

239

A REPORT

**BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL
CENTRAL BENCH, BHOPAL (MP)**

Original Application No. 154/2023(CZ)

(I.A. No. 120/ 2023)

Order Dated 09.07.2024

in the matter of

Navendu Mishra

Vs

Municipal Council of Seoni (M.P.) &Ors



Date of inspection: 9th July, 2024

**BEFORE THE NATIONAL GREEN TRIBUNAL CENTRAL ZONE BENCH,
BHOPAL**

Original Application No. 154/2023(CZ)

Navendu Mishra &Ors.

Applicant(s)

Vs.

Municipal Council of Seoni&Ors.

Respondents

Sr. No.	Particulars	Annexure	Page No.
1.	Joint Inspection Report	-	1-13
2.	Google Map of Dal Sagar Lake	A-1	14
3.	Field Observation Photos	A-2	15
4.	Wetlands (Management &Conservation) Rules 2017	A-3	18
5.	Office Memorandum by Ministry of Environment, Forest and Climate Change dated 08-03-2022	A-4	32
6.	Municipal Council, Seoni letter dated 08-03-2022	A-5	33

Joint Committee Report in compliance of Hon'ble NGT Order dated 09.07.2024 in OA No. 154 of 2023 (CZ) in the matter of Navendu Mishra V/s Municipal Council of Seoni (MP) &Ors.

I. Introduction

The grievance raised by the applicant against the respondents was regarding the construction of permanent structure of a Foot-Over-Bridge (FOB) between the land and the central island of Dalsagar Lake, Seoni City in District Seoni, Madhya Pradesh, which is registered as wetland under wetlands protection and management rules 2017. The applicant alleged that the construction of this permanent foot over bridge is a gross violation of the wetland's protection and management rules 2017.

The matter was heard before the Hon'ble Tribunal dated 20.10.2023 and in the order it was directed as-

“We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:

- i. One representative from Collector, Seoni, M.P.*
- ii. One representative from State Pollution Control Board, (M.P.).*

6. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.”

In compliance thereof, the members of the committee visited the site and submitted the factual and action taken report dated 06.01.2024. The perusal of the report reveals the following comments:

- i. The Municipal Council, Seoni has given the permission and issued tender to construct 385-meter-long F.O.B.
- ii. Municipal Council has dismantled the peripheral boundary of the lake to drain the water of lake to execute work.
- iii. An unmetalled road has been constructed.
- iv. A 25-foot statue will be erected in the wetland.
- v. Cement and concrete base for statue has been planned.
- vi. There are discharge of untreated effluent into the Dal Sagar Lake, there are throwing of solid waste and plastic waste and Municipal Council, Seoni has not constructed any sewage treatment plant till date.

As action taken an Environmental Compensation of total Rs. 480 Lakhs was imposed on Nagar Palika, Seoni by the State Pollution Control Board (SPCB), Regional Office at Jabalpur vide letter dated 24.11.2024.

The matter was further taken by the Tribunal on 08.01.2024 with direction to State Pollution Control Board *to communicate the Municipal Corporation to immediately take necessary action and strictly observe Rule 4 and prohibit immediately the prohibited categories of constructions and activities as provided in Section 4 of the Wetland Rules and State Pollution Control Board is further directed to calculate the environmental compensation and realise according to rules and to submit further action taken report before this Tribunal within three weeks.*

The matter was subsequently heard by Hon'ble Tribunal on various dated during 2024 and finally Hon'ble NGT, Central Bench Bhopal by order dated 09.07.2024 directed as follows:

“11. In view of the above provisions, we direct as follows:

- i. Respondent have to strictly comply Section 4 of the Wetland Rules and to ensure that there will not be any encroachment on wetland, there will not be any construction activities, discharge of untreated water or throwing of the garbage or solid waste or plastic waste in the water body/wetland.*
- ii. Respondents are restrained from going ahead with raising of any permanent construction over the water body of the lake. Constructions or the pillars to the extent which has been raised shall be demolished within one month from today.*
- iii. Since permanent construction at the prohibited site has caused damage to the site and requires a restoration of the site, as also restoration of the ecology and remediation of damage already done to the environment, we constitute a committee consisting Director, CPCB at Bhopal, one representative from the Secretary (Environment) and one representative from the Central Ground Water Authority to assess the environmental compensation.”*

