

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A. No. 247 of 2024 (SZ)
(Earlier O.A. No. 719/2024(PB))

IN THE MATTER OF:

Suo Moto matter in respect of news item appearing in News meter Network dated 09.05.2024 titled “Citizen Journalism: Illegal construction on Ameenpur Lake in Sangareddy led to pollution from Industrial waste”.

Versus

Central Pollution Control Board and Ors.


... Respondent

**INDEX TO REPLY AFFIDAVIT AND DOCUMENTS FILED ON
BEHALF OF 3rd RESPONDENT**

Sl. No.	Date	Document	Page nos.
1.	12/03/2025	Reply affidavit on behalf of Respondent no.3	1 – 8
2.	03/07/2024	Annexure A1 – Order passed by NGT Principal Bench in O.A. No. 719/2024	9 – 12
3.	28/01/2025	Annexure A2 – Order passed by NGT Southern Zone Bench in O.A. No. 247 of 2024	13 – 14
4.	08/02/2017	Annexure A3 – Order passed by Hon’ble Supreme Court in Writ Petition (Civil) No.230/2001	15 – 24
5.	26/09/2017	Annexure A4 – Wetland (CM) Rules 2017	25 – 38
6.	04/10/2017	Annexure A5 – Order passed by Hon’ble Supreme Court in Writ Petition (Civil) No.230/2001	39 – 43
7.	08/03/2022	Annexure A6 - Office Memorandum issued by MoEF&CC (Wetlands Division) in respect of Protection of Wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017	44
8.	11/12/2024	Annexure A7 – Order passed by Hon’ble Supreme Court in Writ Petition (Civil) No. 304/2018	45 – 61
9.	21/11/2016	Annexure A8 – Notification issued by Govt. of Telangana	62

Sl. No.	Date	Document	Page nos.
10.	---	<i>Annexure A9</i> – The Biological Diversity Act, 2002 and The Biological Diversity Rules, 2004	63 – 140

Dated at Chennai on this the 12th day of March 2025.


Counsel for 3rd Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Original Application No. 247 of 2024(SZ)****Earlier O.A. No. 719/2024(PB)****IN THE MATTER OF:**

Suo Moto matter in respect of news item appearing in News meter Network dated 09.05.2024 titled "**Citizen Journalism: Illegal construction on Ameenpur Lake in Sangareddy led to pollution from Industrial waste**".

Versus

Central Pollution Control Board and Ors. ...

Respondents

**Affidavit on behalf of Respondent No.3/Regional Office, MoEF&CC,
Telangana**

I, Sh. Tarun Kumar Kathula S/o Shyamala Rao, aged about 46 years, presently working as Director/ Scientist 'F' at the Ministry of Environment, Forest & Climate Change (MoEF&CC), Sub Office, Hyderabad 6th Floor, Room No. 618, Aranya Bhawan, Opp. RBI, Saifabad – 500004, Hyderabad, Telangana do hereby solemnly affirm and declare on oath as under:-

1. That, I am, the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus, competent to swear the present affidavit.

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

2. That, the application OA No. 719/2024 was registered Suo-Moto before the Principal Bench on the basis of a news item titled "*Citizen Journalism illegal construction on Ameenpur Lake in Sangareddy led to pollution from industrial waste*" appearing in News Meter dated 09.05.2024, whereby the Sub Office, MoEF&CC, Hyderabad, Telangana was impleaded as Respondent no. 3. The copy of order dated 03.07.2024 is annexed here as **Annexure/R3/1**.
3. That, thereafter, the Original Application No. 719/2024 was transferred to the Southern Zone Bench, Chennai of this Hon'ble Tribunal and re-numbered as Original Application No.247/2024/SZ , wherein, vide order dated 11.09.2024 notice was issued to the respondents to file their response.
4. That, vide order dated 28.01.2025, it was observed that no action has been taken by the authorities to prevent the discharge of sewage into Ameenpur Lake. The Hon'ble tribunal, inter-alia, directed "*If the authorities fail to prevent sewage discharge into Ameenpur Lake, the HMWSSB, the Municipality, and the TGPCB will be held accountable and subjected to penalties for their inaction*". The copy of order dated 28.01.2025 is annexed as **Annexure/R3/2**.
5. That at the outset, it is submitted that this respondent, Ministry of Environment, Forest & Climate Change is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.



forests, lakes and rivers, its biodiversity, natural resources and wildlife.

6. That the 'land' & 'water' are a subject matter of State Government. The forest/wetland areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under Central and State Acts and concerned judgments and directions of the Hon'ble Courts/Tribunals.
7. That, it is pertinent to mention that Hon'ble Supreme Court of India vide its order dated 08.02.2017, in the matter of MK Balakrishnan vs. Union of India (WP No. 230/2001), inter-alia, directed the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to the 2,01,503 wetlands (>2.25 ha) that have been mapped by the Union of India. The inventory of these wetlands prepared by Space Applications Centre (SAC), Ahmedabad based on the satellite data of 2006-07 is available at <https://indianwetlands.in/uploads/National-Wetland-Inventory.pdf>. Subsequently, SAC has prepared the national wetlands inventory (>2.25 ha) based on the satellite data of 2017-18 along with decadal wetland change analysis with reference to earlier wetland inventory of 2006-07. The same is available at https://indianwetlands.in/uploads/Wetlands201718_inventory%20list

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

moef.pdf. The copy of order dated 08.02.2017 is annexed as **Annexure/R3/3**.

8. That, for effective conservation and management of wetlands in the country, the Ministry of Environment, Forest & Climate Change (MoEF&CC), had notified the Wetlands (Conservation and Management) Rules, 2017, on the 26th of September, 2017, superseding the 2010 Rules with decentralization of powers in view of the fact that "Water and Land" are subjects which come under the purview of the State List. Under the Wetlands Rules, 2017, the State/Union Territories Wetland Authorities have been constituted, thereby, replacing the erstwhile Central Wetlands Regulatory Authority. The powers & functions for notification of wetlands are outlined under rule 5, while Rule 7 specifies the delegation of powers and functions to the State Governments and UT Administrations. The copy of the Wetlands (Conservation & Management) Rules, 2017 is annexed as **Annexure/R3/4**.

