Management) Rules, 2010. The application is a premature one, as per the Government Order, it is for the development of Multi Product Industry Zone subject to the conditions laid down in BSO- 24 and G.O.Ms.No.571, Revenue dated 14.09.2012. It is only in the initial stage and as such, there is no cause of action accrued for the applicants herein. These respondents were strictly following the statutory requirements and without adhering to the statutory provisions, no activity of these respondents will be started. The Wetlands (Conversion and Management) Rules, 2010 will not come under any of the statutes provided in the schedule attached to the National Green Tribunal Act, 2010. This Tribunal cannot go into the question as to

whether it is a wetland or not and it is for the authority to consider as to whether it is a wetland or not and if it is a wetland, whether it has to be declared for the purpose of conservation and preservation provided under the said Rules. The allegations regarding the appeals mentioned in the application are related to establishment of 2 x 600 MW Super Critical Coal Based Thermal Power Plant over these lands by the 4th Respondent pursuant to the G.O.Ms.No.291 dated 22.02.2009 issued by the erstwhile Government of Andhra Pradesh, which is totally a different subject matter and irrelevant to the present issue. The Review Petitions filed by the 4th respondent in the said appeal were withdrawn in response to the Dynamic New Industrial Policy of the Government of Andhra Pradesh to develop Multi Product Industry Zone (MPIZ) in the subject lands in the place of Thermal Power Project and the review applications were withdrawn, respecting the sentiments of the local people who were against the establishment of thermal power plant in that area. The description and nomenclature etc. are to be confirmed by the authorities and they have not made any comments on the same. The nomenclature and their meaning so derived as Swamp Lands and Wetlands is subject to classification to be done by the concerned authorities only and the applicant is not competent to provide such nomenclatures and term these lands as Wetlands. They denied the allegation that the State authorities have not taken necessary measures to protect the water bodies and wetlands. The State Government has never declared these lands as Wetlands, as there was no ecological or biodiversity significance to these lands. They admitted that as per earlier G.O.Ms.No.1107 dated 15.09.2008, certain lands in Sompeta Mandal, Skrikakulam District were assigned in favour of these respondents for setting up a Coal-based

Thermal Power Project and the said project was to be erected in land having an extent of Ac. 1672.82 cents land in Rushikudda, Gollagandi, Baruvapeta and Benkili Villages of Sompeta Mandal. Out of this, land to an extent of Ac.972.69 cents was alienated by the Government of Andhra Pradesh vide G.O.Ms.No.1107 dated 15.09.2008 and Ac. 110.250 cents was resumed D-patta lands alienated by the Government of Andhra Pradesh vide G.O.Ms.No.291, dated 26.02.2009 and an extent of Ac.589.880 cents of private land bought by the respondent from various individuals through 749 registered sale transactions. They submitted an application for Terms of Reference to the Ministry of Environment and Forest (MoEF) on 22.08.2008 and after detailed deliberations of EAC, which includes details of scientific evidence and studies carried out by the respondent to ascertain the suitability of the Project and a site visit by a sub-committee of Experts from MoEF, on 14.05.2009, Terms of Reference was issued. The detailed special studies carried out were:-

- (a) Studies on demarcation of CRZ and setbacks by National Institute of Oceanography, Goa, Government of India.
- (b) Study on biodiversity and Water Quality in regards to the site and downstream drainage upto the sea by Prof. Seshagiri Rao (University of Hyderabad) and Prof. V.S. Raju, (Kakitaya University, Warangal)
- (c) Report of Resurvey by Survey of India
- (d) National Hydrographic Map published by Chief Hydrographer, Government of India to the effect that the site is not mud flat, not a marshy land and is unconnected to sea.
- (e) Assessment of soil from Regional Agricultural Research Station (Acharya N.G.Ranga, Agricultural University, Bapla).
- (f) Land use / land cover obtained from Remote Sensing Studies carried out by the Andhra Pradesh State Sensing Application Centre.
- (g) Study of Regional Geology of Site Environment, by Department of Geology, Andhra University.

(h) Area drainage study by WAPCOS (Water & Power Consultant), Government of India and

(i) Certification by District Collector, Srikakulam about the classification of the land as per the revenue records.

35. The said studies have revealed that the project site is away from marine environment and the plant activities are away from the CRZ area. There is no sign of marshy lands and there was no indication of marine environment in the proposed site and the vegetative cover present in these lands is dominated by weed / grass. The area does not fall or contain in its vicinity any barren land without any cultivation and habitation. There were no threatened categories of plant and animal species as cited in the Red Data List (IUCN categories). This clearly establishes that a thorough study has been made as a part of a project to secure the environmental impact over these lands.

36. It was further contended that the Ecological Status Survey conducted by the Salim Ali Centre of Ornithology & Natural History (2012) cannot be relied upon as the same was without any proper authority. It is also contended that admittedly, the State Government is the appropriate authority to identify and demarcate the protected Wetlands of the State. The report of SACON do not have any significance and the State Government is having its own machinery to conduct various research and studies for declaring a land as Wetland. Till date, these lands are not declared as Wetlands by the State Government and in the absence of such declaration, the present application with a mandatory relief to direct the Respondents No.1 & 2 herein to consider the SACON report and declare these lands as Wetlands in terms of the Wetlands (Conversion and

Management) Rules, 2010 is unsustainable and is also beyond the scope of this Tribunal. The allegation that the State Authorities as well as Central Wetlands Regulatory Authority have failed to identify the subject lands as protected wet lands is without any basis and hence, denied. The Applicants have no right to question the authority of the State and Central Departments/Organizations. They are having separate mechanism for classifying the lands and the same cannot be questioned by way of an application seeking a mandatory direction to consider the classification of a particular land. It is not correct to say that the subject lands are being diverted for prohibited activities as mentioned in Wetlands (Conservation and Management) Rules. As per the G.O.Ms.No.329 dated 09.09.2015, these lands measuring Ac.972.69 cents in Srikakulam District have been allotted to the 4th Respondent for the development of Multi Product Industry Zone which is permissible in law. The allegation that the development of these lands into a Multi Product Industry Zone will cause irreversible destruction of these lands is not correct and hence denied. As these lands are poramboke lands as per the revenue records, any industrial activity will not have any adverse impact on environment. The order of this Tribunal dated 23.05.2012 in Appeal No.23/2011 is not applicable to the facts of this case. The judgment dated 23.05.2012 is to revisit the E.I.A. Report from the stage of Public Hearing, suspending the Environmental Clearance granted in view of the then proposal for putting up Thermal Power Plant on these lands in pursuance to the G.O.Ms.No.1107 dated 15.09.2008 which is totally different from the present Government Order under challenge i.e. G.O.Ms.No.329 dated 09.09.2015. The applicant cannot rely on the observations made by the Tribunal and the other reports/

correspondences made with regards to the earlier Government Order and apply the same analogy for the present Government Order under challenge. In fact, the Tribunal has observed in Para 25 of the said order that "*However, it is made clear that the proposal of present Project Proponent has rightly been dealt with in view of siting criteria guidelines which were prevailing at the relevant time*".

37. So, it is clear from this that there is no lacuna found by the Tribunal in the procedure adopted by the concerned authorities. The subject matter of the Government Order is under challenge before the Hon'ble High Court of Andhra Pradesh and Telangana at Hyderabad in W.P.No.13904 of 2016, which was filed in the individual capacity by one Mr. M. Sharat Chandrudu, G.Kameswara Rao and M. Mohan Rao who are the active members of the first applicant Association. The Hon'ble High Court in W.P. (M.P.) No.17349 of 2016 vide its Order dated 22.04.2016 has suspended the said G.O.No.329 dated 09.09.2015 and the said interim order is still subsisting. The Applicants were aware of the pendency of the said Writ Petition and the present application has been filed suppressing that fact. None of the decisions relied on by the applicant are applicable to the facts of this case. The respondent has got a social obligation to protect and safeguard the environment by means of "*Sustainable Development*" and as such, all the necessary safeguards would be undertaken before proceeding with the Government order. Due to the untenable and unreasonable approach of the applicants, the *Sustainable Development* is deprived resulting in loss of livelihood to many persons who would get employment. So, they prayed for dismissal of the application.

38. Heard Mr. Ritwick Dutta, the learned counsel appearing for the applicant, Mr. G.M. Syed Nurullah Sheriff, the learned counsel appearing for the MoEF&CC, Mrs. Madhuri Donti Reddy, the learned counsel appearing for the State of Andhra Pradesh and Mr. A.R.L. Sundaresan, Senior Counsel along with Mr. L.G. Sahadevan, the learned counsel appearing for the 4th Respondent.

39. The learned counsel appearing for the applicant argued that even during 2015 when this land was assigned in favour of the 4th Respondent for establishing the Thermal Power Plant and the Environmental Clearance was granted, the same was challenged before the National Green Tribunal by filing an Appeal and the Tribunal by Judgment dated 23.05.2012 in T. Mohan Rao Vs. MoEF&CC & Ors., directed the MoEF&CC to identify and finalize the important wetlands in the country as early as possible, so that location of development projects in and around such ecological sensitive area could be avoided. Against such directions given, now the State of Andhra Pradesh has given the same land to the 4th Respondent for another project namely, Multi Product Industry Zone which is also not conducive for the environment which will affect the ecologically sensitive area of Sompeta Wetland and this is in fact against the Doctrine of Public Trust as well.