In compliance to the order of Hon'ble NGT dated 09/07/2024, a joint committee consisting of the following officials of the concerned department has been constituted:

S. No.	Name of Department	Name/Designation of Committee Member
1.	Central Pollution Control Board, (CPCB) Regional Office, Bhopal M	Sh. P. Jagan, Regional Director, CPCB, RD Bhopal
2.	One Representative from Central Ground Water Board (CGWB)	Sh. Rakesh Singh, Scientist-D, CGWA Bhopal
3.	One Representative from Secretary Environment, GoMP	Sh. AlokNayak, OIC &Chief Scientific Officer, MP State Environment Impact Assessment Authority (SEIAA), Bhopal

In compliance of the Hon'ble NGT order dated 09/07/2023 Additional Secretary, Govt of M.P. Environment Department, Mantralaya vide Letter No 83-84 dated 29.07.2024 has nominated Officer- In Charge, MP State Environment Impact Assessment Authority on behalf of Secretary, Environment Department in the above joint committee. Similarly, vide Additional Secretary, Govt of M.P. Environment Department, Mantralaya vide Letter No 859-60 dated 07.08.2024, Shri Lokendra Thakkar, Officer- In Charge, MP State Wetlands Authority has been nominated as Nodal Officer in the aforesaid case to coordinated with joint committee and submit report to Hon'ble NGT and Regional Officer, MP Pollution Control Board, Regional Office Jabalpur.

In compliance of the Hon'ble NGT order dated 09/07/2023, the joint committee consisting below mentioned officers visited the Dal Sagar Lake site located in District Seoni (MP) on dated 09/08/2024.

1. Shri P. Jagan Regional Director, Central Pollution Control Board, Bhopal
2. Shri Alok Nayak, OIC & Chief Scientific Officer, MPSEIAA, Bhopal
3. Shri Rakesh Singh EE, Central Ground Water Board Bhopal
4. Shri A.K. Biswal, Regional Director, Central Ground Water Board
5. Smt. Purvi Tiwari, Additional Collector, District Seoni
6. Shri Alok Kumar Jain, Regional Officer, Regional Office, MP Pollution Control Board, Bhopal, Jabalpur
7. Dr. Manoj Vishwakarma, Assistant Scientific Officer, State Wetland Authority, Bhopal
8. Dr. Ranu Chouksey Verma, Scientist C, Central Pollution Control Board, Regional Directorate, Bhopal
9. Dr. Ajit Sharma, PF, MPSEIAA, Bhopal
10. Shri Ram Kumar Kuvreti, CMO, Municipal Council, Seoni
11. Shri. Santosh Tiwari, Asst. Engineer, Municipal Council, Seoni

During the field visit the petitioner-Mr. Navendu Mishra was also present at the site. The inspection GPS location of site visited by joint committee has been recorded using the mobile based GPS system. GPS coordinates of construction site is 22.089380, 79.546983. The Google map of Dal Sagar Lake, Seoni (MP) is enclosed as **Annexure-1**. The photographs of field visit are enclosed as **Annexure-2**.

II. Brief on Dal Sagar Lake, Dist. Seoni, Madhya Pradesh

Dal Sagar Lake also known as Dal Sagar Talab is a manmade lake. It is an inland lake situated in the heart of Seoni city having GPS coordinates as (latitude:22.089380, Longitude:79.546983). It has a total area of approximately 18.0 hectare. A small island is located in the middle of this lake. This lake falls under the jurisdiction of the Municipal Council, Seoni. As per the National

Wetland atlas prepared by Space Application Centre (SAC), ISRO and maintained at VEDAS (Visualization of Earth Observation Data and Archival System) Portal, it is an inland manmade pond of area 17.5 Hectare and has wetland code 1202, which is also mentioned in the petition. But it is not included in the state wetland list prepared by the State wetland authority.

As per the inventory of wetlands (having area >2.25 ha) of Seoni district (M.P.) prepared in compliance of the guidelines for preparation of inventory of the wetlands (conservation and management) rules, 2017, Dal Sagar Lake is placed at an entry no. 53 with wetland code 234560394 having area of 18.31 hectare and situated within the jurisdiction of Municipal Council Seoni. Though it is not a Ramsar Site as per the Ramsar convention.