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

- a. *Conversion for non-wetland uses including encroachment of any kind;*
- b. *Setting up of any industry and expansion of existing industries;*

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

- 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 Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- 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 meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and Poaching.*
10. That, the Hon'ble Supreme Court vide Order dated 04.10.2017 in the aforementioned matter has inter-alia, directed that, "*We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010*". The order dated 04.10.2017 is annexed here as **Annexure/R3/5**.

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.



11. That, an Office Memorandum (O.M.) dated 08.03.2022 was issued to all the State/UT Wetlands Authorities by the Ministry, wherein it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules. The OM dated 08.03.2022 is annexed here as **Annexure/R3/6**.
12. That, vide order dated 11.12.2024, the Hon'ble Court observed that ***"Prior to 2017, the figures given by ISRO regarding the number of wetlands in India having an area more than 2.25 Hectares was 2,01,503. The latest ISRO data, which is of the year 2021, shows that this figure has now increased to 2,31,195."*** and further, inter-alia, directed that *each of the State/UT Wetland Authorities shall complete ground truthing as well as the demarcation of wetland boundaries of each of the Wetland which have been identified for their State by Space Application Centre Atlas (SAC Atlas), 2021 as expeditiously as possible, but definitely within a period of three months from 11.12.2024*. Copy of the order dated 11.12.2024 is annexed here as **Annexure/R3/7**.
13. That the present application alleges the issue of sewage discharge in the lake and unauthorized construction on the Buffer-zone of the Ameenpur Lake in Hyderabad. It has been alleged that unauthorized construction and excavation has taken place in the survey numbers 235 to 247, 251 to 264, 266 and 267 of Ameenpur Village, that fall

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004



under the FTL/Buffer zone and downstream of the Ameenpur Lake. It is also stated that the discharge of industrial and domestic wastewater into the lake has resulted in chemical pollution, leading to the death of fish in the lake.

14. That, Ameenpur Lake was designated as a Biodiversity Heritage Site on 21.11.2016, vide Telangana Gazette No. 449. It is submitted that, under Section 37 of Biological Diversity Act, 2002 the State Government in consultation with local bodies may notify in the official gazette, the areas of biodiversity importance as Biodiversity Heritage Sites (BHS). However, Section 37 of the Biological Diversity Act, 2002, is only limited to notifying areas as Biodiversity Heritage Sites. The State Government is responsible for the management and conservation of Biodiversity Heritage Site notified under the Act. The copies of Telangana Gazette No. 449 and Biological Diversity Act, 2002 are annexed as **Annexure/R3/8** and **Annexure/R3/9**, respectively.
15. That the subject matter of this application pertains to the State Government of Telangana & its concerned organizations and Telangana State Wetlands Authority, which are required to take necessary action in the matter.
16. That, in view of the aforesaid, the Hon'ble Tribunal may decide the present application.



DEPONENT

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

VERIFICATION

Verified at Hyderabad on the 12th of March, 2025 that the contents of Paragraphs of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

**DEPONENT**

Tarun Kathula
Director/Scientist 'F' (C)
Integrated Regional Office,
Ministry of Environment Forest and Climate Change
Aranya Bhavan, Hyderabad, Telangana-500 004.

Item No. 05

Court No. 1

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

Original Application No. 719/2024

News item titled "Citizen Journalism illegal construction on Ameenpur Lake in Sangareddy led to pollution from industrial waste" appearing in News Meter dated 09.05.2024

Date of hearing: 03.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Citizen Journalism illegal construction on Ameenpur Lake in Sangareddy led to pollution from industrial waste" appearing in News Meter dated 09.05.2024

2. The matter relates to discharge of wastewater and illegal construction on the buffer zone of the Ameenpur Lake in Hyderabad. As per the article, a real estate company called Aaditri Properties/ Aaditri Housing Pvt Ltd has illegally started construction and excavation in survey numbers 235 to 247, 251 to 264, 266 and 267 of Ameenpur Village that fall under the FTL/Buffer zone and downstream of the Ameenpur Lake. It also states that industrial wastewater from Coca-Cola, Aurobindo Pharma and other industries and domestic wastewater is being released into the lake resulting in huge chemical pollution and causing death of fish in the lake.

3. The news item states that Ameenpur Lake in Sangareddy District was declared a 'Biodiversity Heritage Site' in November 2016 by The

Ministry of Environment under the Biological Diversity Act 2002, because of the large number of migratory birds that thrive there.

4. The news item alleges that upon the verification of a few survey numbers, it was found that on the Dharani portal that 260/1 and 265/1 have been marked as government assigned land. However, the details show it as Patta land which requires a detailed inspection of all survey numbers. However, it is alleged that in the village map, it can be clearly seen that the said numbers fall under the buffer zone/water body/downstream of Pedda Cheruvu.

5. The news item further states that since the land is in conservation zone, it cannot be used for any other purpose as per law. Due to seven outflow channels being closed, the inflow from domestic drainage and industrial waste into the Biodiversity Lake has been flowing through Patta lands in survey numbers 149 and 150 causing serious damage to the public and personal properties.

6. It further alleges that the village map, the public's memories of the lake, and past Google Earth images clearly show the irreversible damage done to the lake. Ameenpur Lake is the first water body in India to be recognized as a Biodiversity heritage Site and it is the first biodiversity site to be approved in an urban area. It states that the HDMA has allegedly converted the buffer zone and Kingfisher Lake area attached to the Ameenpur Lake into a residential zone by colluding with the real state mafia. The real estate company has completely filled the lake by carrying out construction activity in the buffer zone, by closing the irrigation outflow channels and is planning to lay a 100 ft road on top of the Tank Bund area and outflow channels.

7. The news item raises the question – How can the government allow 39 floors with four cellars and 10 towers on the lake’s buffer zone/water body?
8. The news item alleges that no action has been taken against the real estate company that had already sold flats in the name of the pre-launch offer, a clear violation of the RERA Act. Also, the company has been carrying out construction without obtaining necessary permissions from the competent authorities except for an irrigation NOC.
9. The above matter indicates violation of the Water (Prevention and Control of Pollution) Act, 1974; Biodiversity Act, 2002 and the Environment Protection Act, 1986.
10. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.
11. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon’ble Supreme Court in the matter of “*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*” reported in 2021 SCC Online SC 897.
12. Hence, we implead the following as respondents:
 - i. Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
Phone No: 011-43102030
 - ii. Telangana State Pollution Control Board
Paryavarana Bhavan, A-3,
Industrial Estate, Sanathnagar, Hyderabad – 500018

- iii. Ministry of Environment and Forest, Regional Office Telangana
Integrated Regional Office, Hyderabad
3rd Floor, Room No. 309, Aranya Bhawan, Opp. RBI, Safiabab –
500004, Hyderabad,
- iv. Telangana Wetland Authority
Deptt. of Forests, Govt of Telangana
Aranya Bhawan, Saisabad, Hyderabad – 500004
- v. District Magistrate, Hyderabad
6-2-10,Lakdikapul, Hyderabad,500004

13. Issue notice to the respondents for filing their response before the appropriate bench of the Tribunal at least one week before the next date of hearing.