40. As regards the case pending before the Hon'ble High Court is concerned viz., W.P. 13904/2016, it was filed by certain persons in their individual capacity and further that was in respect of challenging the notification by which the land was assigned in favour of the 4th Respondent. But the issue in this case is regarding protection of wetland which is entirely different from the subject matter before the Hon'ble High Court. When

the applicants came to know about certain work was being done in that area during 2018, the same resisted by the farmers in that area and the same was stopped. The importance of the wetlands and necessity to protect the same were dealt with by the Hon'ble Apex Court in **S. Jagannath Vs. Union of India**⁸. Further, the Hon'ble Apex Court in **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**⁹ has clarified that ponds, tanks, canals, streams, water channels, reservoirs, rivers, streams and lakes shall be considered while adjudicating on the issue of conservation of wetlands. Further, the Hon'ble Apex Court had considered the importance of protection of water bodies in **Hinchalal Tiwari Vs. Kamaladevi**¹⁰ and **Jithender Singh Vs. MoEF&CC & Ors.**¹¹ where the dictum laid down in *Hinchalal Tiwari's* case was affirmed. Further, in **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**¹², the Hon'ble Apex Court has directed the MoEF&CC as well as the State Governments to take steps to notify the wetlands and till then, the notified wetlands and mapped wetlands should not be interfered with and that can be dealt with only in accordance with the provisions under the Wetlands (Conservation and Management) Rules, 2010. The Hon'ble Apex Court has taken care of even those wetlands mapped as wetlands in the National Wetland Atlas which have to be taken note of for this purpose. Contrary to the same, the State of Andhra Pradesh in their reply dated 21.08.2017 contended that the Wetlands (Conservation and Management) Rules, 2010 will not be applicable to the present case, as Sompeta wetlands were neither identified under the National Plan for

⁸ (1997) 2 SCC 87

⁹ (2009) 5 SCC 507

¹⁰ AIR 2001 SC 3215

¹¹ 2019 SCC Online SC 1510

¹² (2017) 7 SCC 810 (2)

Conservation of Aquatic System nor was notified under the Wetland Rules, 2010. This was against the dictum laid down in *M.K. Balakrishnan's* (2) case. Even in the Appeal No.23 of 2011 and 24 of 2011, this Tribunal by Common Judgment dated 23.05.2012, directed the MoEF&CC to finalize and notify the important wetlands in the country as well as possible in order to ensure that such ecologically sensitive areas that was the subject matter of Appeal No.23 of 2011 would not be destroyed by development activities. The learned counsel appearing for the applicant had relied on the Para (37) of the Judgment in the above appeal for this purpose. Further, the MoEF&CC by their letter dated 18.01.2016, directed the Principal Secretary to Government of Andhra Pradesh to take appropriate action with regard to the identification/notification of Sompeta be located in Srikakulam District. Despite, they have not taken any steps. The applicant also relied on the importance of the Sompeta Beela on the basis of the SACON report. Several portions of the report of the SACON were relied on by the counsel for the applicant in support of their case. Further, in the *Jithender Singh Vs. MoEF&CC & Ors.* reported in 2019 SCC Online SC 1510, it has been observed that even otherwise the action of the respondent authorities contravene their constitutional obligation Article 48 A of the Constitution which cast a duty on the State to make endeavour to protect and improve the environment and to safeguard the forest and wildlife in the country. Article 51 A (g) expects every citizen to perform his fundamental duty to protect and improve the natural environment. A perusal of our constitutional scheme and Judicial Development of environmental law further shows that all persons have a right to the healthy environment, it would be gain said that the State is

nothing but collective embodiment of citizens and hence, collective duties of citizens can constructively be imposed on the States.

41. The learned counsel also argued that since the directions given by the Hon'ble Apex Court had not been complied with and since it is a continuous violation of the constitutional obligation, every violation will give rise to a fresh right of cause of action and as such, the application is well within time. Further, even assuming that the Tribunal cannot declare this is a wetland, but directions can be given to the Government to consider the same and take steps to declare the same by giving certain guidelines as to how this will have to be evolved for the purpose of identifying the wetlands. Even assuming that if it is not a wetland, but it can be treated as a water body, even then this Tribunal has got power to protect the water body against any encroachment and any destruction as restoration and rejuvenation of water body is the mandate of the State, as that will play a great role in improving the environment and also providing healthy life which is part of Right to Life as enshrined under Article 21 of Constitution of India. So, according to the learned counsel for the applicant, the same is maintainable and not barred by limitation and the Tribunal has got power to grant the relief claimed.

42. On the other hand, Mr. A.R.L. Sundaresan, the learned Senior Advocate appearing for the project proponent along with Mr. L.G. Sahadevan argued that the application is not maintainable, as it was filed beyond six months of issuance of the notification which is under challenge. Further, one of the members of the first applicant's Association, in his individual capacity filed a writ petition, challenging the notification, allotting this

land to the project proponent viz., the 4th Respondent and a Status Quo order has been passed and as such, there is no necessity for this Tribunal to go into the question, as the Hon'ble High Court has already taken cognizance of the matter.

43. The learned Senior Advocate further argued that the nature of relief sought for cannot be granted by this Tribunal, as it is a nature of declaration that a particular water body has to be declared as a wetland. It is for the authorities under the statutes to decide the status of the water body, whether it has to be declared as a wetland or not and whether it has to be protected either as a water body or as a wetland and that power cannot be usurped by the Tribunal. Further, the disputed water body is neither a declared wetland nor a mapped wetland or notified wetland by the State of Andhra Pradesh. So under such circumstances, the applicant is not entitled to get any of the reliefs claimed in the application.

44. Further, the learned Senior Advocate also argued that the applicants cannot rely on the earlier decision, where the Environmental Clearance (EC) granted for the Thermal Power Plant in this area was set aside by this Tribunal. Even in that case, there was no declaration that it is a wetland, but that was directed to be considered by the State Government. Further, the Salim Ali Foundation's report cannot be relied on for the purpose of declaring this as a wetland, as the subsequent report submitted by the same organization has suggested for certain other activities can be permissible and that was the reason why the land was allotted for the present project.

45. The learned Senior Advocate appearing for the 4th Respondent has relied on the decision of the Principal Bench of National Green Tribunal, New Delhi **Randhir Singh (Sarpanch) & Ors. Vs. State of Haryana & Ors. (O.A. No.182/2013)** and **Lakhan Musafir & Ors Vs. Sardar Sarovar Narmada Nigam Limited & Ors. (M.A. No.74/2015 in O.A. No.10/2014)** in support of their case.

46. The learned counsel appearing for the State of Andhra Pradesh submitted that the land in dispute was neither declared as a protected wetland nor it was mapped or identified as a wetland in the Atlas of Wetlands in the State of Andhra Pradesh. Further, it is for the State Government to decide as to whether the particular water body will have to be declared as a wetland or not. On the basis of the direction issued by this Tribunal, the State of Andhra Pradesh has constituted a technical committee to go into the question and they are studying the matter and once the study is completed and recommendations made, the State of Andhra Pradesh will take necessary steps in this regard. Further, the notification allotting this land to the 4th Respondent was challenged by the working president of the first applicant's Association and a Status Quo order has been passed and as such, there is no necessity for this Tribunal to go into the question, as the relief claimed therein are same. So, the learned counsel appearing for the State of Andhra Pradesh prayed for dismissal of the application.

47. The learned counsel appearing for the MoEF&CC argued that as per the provisions of the Wetlands (Conservation and Management) Rules, 2010, it is the responsibility of the State Government to identify the wetlands and sent a proposal to the MoEF&CC and on that basis, the MoEF&CC

will finalize the proposal and approval will be granted for notification. But, they have not received any proposal from the State of Andhra Pradesh in respect of Sompeta wetland or any other wetland in that State. Further, when they received a representation from the applicants, the same was forwarded to the State of Andhra Pradesh for further action. But they have not received any proposal so far. Similarly, when the appeal was disposed of by the Principal Bench of National Green Tribunal, New Delhi viz. Appeal No.23 of 2011 and Appeal No.24 of 2011, they have called for the proposal from all the States, including the State of Andhra Pradesh. In turn, some of the States have identified certain wetlands and sent their proposal, but the State of Andhra Pradesh has not sent any proposal. They prayed for accepting their contentions and pass appropriate orders.

48. We have considered the pleadings, submissions made by the learned counsels appearing for the parties including the written submissions and perused the documents available on record.

49. The points that arise for consideration are:-

- (i)** Whether the application is maintainable?
- (ii)** Whether the application is barred by limitation?
- (iii)** Whether the Sompeta water body is a wet land liable to be preserved and conserved as required under the Wetlands (Conservation & Management) Rules, 2010/2017?

- (iv) What is the nature of directions that can be issued by this Tribunal to protect the water body, if it is found to be either a water body or a wetland?
- (v) Relief and cost.

POINT No.(i):

50. As regards the question of maintainability is concerned, if the applicants raised a substantial question of environment, then the National Green Tribunal will be having a jurisdiction to entertain the matter and to decide the substantial question of environment raised. In this case, the case of applicants was that the disputed water body is a wetland to be preserved having large biological diversity and ignoring that fact, the State of Andhra Pradesh assigned this area to the 4th Respondent for establishing a Multi Product Industry Zone which will have great impact on the water body / wetland. So, the question as to whether it is a wetland to be preserved as required under the Wetlands (Conservation & Management) Rules, 2010/2017, is a substantial question to be considered by this Tribunal, as only after considering the fact that whether it is a wetland, necessary directions can be issued to the Government.

51. Further, as per the Environment (Protection) Act, 1986, the environment includes, water, air and land and interrelating relationship which exists among and between air, water and land and human beings and other living creatures, plants, micro organism and property. Since the water body/wetland plays a great role in protecting the environment, the question as to whether it will have to be protected or not is a question to

be considered by this Tribunal as a substantial question of environment and since the water also includes environment to be considered under the provisions of the Environment (Protection) Act, 1986, then any application relating to those aspects will fall within the jurisdiction of the National Green Tribunal under Section 14 & 15 of the National Green Tribunal Act, 2010 and as such, this application is maintainable.

52. Though it was contended in the counter statement of the 4th Respondent that a writ petition was filed before the Hon'ble High Court of Andhra Pradesh and Telangana at Hyderabad as W.P. No.13904 of 2016 by Sharat Chandrulu, G. Kameswara Rao and M. Mohan Rao who are the active members of the first applicant's Association, challenging the notification viz., G.O. Ms. 329 dated 09.09.2015, by which the land has been assigned in favour of the 4th Respondent for this purpose and the present application is not maintainable on the same ground is also not sustainable in view of the fact that, that same was challenging the notification granting a property to the 4th Respondent. But here the question is whether the particular alleged wetland has to be declared as a wetland and to be notified as required under the provisions of the Wetlands (Conservation and Management) Rules, 2010/2017.

53. Further, any activity of this nature can be permitted in that area, if it has got adverse impact on the water body is also a matter to be considered by this Tribunal. So, pendency of the writ petition for a different purpose will not be a bar for the applicants to independently agitate the question raised in this application before this Tribunal under Section 14 & 15 of the National Green Tribunal Act, 2010. Further, assuming that this Tribunal cannot declare the notification viz., G.O. 329 dated 09.09.2015 as similar

question is pending before the Hon'ble High Court of Andhra Pradesh and Telangana at Hyderabad, but the question as to whether the water body has to be preserved as a wetland, is an independent question to be considered by this Tribunal and as such, in order to decided that issue, the application is maintainable before this Tribunal. The Wetlands (Conservation and Management) Rules, 2010 and 2017 were passed invoking the power under the provisions of Environment (Protection) Act, 1986 and since the Environment (Protection) Act, 1986 is one of the statutes enumerated in Schedule I of the National Green Tribunal Act, 2010 and any violation of statutes and non-implementation of these statutes will give jurisdiction to this Tribunal under Section 14 and 15 of the National Green Tribunal Act, 2010. So, the contention of the 4th Respondent that the application is not maintainable, is not sustainable and the same is rejected and the point is answered accordingly.