Dal Sagar Lake Wetland is been utilized for the activities like fish culture and Nistari. The biodiversity of the lake, representing Pistia stratiotes, Polygonumsp, Ipomoea aquatica, Cynodondactylon, Echinochloapolystachya, Ipomoea carnea, Partheniumhysterophorus, Acacia niloticaFicusreligiosa, Eucalaptussps, and Phoenix sps as floral species while, faunal species includes Catlacatla, Labeorohita, Hypophthalmichthys molitrix have been predominantly occurred in the lake.

III. Background of the Case:

Municipal council, Seoni came up with the plan to install an AshtaDhatu statue of 16th century Gond King Raja Dal Pat Shah on the island present at the middle of the Dal Sagar Lake. To connect this island with the main land and for the ease of the visitorsto reach the island, 385 meters long Foot Over Bridge (F.O.B.) was proposed to be constructed at the site. Construction work was started at the site in July, 2023. 19 number RCC pillars were raised at the site between the main land and the central island. Subsequently the case was filed before the Hon'ble NGT by the petitioner. In pursuance to the honourable NGT Central Bench, Bhopal order in OA No. 154/2023 (CZ) dated 09.07.2024 respondent No. 1 Municipal council, Seoni is restrained from going ahead with raising of any permanent construction over the site in question. RCC pillars that hasalready been raised at the site are to be demolished.

The point-wise comments of the Committee with reference tothe directions given by Hon'ble NGT (Central Bench)in its Order dated 09.07.2024 in Original Application No. 154/ 2023 are discussed as below:

1. Legal Provisions for the conservation and management of the wetlands:

Being a signatory of Ramsar convention, 1971, India has come up with the rules to preserve and regulate the wetland, so as to maintain their ecological characteristics.

Subsequently, the MOEF&CC, New Delhi notified the Wetland (Conservation and Management) Rules, 2017 vide G.S.R 1203 (E) dated 26.09.2017 in official Gazette.

- As per the Rule no. 4(2)(vi) of the Wetland (Conservation and Management) Rules, 2017 *“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”* is restricted in wetlands.
- Also, as per the order of the Hon’ble SC in the case no. WP (civil) No. 230/2001 M.K. Balakrishnan vs Union of India and Office Memorandum issued by the GOI dated 08.03.2022, all the wetlands situated within the respective district boundaries having area (> 2.25 hectare) shall be protected as per Rule 4 of the Wetland (Conservation and Management) Rules, 2017.
- In light of the aforementioned, it is proposed that wetlands with area larger than 2.25 hectares be conserved in accordance with Rule 4 of Wetland (Conservation and Management) Rules, 2017. Thus, the Dal Sagar Lake at Seoni (MP) having a surface area of about 18 hectares, shall likewise be protected by the same regulation. Copy of wetland rules and office memorandum issued by MOEF&CC is enclosed as **Annexure-3 & 4.**

2. To restrain further construction at the site &demolish the raised structure within one month

Hon’ble NGT in its order dated 09.07.2024 directed the respondent to restrained from going ahead with raising of any permanent construction over the water body of the lake and to demolish the raised structure within one month. However, the committee has observed during the field visit that the constructed pillars were yet not demolished by Municipal Council, Seoni and observed still erected at the site.

In this regard, it was informed by the Municipal Council, Seoni that a request letter has been submitted before the Hon’ble NGT vide letter no 3478-79dated 30-08-2024 to plead for not demolishing the raised structure. The copy of the letter is attached as **Annexure-5.**

Moreover, the committee has observed that in order to prevent the lake over flow of watertowards the nearby settlement situated in the downstream of the lake, recently another civil structure (retaining wall) has been constructed by Municipal Council, Seoni in the submergence area of lake which is also violating the Rule 4 of Wetland Rules, 2017.

3. Imposition of Environmental Compensation for restoration of the Ecology & Environmental Damage caused by the Construction Activity at Dal Sagar Lake

Hon'ble Tribunal in its order dated 09.07.2024 directed the committee to assess Environmental Compensation for the restoration of ecology and remediation of the damage caused due to construction activity done at the site for establishing a Foot-Over-Bridge.