14. Since the matter relates to the Southern Zonal Bench, Chennai, therefore, OA is transferred to the Southern Zonal Bench. Therefore, the original record of this OA be transferred to the Southern Zonal Bench, Chennai for further action.

15. List before Southern Zonal Bench at Chennai on 11.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 03, 2024
O.A. No. 719/2024
HB

Item No.14:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

[Through Physical Hearing (Hybrid Option)]

Original Application No.247 of 2024(SZ)
Earlier O.A. No. 719 of 2024(PB)**IN THE MATTER OF:**

Suo Moto matter in respect of news item appearing in Newsmeter Network dated 09.05.2024 titled **“Citizen Journalism: Illegal construction on Ameenpur Lake in Sangareddy led to pollution from industrial waste”**.

MOEF & CC,
Through Regional Office,
Deputy Director General of Forests (C),
Bangalore and Ors.



...Respondent(s)

Date of hearing: 28.01.2025.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Suo Motu.

For Respondent(s): Mrs. Revathi Manivannan for R1.
Ms. Lavanya represented
Mr. T. Sai Krishnan for R2.
Ms. Nivedhita represented
Mrs. H. Yasmeen Ali for R4 & R5.

ORDER

1. The reports of the Telangana State Pollution Control Board (TGPCB) and HMWSSB are filed.

2. However, it is an admitted fact that sewage is being discharged into Ameenpur Lake. None of the authorities have taken the necessary steps to stop the sewage outfall before proceeding with further actions.

3. If the authorities fail to prevent sewage discharge into Ameenpur Lake, the HMWSSB, the Municipality, and the TGPCB will be held accountable and subjected to penalties for their inaction.

4. Post the matter on **17.03.2025**.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.247/2024(SZ)
28th January, 2025. AD.

ITEM NO.102

COURT NO.5

SECTION PIL(W)

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

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

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

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

CORAM :

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

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

For Respondent(s) /
applicant(s)

UOI

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

Mr. Jayant Bhushan, Sr. Adv.

For States of
Andhra Pradesh

Mr. Guntur Prabhakar, Adv.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(i) reclamation of wetlands;

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

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

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

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

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

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

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

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

List the matter on 3rd April, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 802]

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

No. 802]

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

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

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

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

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

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

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

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

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

और आर्द्रभूमि का संरक्षण और युक्तियुक्त उपयोग राज्य और राष्ट्रीय अर्थव्यवस्था को सारवान प्रत्यक्ष और अप्रत्यक्ष आर्थिक लाभ प्रदान कर सकता है तथा केन्द्रीय सरकार विभिन्न क्षेत्रों के लिए विकास आयोजना तथा निर्णय लेने की प्रक्रिया में आर्द्रभूमि जैवविविधता तथा पारिप्रणाली सेवाओं की पूर्ण श्रृंखला 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 अधिक्रांत 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 अधिक्रांत 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 प्रभावितता के मापन के लिए अपेक्षित मानीटरी और कार्यान्वयन प्रबंधन कार्यान्वयन के लिए संसाधन सम्मिलित हैं;
 - (च) "रामसर अभिसमय" से 1971 में ईरान के रामसर में हस्ताक्षरित आर्द्रभूमि संबंधी अभिसमय अभिप्रेत है;
 - (छ) "आर्द्रभूमि से कोई क्षेत्र या कच्छ पंक, पीटभूमि या जल; प्राकृतिक या कृत्रिम, स्थायी या अस्थायी, जल जो ठहरा है या बहते, ताजे, खारे या लवणीय, जिसके अंतर्गत समुद्री जल का जिसकी गहराई ज्वार की स्थिति छह मीटर से अधिक की न हो अभिप्रेत है, परंतु इसमें नदी जल मार्ग, धान के खेत, पेयजल प्रयोजनार्थ विशिष्ट रूप से मानव निर्मित जल निकाय/जलाशय, मत्स्यपालन, नमक उत्पादन और सिंचाई प्रयोजनों के लिए विशिष्ट रूप से निर्मित संरचनाएं सम्मिलित नहीं हैं;

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

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

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

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

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

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

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

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

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

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

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

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

6. **राष्ट्रीय आर्द्रभूमि समिति का गठन.**—(1) केन्द्रीय सरकार, एक राष्ट्रीय आर्द्रभूमि समिति का गठन करेगी, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

- (i) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – अध्यक्ष;
- (ii) आर्द्रभूमि संबंधी कार्य देख रहे विशेष सचिव या अपर सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – उपाध्यक्ष;
- (iii) अपर महानिदेशक, वन्यजीव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – पदेन सदस्य;
- (iv) आर्द्रभूमियों संबंधी कार्य देख रहे सलाहकार या संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय – पदेन सदस्य;
- (v) संयुक्त सचिव, पर्यटन मंत्रालय, भारत सरकार – पदेन सदस्य;
- (vi) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, भारत सरकार – पदेन सदस्य;
- (vii) संयुक्त सचिव, कृषि और किसान कल्याण मंत्रालय, भारत सरकार – पदेन सदस्य;
- (viii) संयुक्त सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय भारत सरकार – पदेन सदस्य;
- (ix) संयुक्त सचिव, शहरी विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
- (x) संयुक्त सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
- (xi) अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;
- (xii) निदेशक, भारतीय प्राणि सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
- (xiii) निदेशक, भारतीय वनस्पति सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
- (xiv) निदेशक, अंतरिक्ष अनुप्रयुक्ति केंद्र, अहमदाबाद या वैज्ञानिक एफ - पदेन सदस्य;
- (xv) सदस्य केन्द्रीय जल आयोग - पदेन सदस्य;
- (xvi) सलाहकार, नीति आयोग - पदेन सदस्य;
- (xvii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के तीन प्रतिनिधि, चक्रानुक्रम आधार पर, प्रत्येक दो वर्ष के कार्यकाल के लिए;
- (xviii) आर्द्र भूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी क्षेत्र, भू-दृश्य योजना और सामाजिक अर्थशास्त्र के क्षेत्रों में से प्रत्येक का एक-एक विशेषज्ञ; और
- (xix) आर्द्रभूमि से संबंधित कार्य करने वाले निदेशक/अपर निदेशक/संयुक्त निदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य सचिव।