POINT No.(ii):-

54. The other ground that was raised by the 4th Respondent was that application is barred by limitation, as it was filed beyond six months and sixty days as provided under Section 14 (3) and proviso to Section 14 (3) of the National Green Tribunal Act, 2010, as they were challenging the Government Order, assigning this land in favour of the 4th Respondent which happened on 09.09.2015. But the application was filed on 11.07.2016, which is more than eight months as provided under Section 14 (3) of the National Green Tribunal Act, 2010.

55. It was alleged in the application that when the applicant came to know that the 4th Respondent was trying to do aqua culture activities in Sompeta wetland without obtaining necessary permission from the authorities, in violation of the Wetlands (Conservation and Management) Rules, 2010, the applicant has rushed to this Tribunal by filing the present application.

56. It may be mentioned here that though applicants wanted to set aside the notification issued in favour of the 4th Respondent. but the main allegation in the application was to declare this wetland as a notified wetland under the provisions of the Wetlands (Conservation and Management) Rules, 2010/2017. Further, a writ petition was filed before the Hon'ble High Court in the year 2016 challenging that notification but when certain steps were being taken for the purpose of intermeddling with the water body and when it came to the knowledge of the applicant, they filed this application to protect the water body.

57. Further, the applicants alleged that cause of action for filing the application, as there was a dereliction on the part of the authorities ignoring the directions issued by the Principal Bench of National Green Tribunal in **Appeal No.23 of 2011 (T. Mohan Rao Vs. MoEF&CC & Ors.)** and **Appeal No.24 of 2011 (Maddu Raja Rao Vs. MoEF&CC & Ors.)** dated 23.05.2012, where the Environmental Clearance (EC) granted to the 4th Respondent for establishing the Thermal Power Plant was challenged and in that case, there was a direction issued to the MoEF&CC to take steps to implement the provisions of the Wetlands (Conservation and Management) Rules, 2010. It is on that basis, a representation was made

by the applicant to the MoEF&CC and the MoEF&CC has issued a letter to the State of Andhra Pradesh to finalize the identification of the wetlands in their State and sent a proposal.

58. Further, against the order passed by the Principal Bench of National Green Tribunal, New Delhi in Appeal No.23 of 2011 and Appeal No.24 of 2011, a review application was filed by the 4th Respondent as R.A. No.13 of 2014 and that was later dismissed as withdrawn by order dated 21.01.2016. Further, the applicant also made a request to the MoEF&CC to take steps to declare this as a wetland as early as on 2016, immediately after the disposal of the case and the MoEF&CC had forwarded the letter to the State of Andhra Pradesh for necessary action on 18.01.2016 and reminder was also sent on 24.02.2016, when they received another representation from the second applicant. Since no action was taken on that basis, the applicants will be getting a fresh cause of action for filing the application to protect the water body, as it is a recurring cause of action, when inaction was per se on the part of the authorities in not implementing the statutory provisions which they are expected to implement.

59. So, the dictum relied on by the learned counsel appearing for the 4th Respondent viz., **M.A. No.74 of 2015 in O.A. No.10 of 2014 (Lakhan Musafir & Ors Vs. Sardar Sarovar Narmada Nigam Limited & Ors.)** is not applicable to the facts of this case.

60. Further, in case of recurring cause of action, each recurring incidents will give raise to a fresh cause of action. If there is any damage caused to environment is to be restored, then the period will be five years under

Section 15 of the National Green Tribunal Act, 2010. Further, even though the applicant has made certain prayers and such prayers cannot be granted by this Tribunal, but on the basis of the allegations made in the application, a modified or moulded relief can be granted for the purpose of protecting the water body, then the Tribunal has got ample power to mould the relief on the basis of the allegations made in the application, if there is any foundation made in allegation raised in the application for granting such modified relief.

61. The grievance of the applicants was that the 4th Respondent was trying to reclaim the wetland and convert the same into an industrial estate. When certain work was about to be done, the present case was filed. Further, representations were made to declare this as a wetland under the then Wetlands (Conservation and Management) Rules, 2010, if the MoEF&CC has directed the authorities to do it and if the authorities did not take any action, then inaction on the part of the authorities will give rise to a fresh cause of action for the purpose of filing the application. The last communication that was issued by the MoEF&CC to the State of Andhra Pradesh to identify the wetland including the alleged wetland in question and sent the proposal was made in February 2016. If that date is taken, as the cause of action for the applicant, then the present application was filed within six months from the date of cause of action first arose for this purpose. Further, when the Hon'ble Apex Court in **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**¹³ directed the MoEF&CC and the State Government to take steps to identify and notify the wetlands and the same has not been done by the State of Andhra Pradesh, in spite of

¹³ (2009) 5 SCC 507

directions issued by the MoEF&CC in this regard. Further, when this Tribunal, while disposing the appeals, directed the MoEF&CC and the State Government to take steps to implement the Wetlands (Conservation and Management) Rules and the State of Andhra Pradesh have to take steps to send proposal as per the Wetlands (Conservation and Management) Rules, 2010 to the MoEF&CC, but no steps were taken by the State of Andhra Pradesh in this regard. Further, even when the Hon'ble Apex Court in **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.** reported in **(2017) 7 SCC 810 (2)**, directed to take steps and till then all wetlands including mapped wetlands will have to be governed by Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, no steps were taken by the State of Andhra Pradesh, till this Tribunal directed the State of Andhra Pradesh to furnish the details of steps taken by them in this regard during 2021 and 2022, decided to constitute a technical committee as required under Wetlands (Conservation and Management) Rules, 2017. Till then there was inaction on the part of the State in discharging their statutory obligations, this will be treated as a continuing cause of action and as such, the application is within time.

62. So under such circumstances, the submission made by the learned Senior Advocate for the 4th Respondent that the application is not maintainable and barred by limitation, cannot be accepted and the same is liable to be rejected. We hold that the application is maintainable and filed within time and it is not barred by limitation. The point is answered accordingly.

POINT No.(iii) to (v):-

63. The grievance in this application is that the disputed wetland namely, Sompeta Beela is a wetland which was included in the National Wetland Atlas prepared by the MoEF&CC, but despite that the Government of Andhra Pradesh is not taking steps to notify this as a wetland. The fact is that during 2009, an extent of 972.69 Ac. of land in Sompeta Mandal in Srikakulam District of Andhra Pradesh including the disputed wetland was assigned in favour of the 4th Respondent for establishing a Coal-based Thermal Power Plant of 980 MW capacity as per G.O. Ms. 1107 dated 15.09.2008, evidenced by Annexure - D.

64. It is also an admitted fact that the 4th Respondent had obtained the Environmental Clearance (EC) for this project and the same was challenged by one T. Mohana Rao by filing an appeal before the National Environmental Appellate Authority as Appeal No.03 of 2010 and 04 of 2010 and that was allowed by the National Environment Appellate Tribunal and the Environmental Clearance (EC) was set aside and the MoEF&CC had suspended the same. The 4th Respondent filed a review application and since the National Green Tribunal was established by then, the same were transferred to the National Green Tribunal and the Tribunal decided to hear the appeals afresh and renumbered the appeals as **Appeal No.23 of 2011 (T. Mohan Rao Vs. MoEF&CC & Ors.)** and **Appeal No.24 of 2011 (Maddu Raja Rao Vs. MoEF&CC & Ors.)** and by Judgment dated 23.05.2012, the Principal Bench of National Green

Tribunal, New Delhi had partly allowed the appeal and passed the following order:-

"36.The Environmental Clearance (EC) granted which is kept in suspension by the MoEF&CC vide order dated 15.07.2020 shall continue as such till the directions issued by us are complied, and would also be subject to the report of the Chief Conservator of Forests.

Para 37. The MoEF&CC may also finalize and notify the important wetlands in the country as early as possible so that location of development projects in and around such ecologically sensitive areas can be avoided in future."

65. Thereafter, the 4th Respondent had filed a Review Application as R.A. No.13 of 2014 and later, the same was withdrawn and it was dismissed as withdrawn, evidenced by Annexure - B, Judgment.

66. It is also an admitted fact that the State of Andhra Pradesh as well as the 4th Respondent had dropped the Thermal Power Plant Project in that area. It is thereafter, the Government of Andhra Pradesh has assigned the said 972.69 Ac. of land including the Sompeta wetland again to the 4th Respondent for development of Multi Product Industry Zone by G.O. Ms. No.329 dated 09.09.2015, evidenced by Annexure - C. As per the revenue records, these lands are classified as Kaluva Poramboke, Tampara Poramboke, Beela Gayulu and Beela Tampara.

67. The dictionary meaning of *"Beela"* is *"Swamp land"* and the dictionary meaning of *"Swamp"* is *"an area of land that is permanently waterlogged but which has a dense covering the vegetation, eg. in certain tropical regions, trees and shrubs, such as mangroves or, in the more temperate zones, willows or reeds."* The dictionary meaning of *"Kaluva"* is *"stream or canal"*. The meaning of *"Tampara"* is *"cluster and lotus plant in an aquatic perennial that thrives in shallow ponds, lagoons and*

marshes". From the above, it can be seen that these areas are water bodies/ water courses/wetlands even if not declared as wetlands under the relevant rules.

68. It will be seen from the G.O. Ms. 1107 Revenue (ASSN.I) Department dated 15.09.2008 that the description of the land was mentioned as follows:-

"The District Collector, Srikakulam has also reported that the Tahsildar, Sompeta has submitted alienation proposals through the Revenue Divisional Officer, Tekkali, to an extent of Ac.1125.08 cts of swamp lands locally called as Beela available in four villages namely, Rushikudda, Gollagandi, Baruvapeta, Benkili of Sompeta Mandal and all the above lands are Government swamp lands which are suitable in a low lying area, receiving the excess water from Mukundasagaram Pydigam Reservoir and Mahindratanaya Groin and flood water during rainy season from the villages lying in western side and due to receiving and stagnation of heavy water, it adversely affects surround paddy fields and agricultural crops by inundation during rainy season and that the standing water stagnates throughout the year makes in accessible to the swamp except mid May when water dried up."