Subsequent to the site visit, a meeting was held where the committee members deliberated on the methodology to be followed to assess the environmental compensation in the case, and finally the committee members opined on reiterating the NGT Order dated 11.07.2024 in the related matter of Original Application No. 74/2022(CZ) Mr. Rashid Noor Khan Versus Bhopal Municipal Corporation &Ors. where Hon'ble Tribunal directed as:

“47. In view of the above discussion, OA is hereby allowed. Respondents, and in particular respondent 1, is restrained from going ahead with raising of any permanent construction over the site in question. RCC pillars, to the extent construction has already been raised, shall be demolished within one month from today. Since permanent construction at the prohibited site has caused damage to the site and requires restoration of the site as also restoration of the ecology and remediation of damage already done to environment, we impose inter-alia environmental compensation of Rs. One Crore upon respondent 1 i.e., BMC which it shall deposit within three months with MPPCB. The said amount of environmental compensation shall be utilized/spent for restoration of the site in question as it originally was and also for restoration of ecology and environment by preparing a plan. The said plan shall be prepared by a Joint Committee of CPCB, MPPCB, Integrated Regional Office, MoEF&CC and Collector, Bhopal within two months.

48. The amount of environment compensation deposited by respondent 1 shall be spent within six months of preparation of plan, for restoration of the site and ecology/environment.

49. If the expenses for restoration are more than Rs. One Crore, it will be open to MPPCB to raise demand of such additional amount of environmental compensation from BMC and the same shall be paid by BMC within one month of raising of demand. If the amount of interim compensation of Rs. One Crore, exceeds the actual expenses, the balance amount shall be utilised for maintenance and cleanliness of Bhopal Lake i.e., Bhoj Wetland.”

With reference to the above Hon'ble NGT Order, Joint Committee is hereby recommended that the same amount of Rs. One Crore may be imposed upon Municipal Council, Seonias environmental compensation in lieu of the damage already done to environment due to permanent construction at the Dal Sagar Lake which is a declared wetland and for restoration and remediation of the site. Municipal council, Seoni shall deposit this amount within three months to MPPCB. The said amount of environmental compensation shall be utilized/spent for restoration of the site in question as it originally was and also for restoration of ecology and environment.

IV. Field Observation of the Committee on 09.08.2024

The factual status on verification of the documents furnished by Municipal council, Seoni and observations made during the field visit of the site by the joint committee members on 09.08.2024 is discussed below:

1. Dal Sagar is a man-made Talab situated at GPS Co-ordinates 22.089380, 79.546983 in District Seoni, Madhya Pradesh; and having an area of around 18.31 hectares. A small island is located in the middle of this lake.
2. The catchment area of the lake includes around 3-4 km² area within the city which serves as the recharging source for the lake. Also, two natural drains are confluence at the lake as water source.
3. During the visit approximately 60% of the total wetland area was found filled with water. About 30-40% of the lake area is under weed infestation and vegetative cover.
4. During inspection it seems that unmetalled road constructed parallel to the under-constructed foot over bridge for the transportation of material is presently under submergence due rain water. Only 33 meters road appeared outside the submergence towards the food court side.
5. Municipal Council, Seoni issued a tender dated 30.01.2023 to construct a Foot Over Bridge (F.O.B) to connect the main land with the central island of the lake. The proposal for the above work was approved in the meeting of Municipal Council, Seoni dated 30.12.2020 where an amount of Rs. 1,68,20,123/- was sanctioned for the construction of approach foot over bridge at Dal Sagar Lake. Later, the technical permission for the above work was given by Urban Administration and Development Department, Jabalpur Division dated 31.12.2020.
6. During the inspection, it was observed that a 25-foot stone statue of Gond king Raja Dalpat Shah has been installed over cement concrete base of 15 ft. in the central island of the Dal Sagar Lake.