(2) राष्ट्रीय आर्द्रभूमि समिति, यदि अपेक्षित हो, तीन से अनधिक अन्य सदस्यों को सहयोजित कर सकेगी।

(3) राष्ट्रीय आर्द्रभूमि समिति निम्नलिखित कृत्यों का पालन करेगी, अर्थात्:—

- (क) आर्द्रभूमियों के संरक्षण तथा बुद्धिमत्तापूर्ण उपयोग के लिए समुचित नीतियों और कार्रवाई सम्बन्धी कार्यक्रमों के विषय में केन्द्रीय सरकार को सलाह देना;
- (ख) आर्द्रभूमियों के एकीकृत प्रबंधन के लिए बुद्धिमत्तापूर्ण उपयोग के सिद्धान्त पर आधारित मानदंड और मार्गदर्शक सिद्धान्त तैयार करना;
- (ग) प्राधिकरण द्वारा इन नियमों के क्रियान्वयन की निगरानी करना;
- (घ) नियम 4 के उप नियम (2) में यथानिर्दिष्ट प्रतिषेधित क्रियाकलापों के लिए राज्य सरकारों या संघ राज्य क्षेत्र प्रशासनों से प्राप्त पुनरीक्षित प्रस्तावों के संबंध में केन्द्रीय सरकार को सलाह देना;
- (ङ.) रामसर अभिसमय के अधीन अंतर्राष्ट्रीय महत्व की आर्द्रभूमियों को अभिहित किये जाने की सिफारिश करना;
- (च) अधिसूचित किये जाने के लिए सीमापार आर्द्रभूमियों की सिफारिश करना;
- (छ) रामसर स्थलों और सीमापार आर्द्रभूमियों के एकीकृत प्रबंध की प्रगति का पुनर्विलोकन करना;
- (ज) आर्द्रभूमियों से संबंधित मुद्दों पर अंतर्राष्ट्रीय अभिकरणों के समन्वय के संबंध में सलाह देना; और
- (झ) किसी अन्य मामले पर स्वप्रेरणा से सलाह देना या केन्द्रीय सरकार को निर्दिष्ट करना।

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

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

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Short title and commencement.—

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

2. Definitions.—

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

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
- (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
- (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
- (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
- (g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
- (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
- (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
- (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.
- 3. Applicability of rules.**—These rules shall apply to the following wetlands or wetlands complexes, namely:—
- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:
- Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.
- 4. Restrictions of activities in wetlands.**—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.
- (2) The following activities shall be prohibited within the wetlands, namely,-
- (i) conversion for non-wetland uses including encroachment of any kind;
- (ii) setting up of any industry and expansion of existing industries;
- (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
- (iv) solid waste dumping;
- (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
- (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
- (vii) poaching.

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

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

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

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

- (o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and
- (p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.
- (5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.
- (6) The Authority shall, within ninety days of publication of these rules, shall constitute,—
- (a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and
- (b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;
- (7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.
- (8) The Authority shall meet at least thrice in a year.
- (9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.
- 6. Constitution of National Wetlands Committee.**—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—
- (i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;
- (ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;
- (iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;
- (iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;
- (vi) Joint Secretary , Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;
- (vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;
- (viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;
- (ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;
- (x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;
- (xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;
- (xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;
- (xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;
- (xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;
- (xv) Member, Central Water Commission - Member *ex-officio*;
- (xvi) Adviser, Niti Aayog - Member *ex-officio*;
- (xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;
- (xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

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

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

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

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

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

Dr. A. DURAISAMY, Scientist 'G'

ITEM NO.4

COURT NO.3

SECTION PIL-W

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

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

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

CORAM :

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

Intervenor

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

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

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

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

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

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

Convention sites.

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

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

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

Centre.

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

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

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

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

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

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

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

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

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

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

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

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

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

Ramesh

(Dr. M. Ramesh)
Scientist 'E'

Tel.: 011-20819249

Email: ramesh.motipalli@nic.in

To

The Member Secretaries of State and UT Wetlands Authorities

ITEM NO.6

COURT NO.13

SECTION PIL-W

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

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

ANAND ARYA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 131361/2018 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 230/2001 (PIL-W)
(I.A.NO.203606/2022 IN W.P.(C)NO.230/2001
IA No. 203606/2022 - INTERVENTION APPLICATION)

W.P.(C) No. 302/2020 (PIL-W)
(FOR impleading party ON IA 172736/2024
FOR INTERVENTION/IMPLEADMENT ON IA 172736/2024
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 172737/2024
IA No. 172737/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 172736/2024 - INTERVENTION/IMPLEADMENT)

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

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Gopal Sankaranarayan, Sr. Adv.
Ms. Trisha Chandran, Adv.
Mr. Naresh Kumar, AOR

Mr. Jayant Bhushan, Sr. Adv.
Ms. Reena George, Adv.
Mr. Rohit Kumar Singh, AOR
Mr. Amartya Bhushan, Adv.
Mr. Yojit Mehra, Adv.

Ms. Anitha Shenoy, Sr. Adv.
Ms. Shibani Ghosh, AOR
Ms. Ayushma Awasthi, Adv.
Ms. Himanshi Gupta, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupma Chaturvedi, Sr. Adv.
Ms. Manisha Chava, Adv.
Mr. Gurmeet Singh Makker, AOR

Signature Not Verified

Digitally signed by
Jayant Kumar Arora
Date: 2024.12.17
17:21:41 IST
Reason: I am the signatory

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

Mr. P. V. Yogeswaran, AOR

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

Mr. Kunal Verma, AOR

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

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

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

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

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

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

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

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

Ms. Supriya Juneja, AOR

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

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

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

Mr. V. N. Raghupathy, AOR

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

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

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

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

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

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

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

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

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

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

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

Mr. R. Ayyam Perumal, AOR

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

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

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

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

Ms. Suveni Bhagat, AOR

Mr. Gopal Prasad, AOR

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

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

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

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

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

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

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

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

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

XXXXX

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

XXXX

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

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

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

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

Acts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and forwarding the grievances raised by public to the Authority;

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

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

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

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

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

next date of listing.