69. So, it is clear from this that it is a swamp land containing water throughout the year and it acts as a receiver of flood water during rainy season and also excess water from the nearby reservoirs and further, it acts as a storing pond of water almost throughout the year.

70. As per the Ramsar Convention on Wetlands signed at Iranain City of Ramsar in 1971, there was an understanding globally/internationally to protect and conserve the wetlands, as it plays a great role to protect

environment. India being a party to the convention has a duty to implement the same.

71. In **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**¹⁴, the Hon'ble Apex Court has clarified that ponds, tanks, canals, creeks, water channels, reservoirs, rivers, streams and lakes shall be considered while adjudicating on the issue of conservation of wetlands.

72. Further, there was an obligation on the part of the Government to protect the water bodies even if it is not having the nature of wetland as has been reiterated by the Hon'ble Apex Court in **Hinch Lal Tiwari Vs. Kamala Devi**¹⁵ and **Jitender Singh Vs. MoEF&CC & Ors.**¹⁶ Further, the necessity of protecting the water body was reiterated by the Hon'ble Apex Court in **Jagpal Singh Vs. State of Punjab**¹⁷.

73. In **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**¹⁸, the Hon'ble Apex Court had passed an order for protection of wetlands by directing the application of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to the areas that have been marked as wetlands in the National Wetland Atlas which is extracted as follows:-

"Accordingly, we direct the application of principle of Rule 4 of 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 shall identify and inventories all these 2,01,503 wetlands with the assistance of State Governments and shall also communicate our order to the State Governments which shall also bind the State Governments to the effect that these identified

¹⁴ (2009) 5 SCC 507

¹⁵ AIR 2001 SC 3215

¹⁶ (2019) SCC Online SC 1510

¹⁷ (2011) 11 SCC 396

¹⁸ (2017) 7 SCC 810 (2)

2,01,503 wetlands are subject to the principles of Rule 4 Wetlands (Conservation and Management) Rules, 2010."

74. So, it is clear from the decision that the Wetlands (Conservation and Management) Rules, 2010 is applicable not only to the notified/declared wetlands under the said Rules, but also those wetlands which were mapped and identified in the National Wetland Atlas by the Union of India. This was further reiterated by the Hon'ble Apex Court in the order dated 04.10.2017 in **M.K. Balakrishnan Vs. Union of India & Ors.** in **W.P. (Civil) No.230 of 2001.**

75. The applicant has produced the National Wetland Atlas in respect of Andhra Pradesh published by the MoEF&CC, Government of India and in the Srikakulam District, they have notified 2063 wetlands in different heads viz., Inland Wetlands - Natural (Waterlogged, River/stream), Inland Wetlands - Manmade (Reservoirs/Barrages, Tanks/Ponds, Waterlogged), Coastal wetlands - Natural (Creek, Sand/Beach, Intertidal mud flats, Mangroves) and Coastal Wetlands - Manmade (Salt pans, Aquaculture ponds). The Sompeta wetland is one such natural wetland which has been mapped in the said atlas.

76. Further, it is also seen from the report submitted by the District Collector, Srikakulam District dated 11.09.2021 that the Salim Ali Centre for Ornithology and Natural History (SACON), Coimbatore has conducted three surveys (on ecological study survey) during October, 2011 and February - March, 2012 on the wetlands of Srikakulam District and submitted a report to the MoEF&CC, Government of India in the month of July 2012 and has suggested on protection of wetlands (including the

interconnected wetland complexes such as Coastal Wetlands of Sompeta) in the District and they should not be allowed to be converted for any other purposes and also expressed that the plans of setting up of the Super Thermal Power Plant Projects in those wetlands should be re-examined so as to avoid adverse effect on environments, Ecosystem, Limno systems, Hyrdo systems. But, it was mentioned in the report that actually necessary sanctions for setting up of Thermal Power Plant Project were approved prior to the study i.e. in 2008 and the Environmental Clearance (EC) was granted on 2009. But later the project was given up and by virtue of the notification dated 09.09.2015, the 4th Respondent was permitted to develop the area as Multi Product Industry Zone (Non-pollutional). The District Collector also noted certain aspects and during personal visit, following observations were made about the nature of land:

"1) Some parts of the land on the eastern sides are not swamps and they are not perennial wetlands;

2) It is informed that, in rainy season, some part of these lands become water logged.

3) At the time of inspection, certain lands are found to be swamp in nature and water was found to be stagnated. Through these lands, a channel which carries this water was observed and it is found out that these lands are not in equal level of surrounding sea. If the channel is regularly cleared & de-silted, then there will be no water stagnation and land will not be swamp in nature.

4) During the physical inspection, paddy cultivation was observed. Local people informed that these are low-lying area and in rainy season, it is completely filed with water.

5) During interaction, many local representatives, public leaders and NGOs have expressed their objection to setting up of industry in these lands. In last 13 years, many agitations have also taken up.

6) Finally, it is requested that, a detailed technical study may be undertaken for identification of perennial wetlands or seasonal wetlands in these area to identify any future purpose on these lands."

77. It is also seen from the communication from the State of Andhra Pradesh that on the basis of the recommendations made by the District Collector, they proposed to constitute a technical committee to go into the question.

78. The Union Ministry of Environment and Forest had entrusted the Salim Ali Centre for Ornithology and Natural History (SACON), Coimbatore to study the wetlands including the wetlands in Andhra Pradesh during 2011 and on that basis, they conducted a study and when they dealt with the existence of wetlands in the Srikakulam District of Andhra Pradesh found that

“the coastal plains are blessed with numerous wetlands of different sizes and characteristics, of which, ‘Beelas’ are of ecologically and economically important (Beelas, in the vernacular, are backwaters, a wetland system fed by flood waters or a network of streams/channels and connected to the sea through a creek/channel). Four major large wetland complexes, viz., Naupada, Sompeta, Ichapuram and Poondi are situated in the coastal plains in the district. In addition, there are hundreds of small and medium, seasonal and perennial wetlands of diverse nature. Sompeta Beela, a complex of three separate but connected water bodies of which two are brackish and the other fresh water, with its surround flood plains is a wetland complex with an approximate area of 800 Hectares. It is an important habitat of 121 bird species and 493 plant species. Many bird species seen here fall under IUCN Red List. Around 1,00,000 people belong to 30 villages around the wetland depend upon the wetland complex for various purpose deriving ecosystem goods and services. During the dry season, drained out portions of the wetland is used for grazing by thousands of cattle and wild boars. Around thousand families belonging to the traditional fisher communities fully depend upon the wetland for their sustenance. Around 2000 hecatres of paddy (two crops) and 300 hectare of vegetable and horticulture crops are irrigated directly drawing water from the Beela. Ecology of the nearby wetlands and ecosystems provides the

local inhabitants safe drinking water and water for irrigation. The wetlands and its environs of Srikakulam District provide habitats for 236 bird species and 662 plant species. Information on other taxa is scanty. As noted above, several birds falling under 'Near threatened', 'Vulnerable' and 'Endangered' IUCN categories and Schedule – I of Wildlife (Protection) Act, 1972 are seen in the wetlands and its environs. The Beelas as made out are not inconsequential water bodies in the coastal plains and should be protected from any violation of their integrity as they are ecologically sensitive and important, habitats for diverse biodiversity including several species under various categories of threat, and to ensure environmental, food and water security for lakhs of people. The plans for setting up the Super Thermal Power Plants in those wetlands should be re-examined. Lakhs of people depend upon the various ecosystem goods and services provided by the coastal wetlands for their survival. There are 83 marine fisher's habitations apart from the hundreds of settlements of local farmers, traditional pisci-culturists, workers in the numerous salt pans and inland fishers in the coastal area. The water and food security of the coastal plains depends on the wetlands to a great extent. Therefore, no activity that will threaten the integrity of the wetlands should be allowed. Srikakulam coast is the second largest endangered Olive Ridley nesting site in India. This species prefer river mouth for breeding. Therefore, special protective measures have to be devised and executed in coastal belt. The coastal waters of Andhra Pradesh being an important pathway for migrating Olive Ridley turtles in search of their nesting sites, construction of Jetties near the Srikakulam coast and also the release of effluents to the sea should not be allowed."

79. As regards the Sompeta wetland, the SACON has mentioned as follows:

"The Sompeta Beela, a low lying swamp with several micro habitats and several taxa of animals and plants. Three adjacent Beelas form the Sompeta wetland complex. The 'Pedda Beela' is connected to the two other Beelas; the second one known as the 'Chinna Beela' and the third 'Tampara'. The third one eventually

joins the sea. The wetland complex is nearly 4000 acres and 20 Km long covering parts of Baruva in Sompeta mandal and Kapaasguddi in Kaviti Mandal. It is a wetland which is to be conserved under various State and Central Government policies and international treaties such as Ramsar Convention and the Wetland Rules, 2010 noted by the Ministry of Environment and Forests, Government of India."

80. This study was conducted at the time when there was a proposal to start Thermal Power Plant by the 4th Respondent, for which, 1882 Acres were handed over to the 4th Respondent by the Government Order of 2008 and the SACON found that *"Out of this 1882 Acres handed over to the 4th Respondent, 1200 Acres is in the Beela. The area is highly fertile. Thirty two villages with a population of around 3 lakhs depend upon the Beela for various purpose, for water for irrigation, fisheries, fodder, thatching materials, medicinal plants and several edible plants. Apart from the direct ecosystem goods and services provided by the Beela to thousands of people, regulatory eco system services such as maintaining the hydrological regime of a large area which is vital for maintaining the ground water table supporting the agriculture, acting as a carbon sink and maintaining air quality, soil nutrient maintenance etc. are invaluable. The core area of the Pedda Beela is a major habitat for migratory and other birds, giving shelter to 122 bird species several of them falling under IUCN categories that require conservation actions."*

81. It is found that it is very rich in biodiversity and renders valuable ecosystem services. It is observed therein in 4.3.1.1 under the head 'Important Bird Habitats' that *"the Sompeta wetland and its environs is habitant to 1221 bird species, of which, 11 species fall under IUCN Red List. Black headed Ibis, Darter, Eurasian Spoon Bill, Painted Stork, Pallid Harrier,*

Spot Billed Pelican, Black Necked Stork and Greater Grey Headed Fish Eagle seen here belong to 'Near Threatened' category by IUCN. Among these, Eurasian Spoon Bill and Pallid Harrier fall under Schedule - 1 of the Indian Wildlife Protection Act. Lesser adjutant is a 'Vulnerable' species found here."