7. Committee has observed that for construction of this platform and erecting the statue around 15-20 plants/trees and wild shrubs grew at the central island were cut down.
8. In order to prevent the intrusion of lake over flow towards the nearby settlement situated in the downstream of the lake, recently another civil structure (retaining wall) has been constructed by Municipal Council, Seoni in the submergence area of lake which is also violating the Rule 4 of Wetland Rules, 2017.
9. For the construction of Foot-Over-Bridge, 19 concreted pillars were raised on the site between MPT Chaupati and the Central Island. The length of the bridge to be constructed was observed 385 meters. However, after direction from Hon'ble NGT, the construction work was restrained. The construction was done within the 10 meters of Full Tank Level (FTL). At the time of inspection, no construction activity was observed and no machinery / materials etc. were found near or at the site.
10. It was observed at the site that for transportation of construction material to the central island, an unmetalledkachcha approach road of Length- 105meter and Width- 6 meter was constructed by the non-applicant parallel to the proposed F.O.B connecting MPT Chaupati and the Central Island.
11. The Dal Sagar Lake has full tank level of approx. 3.84 meters. For the ease of construction activity at the site, 70 % Water of the lake was drained out by the Municipal Council, Seoni. For lake de-watering through gravity, one side of the lake bund has been demolished. This has resulted into the major impact on the water quality, flora & fauna and bio-diversity of the lake. During the visit the present water level was observed 1.3meter in the lake.
12. During visit, it was observed that no sewerage water meeting the Dal Sagar Lake. The Municipal Council, Seoni has temporarily blocked the sewage carrying drains and diverted the flow opposite to the lake. However, during the earlier visit of joint committee constituted in compliance of NGT order dated 20.10.2023, it was observed that drains carrying untreated sewage from the city meeting the water body (02 drains meeting Wainganga River and 01 drain meeting into Dal Sagar Lake); and there is no proper sewerage network and sewage treatment facility exist in the city.

In this regard, Regional Office, MPPCB Seoni vide letter dated 24.11.2023 had imposed a total environmental compensation of Rs. 480 Lakhs for period of 01.01.2022 to 31.10.2023 for non-compliance of directions of Hon'ble NGT orders dated 25/02/2020, 28/02/2020 & 14/12/2020 in Oa No. 606/ 2018 and violation of provisions of Solid Waste Management Rules, 2016 under section (5) of Environment (Protection) Act, 1986.

It was informed by MPPCB RO, Seoni that the imposed compensation is yet not deposited by Municipal council, Seoni.

It was observed that Municipal Council, Seoni has not constructed any sewage treatment plant for the city till date.

13. As informed by Municipal Council, Seoni representative, proposal of installation of 04 nos. of STP is approved in Amrut 2.0 scheme and to be constructed in the city for effective management of generated sewage.
14. The committee has explored the periphery of the Dal Sagar Lake and it was found that there are number of shops and other establishments are already present in the Full Tank Level (50 meter) of the lake. Plastic waste and trashes were observed at the periphery of the lake.
15. Hon'ble NGT in its order dt 09.07.2024 directed the respondent to restrained from going ahead with raising of any permanent construction over the water body of the lake and to demolish the raised structure within one month. However, the constructed pillars were yet not demolished by Municipal Council, Seoni and observed still erected at the site.

After Field visit of Dal Sagar Lake, a short briefing of the field observation shared with the Collector, District- Seoni and discussed various actions required regarding conservation and management of Dal Sagar Lake in compliance of direction issued by Hon'ble NGT. Following deliberations were made by the District Collector, Seoni for conservation of lakes in the city:

- All the activities for conservation and management of Lakes of Seoni should be done in consultation with State and District Wetland Authority.
- Awareness Programs to be organized for conservation and management of lake.
- Catchment area study should be carried out for identification of natural inlet drains of Dal Sagar Lake.

V. Threats & Damage caused to the Environment due to permanent construction at the site

During the site visit, the committee members discussed on various possible threats to ecology and damage caused to the environment because of the construction activities at the prohibited site within the lake. It was discussed that raising a permanent structure within the full tank level of a water body might lead to following threats & damage at the site:

- a. **Impact on Aquatic ecosystem:** Construction activities within the lake, including de-watering operations, disrupt the delicate balance of aquatic ecosystems. These disruptions might lead to the destruction of habitats of native species of fish, amphibians, and other aquatic species. The alteration of water conditions and sediment can severely impact their survival and reproductive success.
- b. **Deterioration of riparian zone:** The riparian zone, which acts as a buffer between land and aquatic systems, is adversely affected by construction activities. The destruction of vegetation and alteration of natural water flow can lead to soil erosion, loss of habitat, and decreased water quality.
- c. **Depletion of ground water level:** De-watering of the lake can lower the groundwater table in the surrounding areas. This depletion can affect local wells and groundwater-dependent ecosystems, leading to reduced water availability for both human use and natural habitats.
- d. **Reduced Water Holding and Carrying Capacity:** Permanent construction may reduce the lake's capacity to hold water due to changes in its physical structure and the

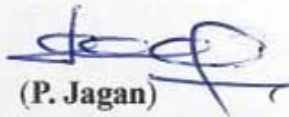
accumulation of construction debris. This reduction can lead to diminished flood control benefits and lower water availability during dry periods.