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

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

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

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

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

“List of 85 Ramsar Sites

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

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

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

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

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

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

List the matter again on 25.03.2025.

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

(RENU BALA GAMBHIR)
COURT MASTER



తెలంగాణ రాజ పత్రము
THE TELANGANA GAZETTE
 PART-I EXTRAORDINARY
 PUBLISHED BY AUTHORITY

No. 449]

HYDERABAD, MONDAY, NOVEMBER 21, 2016.

NOTIFICATIONS BY GOVERNMENT

— x —

ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY DEPARTMENT
(FOR.II)

DECLARATION OF "AMEENPUR LAKE" AT PATANCHERU (MANDAL) IN MEDAK DISTRICT AS
 "BIODIVERSITY HERITAGE SITE" UNDER BIOLOGICAL DIVERSITY ACT, 2002 - FINAL
 NOTIFICATION.

[G.O.Ms.No. 70, Environment, Forests, Science & Technology (FOR.II), 15th November, 2016.]

In exercise of the powers conferred under Section 37(1) of the Biological Diversity Act, 2002 read with Rule 21 (1) of Telangana State Biological Diversity Rules, 2015, Government hereby declare the "Ameenpur Lake" at Ameenpur Mandal in Sangareddy District as "Biodiversity Heritage Site". The intention to make such declaration having been previously published in preliminary notification issue of Telangana Gazette No. 236, dt. 20.06.2016 as required under the said Act.

B.R. MEENA,
Principal Secretary to Government.

— x —



सत्यमेव जयते

ANNEXURE A9

63

THE BIOLOGICAL DIVERSITY ACT, 2002 AND BIOLOGICAL DIVERSITY RULES, 2004

National Biodiversity Authority, India



THE BIOLOGICAL DIVERSITY ACT, 2002
AND
BIOLOGICAL DIVERSITY RULES, 2004



National Biodiversity Authority
INDIA

Copyright © National Biodiversity Authority, 2004

First Publication, 2004..... 5000 copies
Second Publication, 2007..... 3000 copies
Third Publication, 2009..... 500 copies
Fourth Publication, 2009..... 1000 copies
Fifth Publication, 2010..... 1000 copies
Sixth Publication, 2010..... 1000 copies
Seventh Publication, 2011..... 1000 copies
Eighth Publication, 2012..... 1000 copies

This publication contains the Biological Diversity Act, 2002 and the Biological Diversity Rules, 2004 that was promulgated by the Government of India. This document may therefore be reproduced for educational and non-profit purposes without special permission from the National Biodiversity Authority. The Authority would specially appreciate receiving a copy of any publication that uses this book as a source.

For bibliographic and reference purpose this publication should be referred to as, The Biological Diversity Act, 2002 and Biological Diversity Rules, 2004, National Biodiversity Authority (2004), 74 PP.

For further information, please contact:

The Secretary
National Biodiversity Authority
5th Floor, TICEL Biopark,
Taramani Road, Taramani,
Chennai - 600 113.
Tel: 044 22542777
Fax: 044 22541200
email : secretary@nbaindia.in
Website : www.nbaindia.org

Printed by :

CONTENTS

S.No.	SUBJECT	PAGE No.
1.	The Biological Diversity Act, 2002	
	Chapter I - Preliminary.....	2
	Chapter II - Regulation of Access to Biological Diversity.....	4
	Chapter III - National Biodiversity Authority.....	7
	Chapter IV - Functions and Powers of the National Biodiversity Authority.....	13
	Chapter V - Approval by the National Biodiversity Authority.....	14
	Chapter VI - State Biodiversity Board.....	17
	Chapter VII - Finance, Accounts and Audit of National Biodiversity Authority.....	20
	Chapter VIII - Finance, Accounts and Audit of State Biodiversity Board.....	22
	Chapter IX - Duties of the Central and the State Governments.....	24
	Chapter X - Biodiversity Management Committees.....	27
	Chapter XI - Local Biodiversity Fund.....	28
	Chapter XII - Miscellaneous.....	30
2.	The Biological Diversity Rules - 2004.....	40
3.	Form - I (Rule 14).....	59
4.	Form - II (Rule 17).....	62
5.	Form - III (Rule 18).....	64
6.	Form - IV (Rule 19).....	66
7.	Form - V (Rule 23(1)).....	68
8.	Form - VI (Rule 23(6)).....	71
9.	Form - VII (Rule 24(1)).....	73


भारत का राजपत्र
The Gazette of India
 EXTRAORDINARY
 PART II - SECTION 1
 PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, FEBRUARY 5, 2003 / MAGHA 16, 1924

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th February, 2003 / Magha 16, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 5th February, 2003, and is hereby published for general information :-

THE BIOLOGICAL DIVERSITY ACT, 2002

No. 18 of 2003

[5th February, 2003]

An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

WHEREAS India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto;

AND WHEREAS India is a party to the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June, 1992;

AND WHEREAS the said Convention came into force on the 29th December, 1993;

AND WHEREAS the said Convention reaffirms the sovereign rights of the States over their biological resources;

AND WHEREAS the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilization and equitable sharing of the benefits arising out of utilization of genetic resources and also to give effect to the said Convention.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

- Short title, extent and commencement** 1. (1) This Act may be called the Biological Diversity Act, 2002.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:
- Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.
- Definitions** 2. In this Act, unless the context otherwise requires,-
- (a) "benefit claimers" means the conservers of biological resources, their byproducts, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
- (b) "biological diversity" means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco-systems;
- (c) "biological resources" means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;

(d) “bio-survey and bio-utilization” means survey or collection of species, subspecies, genes, components and extracts of biological resource for any purpose and includes characterisation, inventorisation and bioassay;

(e) “Chairperson” means the Chairperson of the National Biodiversity Authority or, as the case may be, of the State Biodiversity Board;

(f) “commercial utilization” means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;

(g) “fair and equitable benefit sharing” means sharing of benefits as determined by the National Biodiversity Authority under section 21;

(h) “local bodies” means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) of article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act;

(i) “member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;

(j) “National Biodiversity Authority” means the National Biodiversity Authority established under section 8;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regulations" means regulations made under this Act;

(m) "research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;

(n) "State Biodiversity Board" means the State Biodiversity Board established under section 22;

(o) "sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;

(p) "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physically inseparable form.