82. It is mentioned that *"In October every year, thousands of birds locally known as 'Kondamkodi' and 'Nathagotta' said to be coming from Siberia and Australia visit the wetland and stay there up to five to six months. The Beela is used as a resting and feeding habitat. This is an important migrant route and passage migrant place (Report of the site inspection committee, MoEF, 2010)."*

83. It is also mentioned therein that *"Circumstantial evidences point to the possibility of the 'Critically Endangered' Pink Headed Duck occurring in the core area of the Pedda Beela in the Sompeta Wetland complex. As per literature stray population of this bird were reported from Maharashtra and Andhra Pradesh earlier. As the core area of the Pedda Beela is inundated throughout the year and with the tall vegetation, extensive efforts will have to be taken in order to ascertain the presence of Pink Headed Duck during migratory season."*

84. It is also mentioned therein that *"Three repaid surveys conducted during the months of October 2011 and February - March 2012 revealed the presence of 491 plant species in the Sompeta wetland area which includes the floristic wealth of this area. Out of these 491 plants, 206 plants are with medicinal properties, 15 plants edible and 10 plants are edible possessing medicinal properties. Jatropha Tanjorensis reported from here is endemic to Coromandel costs of Peninsular India. Apart from this, followings plants viz., Asystasia dalzelliana, Barleria acuminata, Iseilema anthephorodes and Phyllanthus rotundifolius are endemic to Indian subcontinent. Apart from the rich bird and plant biodiversity, it is a*

habitat for several important butterfly species. Because of the complex nature of the ecosystem, a detailed survey is required and that certainly would reveal the presence of several more vertebrate and invertebrate species."

85. In Para 4.3.1.4 of the report, the Ecosystem Services of the wetland was observed as follows

"Numerous seasonal channels and streams feed 'Pedda Beela' during rainy season. The other two 'Beelas' are fed by the water from the Pedda Beela, with a typical water regime which have wider implications in terms of the water table, water quality and sustenance of the biodiversity of the surrounding areas. Around 2000 Ha of rice cultivation (two crops) is supported by these Beelas. Three lift irrigations projects, each covering an ayacult of 80 Ha. is maintained by the water directly drawn from the Beela even during the extreme summer. Mostly vegetables are cultivated using the water from the lift irrigations. There are hundreds of acres of lush coconut and arecanut groves surrounding the Beela providing crucial income for the survival of local inhabitants."

86. The definition of wetland provided in Ramsar Convention (Article 1.1) says *"For the purpose of this convention wetlands are areas 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."*

87. Even the study conducted by the 4th Respondent for preparation of their marine ecological study, it was mentioned that it is a fresh water Beela. A portion of the project area falls under the Sompeta Beela as well. The document produced by the 4th Respondent as part of the EIA report for the purpose of establishing the Thermal Power Plant showed that *"the Sompeta Beela has no influence of sea invasion, whereas, the other two Beelas have connectivity and circulation of saline water. They represent a definite gradation and transition zone between the sea and Sompeta Beela. The aquatic*

species in Sompeta Beela are exclusively of fresh water environment, the middle Manikapuram Beela has combination of both fresh and marine environments, whereas, the sea side Beela supports mainly marine species."

88. The report relied on by the 4th Respondent is contradictory to the report submitted by the SACON to the MoEF&CC. Even the report relied on by the 4th Respondent shows that the Sompeta Beela is connected with other two Beelas, which are having some marine impact. They also mentioned about certain species of plants and the aquatic habitats. The conclusion portion of the report shows that *"Sompeta Beela is natural sink which receives spill over waters from Mahendra Thanaya and Paidigon irrigation anicuts."* The study was conducted for the purpose of establishing the Thermal Power Plant and the Environmental Clearance (EC) was granted, but the same was set aside by the National Green Tribunal in the appeal filed against the same and later, the project was withdrawn.

89. The second report of the SACON i.e., July 2012, relied on by the 4th Respondent also shows and categorize the Sompeta is a wetland which is evident from Page 29 of the final report submitted by the SACON to the MoEF, Government of India. At Page 62 of the report, it was mentioned that *"Sompeta wetland is locally known as 'Beela'. Beela is a low lying swamp/marsh area with a unique habitat for rich biodiversity with a distinctive hydrological regime. There are three distinct water bodies of varying size and characteristics in the Sompeta wetland complex. The first one is known as 'Pedda Beela' which is linked to two other Beelas known as the 'Chinna Beela (Manikapuram Beela) and Tampara which is eventually connected to sea near Idduvanipalem."*

90. It is also mentioned at Page 63 that *“Sompeta wetland complex spreads over nearby 1600 ha acres starting from Baruva in Sompeta mandal to Kapaasuguddi in Kaviti Mandal, approximately 20 Km, with varying widths. It falls within Rishikudda, Gollagandi, Baruvapeta and Benkili Villages. It consists of marshes, mud flats, permanent shallow marine waters, marine sub tidal aquatic beds, coastal brackish/saline lagoons, seasonal/intermittent freshwater marshes/pools, permanent fresh water spreads, fish culture ponds, irrigated lands etc.”*

91. It is also mentioned therein that *“Sompeta wetland is fed by Mukundasagaram Pydigam reservoir and numerous channel and small streams from the river Mahendaratanaya. Considerable flood waters also reach it during the monsoon. The area gets about 1200 mm rainfall annually, most of it during the south western season of June to September. In summer, the upper reaches of the wetland get dried up whereas its middle portion remains inundated and marshy. During monsoon the entire Sompeta wetland complex gets inundated by flood waters. This flood waters keep the wetlands replenished with the water and nutrients’ even in extreme summer all the three beelas never dry up completely. These wetlands help in controlling flood in the surrounding areas which are rather thickly populated. It also sponges the flood and storm waters gradually releasing it in lean months. Sediments are retained within the wetland and the thick vegetation which persists in the wetland traps sediments and control soil erosion.”*

92. They have also mentioned about the presence of wildlife habitats and rare species in 3.2.2.2 of the report. Various species of flora and fauna found in the Sompeta wetland complexes have been elaborately discussed in the 2012 final report filed by the SACON relied on by the 4th Respondent themselves. It is also mentioned in the report at 4.3.5 that most of the

wetland ecosystems of Srikakulam are under severe pressure posed by multiple threats such as industrialization, agricultural runoff, industrial pollution, curing of jute, eutrophication, dumping solid wastes, domination of weeds and single species growth, excessive grazing, cleaning and expansion of wetlands under MNREGA, poaching.

93. In the conclusion and recommendations, it was observed as follows:-

- *Srikakulam district is rich in wetlands, with many major wetlands located along the coastal plains. In hilly regions the wetlands are mostly man-made.*
- *The coastal wetlands of Srikakulam present a complex inter - connected wetland system that needs to be conserved in its entirety to preserve the functional linkages between these wetlands and to sustain the invaluable ecosystem services.*
- *The wetlands of Srikakulam district provide habitats for 236 bird species and 662 plant species. Information on other taxa remains almost absent.*
- *Several bird species falling under the 'Near Threatened', 'Vulnerable' and 'Endangered' IUCN categories and Schedule- 1 of Wildlife Protection Act, 1972 are seen in the wetlands and its surroundings.*
- *Documentation of other taxa associated with the wetlands in the district is very scarce and it needs to be done at the earliest.*
- *The wetlands in the district face various types of threats. Diversion for industrial use is a major and serious one.*
- *Rampant poaching of wild birds is a major threat to the birds of the area.*
- *The wetlands serve several ecosystem services such as water for irrigation, ground water recharging, water for other human uses, support several species of fauna and flora, fishery, control of salt water intrusion, pollution abatement etc.*
- *A large number of people get their livelihood from fishing and other wetland goods.*
- *The coastal wetlands should be protected as they are ecologically sensitive, habitats for rich biodiversity that includes several IUCN red listed species, and to ensure ecological security and sustainability.*
- *Lakhs of people depend upon the various ecosystem services provided by the coastal wetlands. For their survival, therefore no activity which will threaten the integrity of these wetlands should be allowed.*
- *Srikakulam coast is the second largest nesting site of Olive Ridley turtles in India. These species prefer areas close to river mouths for breeding. Therefore*

special protective measures have to be devised and executed in the coastal belt of Srikakulam.

- *It has been established that coastal waters of AP is an important pathway for Olive Ridley turtles migrating from south of Srilanka to Odisha in search of their breeding and nesting sites. Therefore construction of Jetties in the Bay of Bengal near the Srikakulam coast and also the release of effluents to the sea should not be allowed.*
- *For protection of the breeding sites of the Olive Ridley Turtles 'Interest Groups' involving all the stakeholders need to be formed and substantial awareness campaigns and strict enforcement of relevant laws and regulations should be ensured.*
- *The core area of the Sompeta wetland is a suspected habitat of the endangered Pink Headed Duck, which has not been sighted in the country for more than half a century. However, since its presence is indicated during our attempts using PRA tools, immediate steps should be taken to protect the habitat from any disturbance and investigations should be taken up right away to ascertain the presence of the bird. Nevertheless, pending confirmation of its presence/absence in the area, protection should be given immediately to the area so that the chance of survival of this singular bird is not jeopardized by unscrupulous actions.*
- *Both Naupada swamps and Sompeta wetland are rich and distinctive ecosystems. However, scientific documentation on these wetlands is sparse and grossly inadequate. Therefore, it is imperative that a multidisciplinary research program is taken up on these wetlands and a comprehensive management plan is prepared. **Looking at their apparent ecological values efforts should be initiated to declare both the wetlands as Ramsar sites.***
- *A comprehensive survey of the wetlands of Srikakulam district should be conducted and all the wetlands with more than 500 ha area should be identified and the same should not be allowed to be converted for any other purpose as stipulated in the National Wetland Rules - 2010.*
- *As the present survey has indicated that many smaller wetlands also harbor substantial biodiversity, provide habitats at times for several species of conservation importance and are ecologically sensitive and valuable. Such wetlands should be identified and protected as per the stipulations of Wetlands (Conservation & Management) Rules - 2010. A strategy for sustainably and wisely using them whilst ensuring their entire ecosystem structure, functions and services should be identified and executed.*
- *Jute cultivation and processing, being an important economic activity in the district appropriate methods that will not spoil the wetlands may be executed for curing jute. Cement water tanks should be considered for curing of Jute.*
- *The present survey indicates that many fishermen indulge in poaching of birds and other wildlife wherever available. They are unaware of the importance of*

such species. Awareness programs have to be initiated to address this issue. Programs with stakeholder participation should be formulated to protect such wetlands.

