

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No.209 of 2024 (SZ)**

**In the matter of:**

Suo Moto matter in respect of news item appearing  
in 'The Hindu' dated 23.04.2024 titled  
"Concerns loom over damage to pulicat wetland as  
claim settlement of villages in the sanctuary begin".

Versus

Tamil Nadu Coastal Zone Management Authority (CZMA),  
Through its Member Secretary, Chennai and ors.

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**DATE:19.12.2024**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 209 of 2024 (SZ)**

**IN THE MATTER OF:**

Suo Moto matter in respect of news item appearing in 'The Hindu' dated 23.04.2024 titled "**Concerns loom over damage to Pulicat wetland as claim settlement of villages in the sanctuary begin**".

...Applicant(s)

-Versus-


Tamil Nadu Coastal Zone Management Authority (CZMA),  
Through its Member Secretary,  
Chennai and ors.

...Respondent(s)

**STATUS REPORT FILED BY THE 4<sup>th</sup> RESPONDENT i.e., MEMBER SECRETARY, TAMIL NADU STATE WETLAND AUTHORITY**

I, Deepak Srivastava, I.F.S., Son of (late) Shri. Gopal Krishnan Srivastava, aged about 59 years, working as the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority at Panagal Maaligai, Saidapet Chennai-600 015 do hereby solemnly affirm and sincerely state as follows:-

- 1) It is humbly submitted that, I am the 4<sup>th</sup> respondent herein and such I am well acquainted with the facts and, circumstances of the case, on the basis of official records, and as such authorized and competent to file this report.

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

- 2) It is humbly submitted that vide this Office Ref.No.TNSWA1/362/2024, Dated 03.10.2024 (A copy of the letter is enclosed as **Annexure -1**) the Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai was informed that the area of the Pulicat lake which is not governed by the provisions of the Wildlife Protection (Amendment) Act, 2022 may kindly be dealt as per the Rule 4 (2) of the Wetlands ( Conservation and Management) Rule,2017 for ensuring that the wetlands are not converted for non-wetland uses and also the wetlands should be prevented from the activities prohibited under the Rule 4 (2) of Wetland (Conservation and Management) Rule, 2017. (A copy of the Wetland (Conservation and Management) Rule, 2017 is enclosed as **Annexure - 2**).
- 3) It is humbly submitted that the Rule 4(2) of Wetland (Conservation and Management) Rules, 2017 is required to be applied to certain wetlands in view of the Ministry of Environment, Forests & Climate Change, Government of India, Office Memorandum dated 08.03.2022, wherein it has been reiterated that the 2,01,503 wetlands (>2.25 ha) of the National Wetland Inventory Assessment (NWIA), 2011 shall 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. (A copy of the Office Memorandum of the Ministry of Environment, Forests & Climate Change Government of India is enclosed as **Annexure – 3**). As stated above, 4<sup>th</sup> respondent is not a necessary party to the proceedings.

Hence I humbly request the Hon'ble National Green Tribunal (SZ), Chennai to dismiss the proceedings against the 4<sup>th</sup> respondent as misjoinder of parties.

  
DEPONENT

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

**VERIFICATION**

I, 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. 4, no part of it is false and nothing material has been concealed there from.

Verified at Chennai on this the 18<sup>th</sup> day of December, 2024.



DEPONENT

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



தமிழ்நாடு மாநில ஈரநில ஆணையம்  
TAMIL NADU STATE WETLAND AUTHORITY



From

Thiru. Deepak Srivastava, I.F.S.,  
Principal Chief Conservator of Forests  
and Member Secretary,  
Tamil Nadu State Wetland Authority,  
Panagal Maaligai, Saidapet,  
Chennai - 600 015.

To

The Principal Chief Conservator  
of Forests and Chief Wildlife Warden,  
O/o the Principal Chief Conservator  
of Forests (HoFF), Forest Headquarters,  
Near Kannigapuram Check Post,  
Guindy,  
Chennai - 32.

**Ref. No. TNSWA1/362/2024, Dated 03.10.2024**

Sub: Wetlands - The Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.209 of 2024 (sz) - Suo Motu matter in respect of news item appearing in 'The Hindu' dated 23.04.2024 titled "Concerns loom over damage to Pulicat wetland as claim settlement of villages in the sanctuary begin" - Wetlands (Conservation and Management) Rules, 2017- Regarding.

Ref: Order of the Hon'ble National Green Tribunal, Southern Zone, Chennai in Original Application No. 209 of 2024 (sz), dated 23.08.2024.

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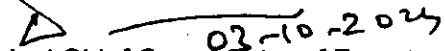
With reference to the above, it is brought to your kind notice that the Pulicat lake is classified as coastal wetland (natural - lagoon) with wetcode - 2101 as per the National Wetland Inventory and Assessment (NWIA) Report, 2011. The Hon'ble National Green Tribunal in O.A.No.209/2024 (SZ) i.e. "Suo Moto matter in respect of news item appearing in 'The Hindu' dated 23.04.2024 titled 'Concerns loom over damage to Pulicat wetland as claim settlement of villages in the sanctuary begin' and Member Secretary, Tamil Nadu Coastal Zone Management Authority (CZMA), Chennai and ors" has impleaded the Member Secretary, Tamil Nadu State Wetland Authority.

2) In this regard, it is stated that as the Pulicat Bird Sanctuary and its eco-sensitive zone is governed by the provisions of the Wildlife Protection Amendment Act, 2022, therefore the area of the Pulicat lake which is not covered by the provisions of the Wildlife Protection Amendment Act, 2022 may kindly be dealt as per the Rule 4 (2)

of the Wetlands (Conservation and Management) Rules, 2017 for ensuring that the wetlands are not converted for non-wetland uses and other prohibited activities. The provision of the Rule 4(2) of the Wetland (Conservation and Management) Rules, 2017 is enclosed herewith for necessary compliance.

Yours faithfully,




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

Copy for favour of kind information to the Principal Secretary to Government, Environment, Climate Change and Forest Department, Secretariat, Chennai -09.

Copy for information to the Chief Conservator of Forests, Chennai.

Copy to the Wildlife Warden, Chennai.

  
63/10/2024

Email sent on 03-Oct-24  
(6.48 PM).



**Wetlands (Conservation and Management) Rules, 2017**

- (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*;

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

Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi -110003

Dated 8<sup>th</sup> March, 2022

**OFFICE MEMORANDUM**

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

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

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

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

*Ramesh*  
(Dr. M. Ramesh)  
Scientist 'E'  
Tel.: 011-20819249  
Email: [ramesh.motipalli@nic.in](mailto:ramesh.motipalli@nic.in)

To  
The Member Secretaries of State and UT Wetlands Authorities