CHAPTER -II

REGULATION OF ACCESS TO BIOLOGICAL DIVERSITY

Certain persons not to undertake Biodiversity related activities without approval of National Biodiversity Authority

3. (1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization.

(2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely:-

(a) a person who is not a citizen of India;

(b) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961 ; **43 of 1961**

- (c) a body corporate, association or organization-
- (i) not incorporated or registered in India; or
 - (ii) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

4. No person shall, without the previous approval of the National Biodiversity Authority, transfer the results of any research relating to any biological resources occurring in, or obtained from, India for monetary consideration or otherwise to any person who is not a citizen of India or citizen of India who is non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961 or a body corporate or organisation which is not registered or incorporated in India or which has any non-Indian participation in its share capital or management. **Results of research not to be transferred to certain persons without approval of National Biodiversity Authority.**

43 of 1961

Explanation - For the purposes of this section, "transfer" does not include publication of research papers or dissemination of knowledge in any seminar or workshop, if such publication is as per the guidelines issued by the Central Government.

5. (1) The provisions of sections 3 and 4 shall not apply to collaborative research projects involving transfer or exchange of biological resources or information relating thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (3). **Sections 3 and 4 not to apply to certain collaborative research projects**

(2) All collaborative research projects, other than those referred to in sub-section (1) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (a) of sub-section (3), be void.

(3) For the purposes of sub-section (1), collaborative research projects shall-

(a) conform to the policy guidelines issued by the Central Government in this behalf;

(b) be approved by the Central Government.

Application for intellectual property rights not to be made without approval of National Biodiversity Authority

6. (1) No person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application.

Provided that if a person applies for a patent, permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned:

Provided further that the National Biodiversity Authority shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof.

(2) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial

benefits arising out of the commercial utilisation of such rights.

(3) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties enacted by Parliament.

(4) Where any right is granted under law referred to in sub-section (3), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.

7. No person, who is a citizen of India or a body corporate, association or organisation which is registered in India, shall obtain any biological resource for commercial utilisation, or bio-survey and bio-utilisation for commercial utilisation except after giving prior intimation to the State Biodiversity Board concerned:

Prior intimation to State Biodiversity Board for obtaining biological resource for certain purposes

Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and *vaid*s and *hakim*s, who have been practising indigenous medicine.

CHAPTER -III

NATIONAL BIODIVERSITY AUTHORITY

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.

Establishment of National Biodiversity Authority

(2) The National Biodiversity Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the National Biodiversity Authority shall be at Chennai and the National Biodiversity Authority may, with the previous approval of the Central Government, establish offices at other places in India.

(4) The National Biodiversity Authority shall consist of the following members, namely:-

(a) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;

(b) three *ex officio* members to be appointed by the Central Government, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment and Forests of whom one shall be the Additional Director General of Forests or the Director General of Forests;

(c) seven *ex officio* members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with -

-
- (i) Agricultural Research and Education;
 - (ii) Biotechnology;
 - (iii) Ocean Development;
 - (iv) Agriculture and Cooperation;
 - (v) Indian Systems of Medicine and Homeopathy;
 - (vi) Science and Technology;
 - (vii) Scientific and Industrial Research;

(d) five non-official members to be appointed from amongst specialists and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and knowledge-holders of biological resources.

9. The term of office and conditions of service of the Chairperson and the other members other than *ex officio* members of the National Biodiversity Authority shall be such as may be prescribed by the Central Government.

Conditions of service of Chairperson and members.

10. The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.

Chairperson to be Chief executive of National Biodiversity Authority.

11. The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has –

Removal of members

- (a) been adjudged as an insolvent; or
- (b) been convicted of an offence which involves moral turpitude; or

- (c) become physically or mentally incapable of acting as a member; or
- (d) so abused his position as to render his continuance in office detrimental to the public interest; or
- (e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

**Meetings of
National
Biodiversity
Authority**

12. (1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.

(3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

(5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

(6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of :-

- (a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or
- (b) any defect in the appointment of a person acting as a member; or
- (c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

13. (1) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.

Explanation – For the purposes of this sub-section, “agro-biodiversity” means biological diversity of agriculture related species and their wild relatives.

(2) Without prejudice to the provisions of sub-section (1), the National Biodiversity Authority may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.

(3) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(4) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

**Committees
of
National
Biodiversity
Authority**

-
- | | |
|---|--|
| Officers and employees of National Biodiversity Authority | <p>14. (1) The National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.</p> <p>(2) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.</p> |
| Authentication of orders and decisions of National Biodiversity Authority | <p>15. All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or any other member authorized by the National Biodiversity Authority in this behalf and all other instruments executed by the National Biodiversity Authority shall be authenticated by the signature of an officer of the National Biodiversity Authority authorized by it in this behalf.</p> |
| Delegation of powers | <p>16. The National Biodiversity Authority may, by general or special order in writing, delegate to any member, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64) as it may deem necessary.</p> |
| Expenses of National Biodiversity Authority to be defrayed out of the Consolidated Fund of India | <p>17. The salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the Consolidated Fund of India.</p> |

CHAPTER –IV

**FUNCTIONS AND POWERS OF THE
NATIONAL BIODIVERSITY AUTHORITY**

18. (1) It shall be the duty of the National Biodiversity Authority to regulate activities referred to in sections 3, 4 and 6 and by regulations issue guidelines for access to biological resources and for fair and equitable benefit sharing.

**Functions
and powers
of National
Biodiversity
Authority**

(2) The National Biodiversity Authority may grant approval for undertaking any activity referred to in sections 3, 4 and 6.

(3) The National Biodiversity Authority may-

(a) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources;

(b) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (1) of section 37 as heritage sites and measures for the management of such heritage sites;

(c) perform such other functions as may be necessary to carry out the provisions of this Act.

(4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER -V
**APPROVAL BY THE
NATIONAL BIODIVERSITY AUTHORITY**

Approval by National Biodiversity Authority for undertaking certain activities 19. (1) Any person referred to in sub-section (2) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization or transfer the results of any research relating to biological resources occurring in, or obtained from, India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.