- Many wetlands have the potential for development as recreation centers and nature educational avenues. Such wetlands should be identified and developed.
- Under the Mahatma Gandhi National Employment Guarantee Program cleaning and expansion work has been taken up in many wetlands which lead to the complete removal of plant biodiversity which in turn impact the bird and other animal biodiversity. Measures to sustain the biodiversity of the wetland have to be devised and implemented while carrying out such works, perhaps using MNERGP funds.
- **Wetlands should not be used as dump yards for wastes of any kind, municipal, industrial, commercial or domestic. Industrial effluents should not be allowed to be discharged into the wetlands even after treatment.**
- Awareness programs should be taken up for educating people about the harmful effects of open defecation, such as contamination of drinking water and its health implications and sufficient toilets may be provided.
- In brief, it is suggested that all the wetlands in the district with more than 500 ha should be identified and protected along with the wetlands that are ecologically sensitive and important which are major wildlife habitats, areas of outstanding natural beauty or historical or heritage areas and the areas rich in genetic diversity as stipulated in the National Wetland (Conservation & Management) Rules, 2010. They should not be allowed to be converted for any other purpose. It is also suggested that firm attempts should be made, especially for the four major wetland complexes in the coastal plains, to document their ecological and conservational values, the ecological goods and services form these and to conserve them."

94. Further, the 4th Respondent also produced an interim report of the year 2016 submitted by the SACON, Anaikatty, Coimbatore, documenting the biodiversity of Sompeta Wetland, Srikakulam District of Andhra Pradesh and developing biodiversity mediated livelihood options for local communities.

95. Para (3) of the above said report deals with the Sompeta Wetlands which reads as follows:-

“Sompeta Wetland is situated in Sompeta Mandal of Tekkali Division. It is locally known as ‘Beela’. Beela is a low lying swamp/marsh area with a unique habitat for rich biodiversity with a distinctive hydrological regime. There are three distinct water bodies of varying size and characteristics in the Sompeta wetland complex. The first one is known as ‘Pedda Beela’ which is linked to two other Beelas known as the ‘Chinna Beela’ (Manikapuram Beela) and ‘Tampara’ which is eventually connected to sea near Idduvanipalem.”

96. The observations made by the same foundation in other reports have been reiterated in this report as well. As regards the importance of the Beelas are concerned, it was observed in the report of 2016 that *“due to the ‘Beela’ the ground water table is always high. In fact, the Beela is vital for supporting the water needs of the paddy cultivated in the area. The area around the Beela is very fertile. In and around the Beelas, there is lush green coconut groves interspersed with areca nut trees. This area is also known for its vegetables. A food mile analysis in the nearby areas indicated that except potatoes, all other food materials are locally produced. Three lift irrigation schemes which cater 750 acres of agriculture are operated in the area. Water could be sourced without any interruption from wells located in the wetland to pump to upstream areas.”*

97. It also discussed about the various activities like fisheries, fodder, materials for roofing and mats, medical and edible plants, biodiversity and conservation priorities, wildlife habitat and rare species, potential habitat for pink headed duck and also insisted on the necessity for conservation of these wetlands. They have also emphasized the necessity for improving the livelihood possibilities, without compromising the

conservation of the water body and its ecosystem. So, that also shows that the Sompeta Wetland has got its own wetland complex in Srikakulam District, has its own ecosystem value and its ecosensitive and necessity for conservation and protection as a Ramsar site and also as required to be notified under the Wetlands (Conservation and Management) Rules, 2010/2017. National Wetland Atlas in Srikakulam District are to be notified as wetland as required under the Wetlands (Conservation and Management) Rules, 2010/2017 and till that such attempts are made, no activity which is likely to affect the wetland as mapped in the National Wetland Atlas mentioned above should be allowed to continue in that area. In addition, there is a need for undertaking a detailed study with accredited agencies like SACON to identify other areas in the Srikakulam District to notify them as wetlands.

98. There is a statutory duty cast on the State of Andhra Pradesh to conduct a study regarding the wetlands available in the State of Andhra Pradesh including at Srikakulam District and sincere attempts must be made to declare them as notified and protected wetlands as required under the Wetlands (Conservation and Management) Rules, 2010/2017, as India being a member country to the Ramsar Convention, have an obligation to protect the wetlands which play a great role in protecting the ecosystem and environment, intervention of which will have adverse impact on environment, especially it plays a great role in maintaining the flood situation besides providing habitat for several flora and fauna and prevent inundation during rainy season and the flora and fauna act as a barrier for protecting soil erosion etc. **There is a duty cast on the State of Andhra Pradesh to declare all the areas mapped as wetlands in the**

National Wetland Atlas falling in other districts also as wetlands as required under the Wetlands (Conservation and Management) Rules, 2010/2017.

99. Further, the Principal Bench of National Green Tribunal, New Delhi in **Raja Musaffar Bhat Vs. State of Jammu and Kashmir & Ors.**¹⁹ dated 25.11.2021, after reiterating the directions given by the Hon'ble Apex Court in **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**²⁰ in Para (2), (3) and (4) of the order which reads as follows:-

"4. Order of the Hon'ble Supreme Court dated 3.4.2017 in M.K. Balakrishnan & Ors. v. Union of India & Ors.¹ 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*

¹⁹ O.A. No.351 of 2019 (PB)

²⁰ (2017) 7 SCC 805

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 disbursement of amount made by the Union of India from time to time. What specific steps have been taken including how the funds made available have been 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."**

2. 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."

3. 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 Wetlands (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."

100. Thereafter, the Principal Bench had directed the MoEF&CC as well as the State of Jammu and Kashmir to strictly implement the directions in respect of protection of wetlands including notification, conservation and preservation and removal of encroachment and pollution.

101. The definition of wetland as per the Wetlands (Conservation and Management) Rules, 2017 says that *"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, river channels, paddy fields, human made water bodies/tanks, specifically constructed for drinking water purpose and structure specifically constructed for aquaculture, salt production, recreation and irrigation purposes."*

102. So, that includes not only permanent, but also temporary wetlands. The wetland complexes are defined as *"two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/dugs."*

103. The study conducted by the SACON referred to above, relied on by the applicant as well as by the 4th Respondent will indicate that the Sompeta Wetland is a wetland complex of three different wetlands

having different biodiversity values and disturbance of one will affect the other and as such, it will have to be treated as a wetland complex, as observed and defined under the Wetlands (Conservation and Management) Rules, 2017.

104. Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 deals with the restriction of activities in wetlands which reads as follows:-

"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."

105. It is not a disputed fact that the wetlands play a great role in protecting the environment, including disaster mitigation and enhancing resilience to climate change, apart from attracting many migratory birds. The fact that the sustainable use of water and wetlands requires protection of the ecosystem services while undertaking other permitted activities. Ecosystem services of wetlands are critical to enable the society to achieve social, sustainable and economic development, adapt to climate change and improve social cohesion and economic stability. Further, the UN Sustainable Development Goals offer a universal agenda that for the first time, recognize the need for restoration and management of water related ecosystems, including wetlands as a basis for addressing water scarcity and water risks. Wetlands are a solution for several key challenges around the world related to water, food and climate, and key to meeting the SDGs and most of the SDGs are relevant in some way or another to wetlands, but the following are of particular importance²¹:

“1. Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture Rice grown in wetland paddies is the staple diet of nearly three billion people Most commercial fish breed and raise their young in coastal marshes and estuaries. 70 % of all fresh water extracted globally is used for crop irrigation.

2. Goal 6: Ensure availability and sustainable management of water and sanitation for all Wetlands ensure fresh water, help replenish ground aquifers, and purify and filter harmful waste from water – such as fertilizers and pesticides, as well heavy metals and toxins from industry.

3. Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable Wetlands act as natural sponges absorbing rainfall, providing protection against coastal and river flooding to (partially) offset the need for man-made infrastructure. They also help reduce drought, protect coastal areas for fisheries nurseries and regulate sediment transport thereby contributing to land formation and coastal zone stability.

²¹ wwd-2015-press-briefs-en.pdf (cbd.int)

*4. Goal 13: Take urgent action to combat climate change and its impacts
Wetlands act as carbon sinks. Peatlands alone store more than twice as much as
all the world's forests. Coastal wetlands reduce the impact of rising sea levels,
acting as storm surge buffers and providing erosion control."*

106. Further, wetlands play a great role in mitigating climate change risks through the wetland microbes, flora and wildlife which play a significant role in sustenance of global biogeochemical cycles and play a significant role in supply of Nitrogen, Sulphur, Phosphorus and Carbon to the surrounding ecosystems. Scientists now know that atmospheric maintenance may be an additional wetlands function. Wetlands store Co₂ within their plant communities and soil instead of releasing it to the atmosphere as carbon dioxide. Thus wetlands help to moderate global climate conditions²². So, there is no dispute regarding the fact that wetlands will have to be protected and conserved, in order to protect the environment, as they play a great role in mitigating the climate change impacts.

107. Further, in the decisions reported in **M.K. Balakrishnan & Ors. Vs. Union of India & Ors.**²³, and also by subsequent order in the same case dated 09.10.2017, there was a direction issued to the Central Government as well as State Governments to identify and notify the wetlands and till such exercise is made, the identified 2,01,503 wetlands should not be disturbed. Further, the decision reported in **Municipal Corporation of Greater Mumbai Vs. Ankita Sinha**²⁴, the Hon'ble Apex Court while considering the Suo Motu powers of the National Green Tribunal observed in Para No.38, 39, 40, 41, 45, 46, 47 and 76 observed as follows:-

²² Why are Wetlands Important? | US EPA

²³ (2017) 7 SCC 810 (2)

²⁴ (2021) SCC Online SC 897

“38. While on the statutory provisions, it is seen that the Central Government has framed the National Green Tribunal (Practice & Procedure) Rules, 2011 (for short “the NGT Rules”). For our purpose, Rule 24 is important which reads thus:

“24. Order and directions in certain cases - The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice.”

39. The said Rules make it clear that the NGT has been given wide discretionary powers to secure the ends of justice. This power is coupled with the duty to be exercised for achieving the objectives. The intention understandably being to preserve and protect the environment and the matters connected thereto.