- e. **Blockage of Inlet Channels:**Construction activities can lead to the blockage or alteration of inlet channels that feed the lake from its catchment area. This obstruction can disrupt the natural flow of water, reduce sediment and nutrient inflow, and negatively impact the lake's ecological health.
- f. **Damage to Lake Bed and Siltation Issues:**The lake bed may suffer damage from construction activities, including the creation of temporary pathways. Such disturbances can exacerbate siltation, impacting the lake's depth and overall functionality, and potentially leading to further ecological imbalance.
- g. **Western Bank Degradation:**The process of de-watering led to significant damage to the lake's western bank. This erosion compromises the structural integrity of the bank, leading to further soil loss and potential destabilization of the surrounding land.

VI. Recommendations of the Committee

1. The District Administration shall ensure strict compliance of Section 4 of the Wetland Rules and to ensure that there will not be any encroachment on wetland, construction activities, discharge of untreated water or dumping of the garbage/solid waste/plastic waste in the Lake.
2. Municipal council, Seoni shall prepare a detailed time bound action plan for the restoration of the site that shall be examined by the MPPCB and approved by MP State Wetland Authority.
3. A time targeted action plan shall be prepared and submitted to Regional Office, MPPCBSeoni regarding demolition of pillars and other civil structure constructed inside the lake. The guidelines on Environment Management of Construction & Demolition (C&D) Waste, March 2017 issued by Central Pollution Control Board may be referred.
4. Sign boards and caution boards should be installed at suitable place regarding restricted zone.
5. Immediate actions shall be taken by Municipal Council, Seoni for performing cleaning of the lake and its boundary should be fenced to restrain any unauthorized dumping of solid/ plastic waste.
6. Removal of weeds in a scientific manner in Dal Sagar Lake.
7. Catchment area study shall be carried out for identification of natural inlet drains of the lake to restore water in lake.
8. Ground water study including assessment of present water quality and ground water table around the lake should be carried out by engaging an expert agency.
9. To compensate with the plants/trees felling during the construction work, planation of native plant species shall be carried out around the lake and at the central island.

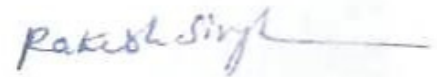
10. Bioremediation and restoration of lake bed to improve the water carrying and holding capacity of lake.
11. Effective measures shall be taken by the Local Body to expedite the establishment of sewerage network connections and construction & operation of STPS proposed under Amrut 2.0 Scheme in the city.



(P. Jagan)
Regional Director
CPCB, RD, Bhopal



(Alok Nayak)
OIC & Chief Scientific Officer,
MP SEIAA, Bhopal



(Rakesh Singh)
Scientist-D
CGWA, Bhopal



Map Showing Dal Sagar Lake, Seoni



Site inspection by Joint Committee



Construction site of Dal SAGR Lake



Removal of infested weeds by Municipal Council, Seoni



Construction of retaining wall inside the lake submergence



Damaged Lake bund, fencing and pathway



Measurement of unmetalled road at the lake bank



Consultation of Joint Committee with Petitioner (shri Navendu Mishra, Advocate)



Inspection of drain near Dal Sagar Lake





भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 802]

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

No. 802]

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

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. संक्षिप्त नाम और प्रारंभ.—

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

2. परिभाषाएं.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Short title and commencement.—

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

2. Definitions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member Secretary.
- (2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.
- (3) The National Wetlands Committee shall perform the following functions, namely:-
- 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'

**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

271

कार्यालय मुख्य नगर पालिका अधिकारी,

नगर पालिका परिषद, जिला-सिवनी (म.प्र.)