(2) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (1) of section 6, may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

20. (1) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.

Transfer of biological resource or knowledge

(2) Any person who intends to transfer any biological resource or knowledge associated thereto referred to in sub-section (1) shall make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

21. (1) The National Biodiversity Authority shall while granting approvals under section 19 or section 20 ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually

Determination of equitable benefit sharing by National Biodiversity Authority

agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.

(2) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:

(a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;

(b) transfer of technology;

(c) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;

(d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilization;

(e) setting up of venture capital fund for aiding the cause of benefit claimers;

(f) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

(3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:

Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such individual or group of individuals or organisations in accordance with the terms of any agreement and in such manner as it deems fit.

(4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER -VI

STATE BIODIVERSITY BOARD

22. (1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the _____ (name of the State) Biodiversity Board.

**Establishment
of State
Biodiversity
Board**

(2) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:

Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify.

(3) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(4) The Board shall consist of the following members, namely:-

(a) a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the State Government;

(b) not more than five *ex officio* members to be appointed by the State Government to represent the concerned Departments of the State Government;

(c) not more than five members to be appointed from amongst experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources.

(5) The head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.

**Functions
of State
Biodiversity
Board**

23. The functions of the State Biodiversity Board shall be to-

(a) advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilisation of biological resources;

(b) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians;

(c) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.

24. (1) Any citizen of India or a body corporate, organization or association registered in India intending to undertake any activity referred to in section 7 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.

(2) On receipt of an intimation under sub-section (1), the State Biodiversity Board may, in consultation with the local bodies concerned and after making such enquires as it may deem fit, by order, prohibit or restrict any such activity if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity:

Provided that no such order shall be made without giving an opportunity of being heard to the person affected.

(3) Any information given in the form referred to in sub-section (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

Power of State Biodiversity Board to restrict certain activities violating the objectives of conservation etc.

Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board	<p>25. The provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely:-</p> <p>(a) references to the Central Government shall be construed as references to the State Government;</p> <p>(b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;</p> <p>(c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.</p>
---	---

CHAPTER –VII

FINANCE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

Grants or loans by the Central Government	<p>26. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.</p>
Constitution of National Biodiversity Fund	<p>27. (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto</p> <p>(a) any grants and loans made to the National Biodiversity Authority under section 26;</p> <p>(b) all charges and royalties received by the National Biodiversity Authority under this Act; and</p> <p>(c) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.</p> <p>(2) The Fund shall be applied for–</p> <p>(a) channeling benefits to the benefit claimers;</p>

(b) conservation and promotion of biological resources and development of areas from where such biological resources or knowledge associated thereto has been accessed;

(c) socio-economic development of areas referred to in clause (b) in consultation with the local bodies concerned.

28. The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

**Annual
report
of National
Biodiversity
Authority**

29. (1) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

**Budget,
accounts
and audit**

(2) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in

connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority .

(4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

Annual report to be laid before Parliament

30. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER -VIII

FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

Grants of money by State Government to State Biodiversity Board.

31. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Biodiversity Board by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

Constitution of State Biodiversity Fund.

32. (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto-

(a) any grants and loans made to the State Biodiversity Board under section 31 ;

(b) any grants or loans made by the National Biodiversity Authority;

(c) all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government.

(2) The State Biodiversity Fund shall be applied for —

(a) the management and conservation of heritage sites;

(b) compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37;

(c) conservation and promotion of biological resources;

(d) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24, in consultation with the local bodies concerned;

(e) meeting the expenses incurred for the purposes authorised by this Act.

33. The State Biodiversity Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

**Annual
Report of
State
Biodiversity
Board**

34. The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon .

**Audit of
accounts
of a State
Biodiversity
Board.**

Annual report of State Biodiversity Board to be laid before State Legislature 35. The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

CHAPTER -IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

Central Government to develop National strategies plans. etc., for conservation, etc., of biological diversity. 36. (1) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of *in situ*, and *ex situ*, conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity .

(2) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed.

(3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

(4) The Central Government shall undertake measures,—

(i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;

(ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

(5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including *sui generis* system.

*Explanation:-*For the purposes of this section,-

(a) “*ex situ* conservation” means the conservation of components of biological diversity outside their natural habitats;

(b) “*in situ* conservation” means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

Biodiversity heritage sites. 37. (1) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.

(2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.

(3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

Power of Central Government to notify threatened species 38. Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

Power of Central Government to designate repositories. 39. (1) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.

(2) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.

(3) Any new taxon discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.

40. Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources normally traded as commodities.

Power of Central Government to exempt certain biological resources.

CHAPTER-X

BIODIVERSITY MANAGEMENT COMMITTEES

41. (1) Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

Constitution of Biodiversity Management Committees.

Explanation.- For the purposes of this sub-section,-

(a) "cultivar" means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;

(b) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(c) "landrace" means primitive cultivar that was grown by ancient farmers and their successors.

(2) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity

Management Committees while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the Biodiversity Management Committee.

(3) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER -XI

LOCAL BIODIVERSITY FUND

- Grants to Local Biodiversity Fund.** 42. The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.
- Constitution of Local Biodiversity Fund.** 43.(1) There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto-
- (a) any grants and loans made under section 42;
 - (b) any grants or loans made by the National Biodiversity Authority;
 - (c) any grants or loans made by the State Biodiversity Boards;
 - (d) fees referred to in sub-section (3) of section 41 received by the Biodiversity Management Committees;
 - (e) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government.

44.(1) Subject to the provisions of sub-section (2), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.

Application of Local Biodiversity Fund.

(2) The Fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.

45. The person holding the custody of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the concerned local body.

Annual Report of Biodiversity Management Committees.

46. The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the person holding the custody of the Local Biodiversity Fund shall furnish, to the concerned local body, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

Audit of accounts of Biodiversity Management Committees.

47. Every local body constituting a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in sections 45 and 46, respectively and relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

Annual report, etc, of the Biodiversity Management Committee to be submitted to District Magistrate.

CHAPTER -XII

MISCELLANEOUS

National Biodiversity Authority to be bound by the directions given by Central Government. 48. (1) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of State Government to give directions 49. (1) Without prejudice to the foregoing provisions of this Act, the State Biodiversity Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government whether a question is one of policy or not shall be final.