40. By choosing to employ a phrase of wide import, i.e. secure the ends of justice, the legislature has nudged towards a liberal interpretation. **Securing justice is a term of wide amplitude and does not simply mean adjudicating disputes between two rival entities. It also encompasses inter alia, advancing causes of environmental rights, granting compensation to victims of calamities, creating schemes for giving effect to the environmental principles and even hauling up authorities for inaction, when need be.**

41. Moreover, unlike the civil courts which cannot travel beyond the relief sought by the parties, the NGT is conferred with power of moulding any relief. The provisions show that the NGT is vested with the widest power to appropriate relief as may be justified in the facts and circumstances of the case, even though such relief may not be specifically prayed for by the parties.

On the function and role of the NGT, the Hon’ble Court held:

45. The Schedule I of the NGT Act is concerned with implementation of few environmental related enactments such as the Water Act, the Air Act, the Environment Act, the Forest Conservation Act etc. As one looks at these enactments, an expanded role for the NGT is clearly discernible. **The activities of the NGT are not only geared towards the protection of the environment but also to ensure that the developments do not cause serious and irreparable damage to the ecology and the environment. These would suggest a broad canvas for the NGT Act as also its creation.**

46. For the environmental forum, tasked with implementation of the statutes mentioned in Schedule I of the NGT Act, the concept of lis, would obviously be beyond the usual understanding in civil cases where there is a party (whether private or government) disturbing the environment and the

other one (could be an individual, a body or the government itself), who has concern for the protection of environment. Therefore, the NGT is primarily concerned with protection of the environment and also preservation of the natural resources. As the specialized forum, the NGT would be expected to take preventive action, besides settling and adjudicating disputes and pass orders on all environment related questions.

47. The NGT is not just an adjudicatory body but has to perform wider functions in the nature of prevention, remedy and amelioration.

Preventive Power of the NGT

The Supreme Court highlighted the preventive powers of the NGT in Ankita Sinha case:

76. The power and jurisdiction of the NGT under Sections 15(1)(b) and (c) are not restitutionary, in the sense of restoring the environment to the position it was before the practise impugned, or before the incident occurred. The NGT's jurisdiction in one sense is a remedial one, based on a reflexive exercise of its powers. In another sense, based on the nature of the abusive practice, its powers can also be preventive."

108. The Wetlands (Conservation and Management) Rules, 2010 as well as 2017 are framed under the Environment (Protection) Act, 1986 which is also one of the enactment which gives jurisdiction for this Tribunal to consider as mentioned in Schedule - I of the National Green Tribunal Act, 2010, the Tribunal has got jurisdiction to protect the wetlands and give directions to the authorities to take steps to identify and notify the wetlands.

109. It is clear from the above discussions that there is a necessity to protect this either as wetlands or water bodies and study will have to be conducted for declaration of the area as wetland as required under Wetlands (Conservation and Management) Rules, 2017, as 2010 Rules were superseded by the present Rules.

110. Earlier, as per the provisions of the Wetlands (Conservation and Management) Rules, 2010, the State Government has to identify the wetlands in their area as per Rule 3 and the process for identification of wetlands under different categories was enumerated under Rule 6 wherein, there is a responsibility for the State Government to prepare a brief document identifying and classifying the wetlands within their respective territories within one year from the date of commencement of this Rules and this brief statement must contain a broad geographic delineation of the wetland, its zone of influence along with a map (accurate and to scale), the size of the wetland and account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland and the State authority on submitting the brief statement, the State Government has to forward the same to the Central Authority and after considering the proposal, the Central Authority has to recommend to the MoEF&CC and thereafter, the MoEF&CC has to issue a notification in this regard.

111. Further, on receipt of the brief statement issued by the State Wetland Authority, the Government if considers as necessary, refer the same to a Research Institute or University having relevant multiple disciplinary expertise related to wetlands to conduct a comprehensive survey of the wetland within a period of 30 days and that Institute/University has to submit the report within a period of 90 days.

112. Under the present Rules, it is the sole responsibility of the State Government to identify and notify the wetlands as per Rule 5 of the Wetlands (Conservation and Management) Rules, 2017. Further, under Rule 7 of the Wetlands (Conservation and Management) Rules, 2017, the

State Government shall divert the concerned department to prepare the brief documents with a recommendation to the State Wetland Authority which after examination has to submit the proposals to the State Government for taking a decision on the same and notify the same in the officials gazette within a period not exceeding 245 days from the date of recommendation of the authority.

113. Here also there is a time line provided for conducting the exercise on of identifying / notifying wetlands within the period of one year from the date of publication of these Rules. But quite unfortunately, such an exercise has not been done in the State of Andhra Pradesh. Only when this Tribunal had directed the State Government to give a report as to what are all the steps taken by them, in view of the directions given by the MoEF&CC after the directions issued in *M.K. Balakrishnan's* case of the Hon'ble Apex Court and after the directions issued by the Principal Bench in Appeal No.23 of 2011 and 24 of 2011 and also on the basis of the representations received from Applicant No.1 and 2 which prompted the applicants to file this application to direct the authorities to enforce the Rules in their State, pointing out the failure on their part to implement the Rules within their State, the Special Chief Secretary to Government, Revenue Department informed that "(a) it is decided to convene the meeting of the State Wetland Authority on 16.02.2022, (b) to discuss on identification of the significant wetlands and to notify the same under the Wetlands (Conservation and Management) Rules, 2017 and (c) The Principal Chief Conservator of Forests, (Wildlife) and Chief Wildlife Warden, who is the member/convenor of the meeting has been informed

to include the proposal of the Revenue Department in the agenda for the said meeting” and that the matter is at concluding stage.

114. So under such circumstances, we feel it appropriate to exercise the power of “*Precautionary Principle*” and “*Sustainable Development*” to direct the Government of Andhra Pradesh to co-opt the institute namely, SACON as well, as they have earlier conducted a study and given the report to the MoEF&CC and they are supposed to be one of the recognized organization by the Central Government having expertise in this field and the Government has to consider any study, in undertaken by them, in continuation of the study conducted by the SACON earlier and then identify the wetlands including the Sompeta Wetlands as mapped and included in the National Wetland Atlas by the MoEF&CC and take steps to make recommendations within the time frame provided under the Rules and on receipt of the same, the State Government is also directed to take steps and notify the wetlands including Sompeta Wetland within the time frame provided under the Rules.

115. So under such circumstances, we feel that the application can be disposed of by giving the following directions:-

- a. The concerned department viz., Environment, Forests, Science and Technology Department, State of Andhra Pradesh shall include the Salim Ali Centre for Ornithology and Natural History (SACON) as well, as one of the members of the committee and identify the wetland mapped and included in the National Wetland Atlas in respect of Sompeta wetland complex in continuation of the study conducted by the Salim Ali Centre

for Ornithology and Natural History (SACON) in this regard, which was referred to in this Judgment and complete the study, if any, to be undertaken further and make recommendation to the State Wetland Authority within the time frame provided under the Rules and on receipt of the same, the State Wetland Authority is directed to consider the proposals and make recommendations to the State Government to take steps to notify the Sompeta Wetland Complex on the basis of the recommendations made by the State Wetland Authority.

- b. The concerned department is also directed to identify and prepare a brief document regarding the other wetlands in the Srikakulam District and also in the State of Andhra Pradesh which were mapped in the National Wetland Atlas prepared by the MoEF&CC in tune with the Rules prevailing during 2010, in consonance with the covenants of the Ramsar Convention and also other wetlands available in the State and on that basis, submit a proposal to the State Wetlands Authority which in turn shall make a recommendations within the time frame and on that basis, the State Government is also directed to take steps to notify those wetlands as well, within the time frame provided under the Wetlands (Conservation and Management) Rules, 2017.
- c. Till this exercise is completed, the State of Andhra Pradesh is directed not to permit any activity within these mapped wetlands and wetlands included in the National Wetland Atlas prepared by the MoEF&CC and not to take any steps to assign or lease any part of these wetlands till that time as directed by the

Hon'ble Apex Court in **M.K. Balakrishnan Vs. Union of India & Ors.**²⁵ and subsequent order dated 09.10.2017 in the same case.

- d. Even if the wetlands identified and mapped were not to be included as wetlands, then they will have to be treated as water bodies and steps will have to be taken to protect the same as has been observed by the Hon'ble Apex Court in *M.K. Balakrishnan's* case cited supra and remove encroachments and restrain any activity in the wetland or water body, as it is necessary to protect the water bodies also as equal to wetlands, as they also play a great role in sustainability of the environment and provide valuable ecosystem services.
- e. If Sompeta wetland is declared as wetland under the Wetlands (Conservation and Management) Rules, 2017, then the State of Andhra Pradesh is directed to take steps to cancel or revoke the assignment made in favour of the 4th Respondent, in accordance with law.
- f. Even if any portion of the wetland to be left out of the consideration as a wetland, this will have to be treated as a water body to be protected and even in that event, the State of Andhra Pradesh is directed to take steps to recall the order of assignment in favour of the 4th Respondent in respect of the area covered by the water body, in accordance with law.
- g. Till this exercise is completed, the 4th Respondent is restrained from doing any act in this disputed area.

116. The Point No.(iii) to (v) are answered accordingly.

²⁵ (2017) 7 SCC 810 (2)

117. In the result, this Original Application is allowed in part with the following directions:-

(i) The concerned department viz., Environment, Forests, Science and Technology Department, State of Andhra Pradesh shall include the Salim Ali Centre for Ornithology and Natural History (SACON) as well, as one of the members of the committee and identify the wetland mapped and included in the National Wetland Atlas in respect of Sompeta wetland complex in continuation of the study conducted by the Salim Ali Centre for Ornithology and Natural History (SACON) in this regard, which was referred to in this Judgment and complete the study, if any, to be undertaken further and make recommendation to the State Wetland Authority within the time frame provided under the Rules and on receipt of the same, the State Wetland Authority is directed to consider the proposals and make recommendations to the State Government to take steps to notify the Sompeta Wetland Complex on the basis of the recommendations made by the State Wetland Authority.

(ii) The concerned department is also directed to identify and prepare a brief document regarding the other wetlands in the Srikakulam District and also in the State of Andhra Pradesh which were mapped in the National Wetland Atlas prepared by the MoEF&CC in tune with the Rules prevailing during 2010, in consonance with the covenants of the Ramsar Convention and also other wetlands available in the State and

on that basis, submit a proposal to the State Wetlands Authority which in turn shall make a recommendations within the time frame and on that basis, the State Government is also directed to take steps to notify those wetlands as well, within the time frame provided under the Wetlands (Conservation and Management) Rules, 2017.

