BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.179 of 2023 (SZ)

In the matter of:
Tribunal on its own motion SUO MOTU based on the News Item in The Times of India Chennai edition, Newspaper dt: 12.11.2023,under the caption "Activists, local residents question legality of tourism development work at Ooty lake" and in The Hindu Newspaper dt: 12.11.2023,under the caption "Residents stage protest at Ooty lake, demand halting of illegal constructions by government departments".

Versus

The District Collector,
The Nilgiris Collectorate,
Udhagamandalam and Ors ...Respondent(s)

REPORT FILED BY THE 5th RESPONDENT-
TAMILNADU STATE WETLANDS AUTHORITY.

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Through
Dr. D. Shanmuganathan
Standing Counsel for Government of Tamil Nadu
National Green Tribunal
Southern Zone, Chennai

DATE:27.07.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

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-Versus-

The District Collector
The Nilgiris Collectorate,
Udhagamandalam and Ors. **...Respondent(s)**

STATUS REPORT FILED BY THE 5th RESPONDENT/MEMBER SECRETARY, TAMIL NADU STATE WETLAND AUTHORITY

I, Srinivas R.Reddy, S/o Late T. Ramachandran Reddy, aged about 59 years, working as the Principal Chief Conservator of Forests (Head of Forest Force) and Member Secretary, Tamil Nadu State Wetland Authority(FAC) at Panagal Maligai, Saidapet Chennai-600 015 do hereby solemnly affirm and sincerely state as follows: -

1. It is humbly submitted that I am the 5th respondent herein and as such I am well acquainted with the facts of the case, circumstances of the case on the basis of official records, and as such, authorized and competent to swear this affidavit.

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

2. It is humbly submitted that as per section 2 (g) of Wetlands (Conservation and Management) Rules 2017, the 'Wetland' definition doesn't include human-made water bodies – (a copy of the Wetlands (Conservation and Management) Rules is enclosed as Annexure –I)

> *"(2)(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."*

3. However, it is humbly submitted that, based on the directions of the Hon'ble Supreme Court of India in W.P.(C) No.230 of 2001, dated 04.10.2017, an Office Memorandum (F. No. W-4/4/2022-WTL) it was passed on 08.03.2022 by Ministry of Environment, Forest & Climate Change, Government of India dated (enclosed as Annexure –II), which read as follows –

> *"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"*

4. With respect to the above, it is humbly submitted that the subject matter i.e., Ooty Lake, is included in the shape files of the National Wetland Inventory and

Principal Chief Conservator of Forests and
Member Secretary
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Assessment (NWIA) Report, 2011. Henceforth, as per the above directions, Rule 4 of the Wetlands (Conservation and Management) Rules 2017 will apply to the Ooty Lake, based on which construction of permanent structures [Rule 4(2)(VI)] is not permitted in the lake premises.

5. It is humbly submitted that a contradiction arises as Ooty Lake, which is ascertained as 'Human-made wetland' by Respondents 1 and 2, does not fall within the definition of 'Wetlands' under Rule 2(g) of the Wetlands (Conservation and Management) Rules, 2017. However, given the directions of the Hon'ble Supreme Court in W.P.(C) No.230 of 2001, dated 04.10.2017, Rule 4 of the aforesaid Rules applies to wetlands of the NWIA report, irrespective of the nature of the wetland, whether it's manmade or natural. In light of this apparent contradiction, it is submitted that Respondents 1 and 2 may seek appropriate clarification from the Hon'ble Supreme Court regarding the applicability of Rule 4 of Wetlands (Conservation and Management) Rules, 2017, to Ooty Lake.

6. It is humbly submitted that the 2nd Respondent may also seek permission for their activities in the Ooty Lake from the Ministry of Environment, Forest and Climate Change, Government of India, by applying through Clause 47 of Section VIII of the Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017(Copy of the guidelines and rule is enclosed as Annexure –III) which reads as follows –

> *"47. Permission for carrying out any activity included within the list of prohibited activities [as per Rule 4(2) of Wetlands Rules], within a notified wetland can only be given by the MoEF&CC. A specific request needs to be made by the State Government based on the recommendation of the Wetlands Authority, specifying:*

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a) Activity for which permission is sought;

b) Justification thereof;

c) The premise on which the activity is not considered detrimental to the wetland's ecological character; &

d) *Supporting evidence-base (such as an expert report, EIA, mitigating measures proposed to be undertaken etc.)"*

7. It is humbly submitted that the 2nd Respondent may be directed to avail themselves of the remedies outlined in paragraphs 5 and 6 herein above, in relation to their activities concerning the Ooty Lake.

The response submitted by this answering respondent may kindly be accepted by the Hon'ble National Green Tribunal (SZ), Chennai and thus render justice.

DEPONENT

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

VERIFICATION

I Srinivas R.Reddy, S/o Late T. Ramachandran Reddy the above named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 5th, no part of it is false and nothing material has been concealed there from.

Verified at Chennai on this the 21st day of July 2025.

DEPONENT

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

Wetlands (Conservation and Management) Rules, 2017

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.

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'
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To
The Member Secretaries of State and UT Wetlands Authorities

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
RECORD OF PROCEEDINGS

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

M.K. BALAKRISHNAN & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

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

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

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

For Respondent(s)/
applicant(s) Mr. A.N.S. Nadkarni, ASG
UOI/Delhi 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

COMPENDIUM OF

Wetlands (Conservation and Management) Rules, 2017, Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017 and Guidelines for National Plan for Conservation of Aquatic Ecosystems

approach' is adopted to ensure that wetlands conservation is prioritized in the case of information uncertainty.

VIII. Prohibited activities in a notified wetland

45. The following activities are prohibited within notified wetlands:

    a. Conversion for non-wetland uses including encroachment of any kind;
    b. Setting up of any industry and expansion of existing industries;
    c. Manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms/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;
    d. Solid waste dumping;
    e. Discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
    f. Any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
    g. Poaching.
    [Ref. Rule 4 (2) of Wetlands Rules]

46. State/UT Wetlands Authority, based on consideration of site-specific conditions, may consider expanding the list of prohibited activities for a notified wetland (or wetlands complex). This should be specified as such within the notification for specific wetland (or wetlands complex).

47. Permission for carrying out any activity included within the list of prohibited activities [as per Rule 4(2) of Wetlands Rules], within a notified wetland can only be given by the MoEF&CC. A specific request needs to be made by the State Government based on the recommendation of Wetlands Authority specifying:

    a) Activity for which permission is sought;
    b) Justification thereof;
    c) The premise on which the activity is not considered detrimental to the wetland's ecological character; &
    d) Supporting evidence-base (such as an expert report, EIA, mitigating measures proposed to be undertaken etc.)

IX. Developing a list of activities, to be regulated in a notified wetland:

48. Activities within a notified wetland and its zone of influence, which when contained within a specific threshold or area, are not likely to induce an adverse change in wetlands ecological character may be placed under the 'regulated' category. Such activities should be notified within the notification for a specific wetland (wetlands complex).

49. Following activities, when regulated, are not likely to induce an adverse change in wetlands:

    a) Subsistence level biomass harvesting (including traditional practices);