नगर पालिका चौराहा, एन.एच.7 मार्ग, जिला-सिवनी (म.प्र.) 480661

Email Id : cmoseoni@mpurban.gov.in

Phone : 07692221301



पत्र क्रमांक / 3478 / न.पा.प. / 2024
प्रति,

सिवनी, दिनांक 30/8/2024

माननीय राष्ट्रीय हरित अधिकरण
सेन्ट्रल जोन बैच अरेरा हिल्स
भोपाल (म.प्र.) 462011


विषय :- प्रकरण क्रमांक ओ.एन.ए. 154/2023 सी.जेड. में पारित निर्णय दिनांक 09/07/2024 के संबंध में ।

--000--

उपरोक्त विषयान्तर्गत निवेदन है कि, आपके द्वारा प्रकरण क्र./ओ.एन.ए./154/2023(सी.जे.) में पारित निर्णय दिनांक 09/07/2024 का पालन किये जाने हेतु निकाय द्वारा कार्यवृत्त प्रेसीडेन्ट इन कौंसिल की बैठक दिनांक 16/08/2024 के प्रस्ताव क्रमांक- 33 में राज्य वेटलेण्ड प्राधिकरण में प्रकरण के निराकरण की कार्यवाही प्राप्त ना होने एवं वर्तमान में दलसागर तालाब में बारिश का पानी कॉलमों पर भर जाने के कारण माननीय एन.जी.टी. अधिकरण से कॉलमों को तोड़े जाने व मलमा निकालने हेतु निर्धारित समयावधि के अतिरिक्त समयावधि प्रदान एवं शासन से स्वीकृति/सहमति प्राप्त कर अनुभवी इंजीनियरों/विशेषज्ञों से दलसागर तालाब में निर्मित स्ट्रेक्चर को तोड़ने व मलमा इत्यादि निकालने की कार्ययोजना तैयार किये जाने का प्रस्ताव सर्वसम्मति से पारित किया गया है। (प्रस्ताव की खण्ड सत्यप्रतिलिपि संलग्न है) ।

अतः आपसे अनुरोध है कि, प्रेसीडेन्ट इन कौंसिल के द्वारा पारित प्रस्ताव के परिप्रेक्ष्य में दलसागर तालाब में निर्मित स्ट्रेक्चर को तोड़े जाने एवं मलमा इत्यादि निकालने हेतु अतिरिक्त समयावधि प्रदान किये जाने का कष्ट करेंगे। ताकि आपके द्वारा पारित निर्णय का विधिवत सुचारु रूप से पालन किया जा सके।

संलग्न :- उपरोक्तानुसार ।

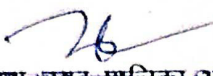

मुख्य नगर पालिका अधिकारी
नगर पालिका परिषद, सिवनी

सिवनी, दिनांक 30/8/2024

पृष्ठांकन क्रमांक / 3479 / न.पा.प. / 2024

प्रतिलिपि :-

1. श्रीमान कार्यपालन संचालक महोदय, ई.पी.सी.ओ. सदस्य सचिव राज्य वेटलेण्ड प्राधिकरण ई-5 अरेरा कॉलोनी पर्यावरण परिसर भोपाल (म.प्र.) की ओर सादर सूचनार्थ सम्प्रेषित ।
2. आयुक्त महोदय, संचालनालय, नगरीय प्रशासन एवं विकास, म.प्र. भोपाल की ओर सादर सूचनार्थ सम्प्रेषित ।
3. कलेक्टर महोदय, जिला सिवनी की ओर सादर सूचनार्थ सम्प्रेषित ।
4. संभागीय संयुक्त संचालक महोदय/अधीक्षणयंत्री महोदय/कार्यपालनयंत्री महोदय नगरीय प्रशासन एवं विकास, जबलपुर संभाग, जबलपुर की ओर सादर सूचनार्थ सम्प्रेषित ।
5. क्षेत्रीय अधिकारी महोदय, सी.पी.सी. भोपाल (म.प्र.) की ओर सादर सूचनार्थ सम्प्रेषित ।
6. क्षेत्रीय अधिकारी महोदय, सी.पी.डब्ल्यू.ए. भोपाल (म.प्र.) की ओर सादर सूचनार्थ सम्प्रेषित ।
7. क्षेत्रीय अधिकारी महोदय, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड जबलपुर (म.प्र.) की ओर सादर सूचनार्थ सम्प्रेषित ।
8. परियोजना अधिकारी महोदय, जिला शहरी विकास अभिकरण, सिवनी की ओर सादर सूचनार्थ सम्प्रेषित ।


मुख्य नगर पालिका अधिकारी
नगर पालिका परिषद, सिवनी