(iii) Till this exercise is completed, the State of Andhra Pradesh is directed not to permit any activity within these mapped wetlands and wetlands included in the National Wetland Atlas prepared by the MoEF&CC and not to take any steps to assign or lease any part of these wetlands till that time as directed by the Hon'ble Apex Court in **M.K. Balakrishnan Vs. Union of India & Ors.**²⁶ and subsequent order dated 09.10.2017 in the same case.

(iv) Even if the wetlands identified and mapped were not to be included as wetlands, then they will have to be treated as water bodies and steps will have to be taken to protect the same as has been observed by the Hon'ble Apex Court in *M.K. Balakrishnan's* case cited supra and remove encroachments and restrain any activity in the wetland or water body, as it is necessary to protect the water bodies also as equal to wetlands, as they also play a great role in sustainability of the environment and provide valuable ecosystem services.

²⁶ (2017) 7 SCC 810 (2)

(v) If Sompeta wetland is declared as wetland under the Wetlands (Conservation and Management) Rules, 2017, then the State of Andhra Pradesh is directed to take steps to cancel or revoke the assignment made in favour of the 4th Respondent, in accordance with law.

(vi) Even if any portion of the wetland to be left out of the consideration as a wetland, this will have to be treated as a water body to be protected and even in that event, the State of Andhra Pradesh is directed to take steps to recall the order of assignment in favour of the 4th Respondent in respect of the area covered by the water body, in accordance with law.

(vii) Till this exercise is completed, the 4th Respondent is restrained from doing any act in this disputed area.

(viii) The Special Chief Secretary to Government - Environment, Forests, Science and Technology Department is directed to submit a periodical report regarding the progress of the exercise done by them in this regard, once in **3 (Three) months** till it is completed.

(ix) The Special Chief Secretary to Government - Revenue Department is directed to submit a report regarding the action taken to revoke the assignment made in favour of the 4th Respondent and others as directed above **within a period of 3 (Three) months**.

(x) The Registry is directed to communicate this order to the District Collector concerned, Ministry of Environment, Forests & Climate Change (MoEF&CC), Principal Chief Conservator of Forests (Head of Forests Force) & Chief Wildlife Warden, National Wetland Authority, State Wetland Authority - Andhra Pradesh, Special Chief Secretary to Government - Revenue Department, Special Chief Secretary to Government - Environment, Forests, Science and Technology Department, and also to the Chief Secretary to Government, State of Andhra Pradesh for their information and compliance of directions.

(xi) The Registry is directed to place the report before this Bench as and when it is received for consideration and also for issuing necessary directions (if any) required in this regard.

(xii) Considering the circumstances, parties are directed to bear their respective cost in the application.

118. With the above observations and directions, this Original Application is disposed of.

Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O. A. No. 153/2016 (SZ)
13th April 2022. AM, Mn.

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

<p>From: Sri Ajaya Kumar Naik, I.F.S, Prl.Chief Conservator of Forests & Head of Forest Force and Prl.Chief Conservator of Forests(WL) & Chief Wildlife Warden(FAC), Andhra Pradesh, Aranya Bhavan, P.V.S.Landmark, Mangalagiri.</p>	<p>To: The Spl.Chief Secretary to Government, Environment, Forests, Science & Technology Department, A.P.Secretariat, Velagapudi. Amaravati.</p>
--	--

Ref.No.1841/2022/WL-1, dt.30-06-2025.

Sir,

Sub:- Andhra Pradesh Forest Department – Wildlife – Hon'ble NGT(SZ) orders in O.A.No.153 of 2016 dt.13.04.2022 & 07.09.2022 regarding Sompeta Wetland, Srikakulam District – Draft Report of the Committee constituted by the Hon'ble NGT – Remarks/approval along with detailed status report called for – submission of - Reg.

- Ref:-**
1. Scientist 'D', MoEF & CC, Wetlands division, Gol, New Delhi F.no.4/8/2022-WTL, dated:17.05.2022 along with Hon'ble NGT, SZ, Chennai order dated:13.04.2022.
 2. Scientist 'D', MoEF & CC, Wetlands division, Gol, New Delhi F.no.4/8/2022-WTL, dated:28.09.2022 along with Hon'ble NGT, SZ, Chennai order dated:07.09.2022.
 3. PCCF(WL) & CWLW, A.P, Guntur Ref.No.1841/2022/WL.1, dated :01.10.2022.
 4. Gov.Memo.No.2526/Sec-II/2021/1592780, EFS&T, Department, dt.04.10.2022.
 5. PCCF(WL) & CWLW, A.P, Guntur Ref.No.1841/2022/WL.1, dt.19.10.2022.
 6. CCF, Visakhapatnam Rc.No.3656/2022/TO, dt.22.10.2022.
 7. CCF, Visakhapatnam Rc.No.3656/2022/TO, dt.03.11.2022.
 8. CCF, Visakhapatnam Rc.No.3656/2022/TO, dt.16.11.2022.
 9. PCCF & HoFF, A.P, Guntur Rc.No.1841/2022/WL-1, dt.24.11.2022.
 10. PCCF(WL) & CWLW, A.P, Guntur Ref.No.1841/2022/WL.1, dt.05.12.2022.
 11. PCCF(WL) & CWLW, A.P, Guntur Ref.No.1841/2022/WL.1, dt.28.12.2022.
 12. PCCF(WL) & CWLW, A.P, Guntur Ref.No.1841/2022/WL.1, dt.02.01.2023.
 13. Member Secretary, NWC, MoEF & CC(Wetlands Division), Gol, New Delhi F.No.W-4/8/2022-WTL, dt.26.05.2025.
 14. PCCF(WL) & CWLW, A.P, Mangalagiri Ref.No.1841/2022/WL-1, dt.20.06.2025.
 15. Govt.Memo.No.EFS01-ENV/42/2021-Sec.II(1592780), EFS&T(Sec.II), Department, dt.26.06.2025.
 16. PCCF(WL) & CWLW, A.P, Mangalagiri Ref.No.1841/2022/WL-1,

dt.27.06.2025.

17. CCF, Visakhapatnam Rc.No.5433(N)/2023/TO, dt.29.06.2025.

18. CCF, Visakhapatnam Rc.No.5433(N)/2023/TO, dt.30.06.2025.

Kind attention is invited to the references cited.

It is submitted that in the reference 15th cited, the Government have requested to furnish remark along with detailed status report on the Hon'ble NGT(SZ) orders in O.A.No.153 of 2016 dt.13.04.2022 & 07.09.2022 regarding Sompeta Wetland, Srikakulam District.

In compliance with the above, a detailed report was obtained from the Circle Head, Visakhapatnam in the reference 17th & 18th cited(copies enclosed). The brief of the same is resubmitted hereunder for kind perusal:

1. That draft notification proposals of the following (3) No. Wetlands to the District Collector, Srikakulam for concurrence and for initiating the process of notification of the Wetlands, as per the directions passed by the Hon'ble NGT:

- **Pedda Beela.**
- **Chinna Beela.**
- **Tampara.**

2. That the draft notification proposals for the following Wetlands in Sompeta area of Srikakulam District **after conducting the "District Wetland Committee, Stake Holders and Multi-disciplinary Team Meeting" on Sompeta Wetland Complex in compliance to the Hon'ble National Green Tribunal Orders held on 25.06.2025 and issued Minutes of the Meeting with proposed action plan by the members of the committee in compliance to the Hon'ble NGT orders in E.A.No.1/2025 in O.A.No.153/2016.** Copy of the Minutes of the Meeting is enclosed. The following are the notification details:

- a. "**Pedda Beela**" of Sompeta mandal with an extent of 1141.37 Ac. in Gollagandi, Benkili, Baruvapeta and Rushikudda villages, in Srikakulam District is one of the biggest Natural Wetland.
- b. "**Chinna Beela**" of Sompeta and Kaviti mandals with an extent of 651.85 Acs. Of which 388.09 Acs. in Rushikudda of Sompeta mandal and 263.76 Acs. In Manikyapuram village of Kaviti mandal in Srikakulam District is one of the important Natural Wetland.
- c. "**Tampara**" of Kaviti mandal with an extent of 713.31 Acs. in Kusumapuram, Balliputtuga, Varakha villages in Srikakulam District is one of the biggest natural wetland.

3. That the above (03) Wetlands from the Sompeta Wetland Complex have very rich biodiversity, water for Irrigation, Grazing land for Cattle and Fisheries Resources are the Major Eco-system Services and recommended for concurrence for notification of the above said wetland proposals under Wetland (Conservation and Management) Rules, 2017.

4. The draft notification proposals of the Sompeta wetlands will be forwarded to the Govt for further course of action after scrutiny. by the Technical and Grievance

committee of the Wetland authority.

5. With reference to the Ground truthing and demarcation of wetlands in the district, a total number of 1616 No. of Wetlands have been identified in Srikakulam. Out of 1616 No. of Wetlands, 61 Nos., are Natural Wetlands and Ground truthing for all the 1616 No. of Wetlands is completed.
6. The present status of Ground truthing, Demarcation & Preparation and submission of draft notification proposals is as follows:

Division	No. of Wetlands	No. of Wetlands with Ground truthing under taken	No. of Natural Wetlands	No. of Wetlands demarcated	No. of Wetlands Notification proposals prepared	No. of Wetlands Notification proposal prepared approved and received through Dist. Collector
1	2	3	4	5	6	7
Srikakulam	1616	1616	61	61	4	3

Further, with regard to submission of the draft report prepared by the Committee constituted by the Hon'ble NGT along with the remarks/approval of the PCCF(WL) & Chief Wildlife Warden, A.P, Mangalagiri, the same is enclosed herewith duly approved by the PCCF(WL) & Chief Wildlife Warden, A.P, Mangalagiri as desired for further necessary action.

Encls: As above

Yours faithfully,

AJAYA KUMAR NAIK

Pri.Chief Conservator of Forests(WL) &
Chief Wildlife Warden

Copy to the Scientist 'F' & Member Secretary, NWC, MoEF & CC(Wetlands Division), Gol, Indira Paryavaran Bhawan, JorBagh Road, New Delhi – 110003 (email id:Ramesh.motipalli@nic.in) for information.