Settlement of disputes between State Biodiversity Boards. 50. (1) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.

(2) Every appeal made under sub-section (1) shall be in such form as may be prescribed by the Central Government.

(3) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government:

Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of, being heard.

(4) If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.

(5) While adjudicating any dispute under sub-section (4), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.

(6) The National Biodiversity Authority shall have, for the purposes of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:- 5 of 1908

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it *ex parte*;
- (g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
- (h) any other matter which may be prescribed.

45 of 1860	2 of 1974	45 of 1860	Appeal.	Appeal to National Green Tribunal	<p>(7) Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.</p> <p>51. All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.</p> <p>52. Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:</p> <p style="padding-left: 20px;">Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal-within the said period, allow it to be filed within a further period not exceeding sixty days.</p> <p style="padding-left: 20px;">¹[Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010.</p> <p style="padding-left: 20px;">Provided also that any appeal pending before the High Court, before the commencement of the National Green Tribunal Act, 2010, shall continue to be heard and disposed of by the High Court as if the National Green Tribunal had not been established under section 3 of the National Green Tribunal Act,2010.</p> <p>52 A. Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act,</p>
------------	-----------	------------	---------	-----------------------------------	---

Members, officers, etc., of National Biodiversity Authority and State Biodiversity Board deemed to be public servants.

on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act]

53. Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

Execution of determination or order.

Explanation.- For the purposes of this section and section 52, the expression "State Biodiversity Board" includes the person or group of persons to whom the powers or functions under sub-section (2) of section 22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be.

54. No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or the State Government or any member, officer or employee of the National Biodiversity Authority or the State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

¹Inserted by the National Green Tribunal Act, 2010 (19 of 2010) dt. 2.6.2010

- Penalties.** 55. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.
- (2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under sub-section (2) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.
- Penalty for contravention of directions or orders of Central Government, State Government, National Biodiversity Authority and State Biodiversity Boards.** 56. If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine which may extend to two lakh rupees everyday during which the default continues.
- Offences by Companies** 57. (1) Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.

Explanation. -For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

- | | |
|---|---|
| <p>58. The offences under this Act shall be cognizable and non-bailable.</p> | <p>Offences to be cognizable and non-bailable.</p> |
| <p>59. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife.</p> | <p>Act to have effect in addition to other Acts.</p> |
| <p>60. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or regulation or order made thereunder.</p> | <p>Power of Central Government to give directions to State Government.</p> |
| <p>61. No Court shall take cognizance of any offence under this Act except on a complaint made by—</p> | <p>Cognizance of offences.</p> |

(a) the Central Government or any authority or officer authorized in this behalf by that Government; or

(b) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.

**Power of
Central
Government
to make rules**

62. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) terms and conditions of service of the Chairperson and members under section 9;

(b) powers and duties of the Chairperson under section 10;

(c) procedure under sub-section (1) of section 12 in regard to transaction of business at meetings;

(d) form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;

(e) the form and manner of making an application under sub-section (2) of section 19;

(f) form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;

(g) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;

(h) form in which the annual statement of account shall be prepared under subsection (1) of section 29;

(i) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;

(j) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;

(k) the manner of giving notice under clause (b) of section 61;

(l) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

-
- Power of State Government to make rules**
- 63.** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
- (a) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;
- (b) the form in which the prior intimation shall be given under sub-section (1) of section 24;
- (c) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;
- (d) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;
- (e) management and conservation of national heritage sites under section 37;
- (f) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (1) of section 44;
- (g) the form of annual report and the time at which such report shall be prepared during each financial year under section 45;

(h) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;

(i) any other matter which is to be, or may be, specified.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

64. The National Biodiversity Authority shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.

**Power to
make
regulations.**

65.(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

**Power to
remove
difficulties.**

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

SUBHASH C. JAIN

Secretary to the Government of India

BIOLOGICAL DIVERSITY RULES - 2004

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 15th April, 2004

G.S.R. 261 (E). – In exercise of the powers conferred by Section 62 of the Biological Diversity Act, 2002, and in supersession of the National Biodiversity Authority (salary, Allowances and conditions of service of Chairperson and other Members) Rules, 2003 except as respect to things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely: -

1. Short title and commencement

- (1) These rules may be called the Biological Diversity Rules, 2004.
- (2) Thus shall come into force on 15th April, 2004.

2. Definitions

In these rules, unless the context otherwise requires, -

- (a) "Act" means the Biological Diversity Act 2002 (18 of 2003);
- (b) "Authority" means the National Biodiversity Authority established under sub-section (1) of Section 8,
- (c) "Biodiversity Management Committee" means a Biodiversity Management Committee established by a local body under sub-section (1) of Section 41;
- (d) "Chairperson" means the chairperson of the National Biodiversity Authority or as the case may be, of the State Biodiversity Board.
- (e) "fee" means any fee stipulated in the Schedule;
- (f) "Form" means form annexed to these rules;
- (g) " Member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the chairperson as the case may be;
- (h) "section " means a section of the Act;

- (i) "Secretary" means the full time Secretary of the Authority.
- (j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson

- (1) The Chairperson of the Authority shall be appointed by the Central Government.
- (2) Every appointment of Chairperson under sub-section (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.

4. Term of Office of the Chairperson

- (1) The Chairperson of the Authority shall hold the office for a term of three years' and shall be eligible for re-appointment,
- (2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires which is earlier.
- (3) The Chairperson may resign from his office by giving at least one month notice in writing to the Central Government.

5. Pay and Allowances of Chairperson :—

- (1) A Chairperson shall be entitled to a fixed pay of Rs. 26,000/- per month. In case of retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons.
- (2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, house and other perquisites etc. to be decided by the Central Government from time to time.

6. Term of Office and Allowances of non- official Members:

- (1) Every non-official member of the Authority shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the official Gazette.
- (2) Every non- official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non official member of commissions and committees of the Central Government attending the meeting (s) of such Commissions or Committees.

7. Filling up of vacancies of non- official members

- (1) A non –official member of the Authority may resign his office at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the Authority shall become vacant.
- (2) A casual vacancy of a non – official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.

8. Removal of the members of the Authority.

No member of the Authority shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member a reasonable opportunity of being heard.

9. Secretary of the Authority

- (1) The Authority shall appoint a Secretary to it.
- (2) The terms and conditions of the appointment of the Secretary shall be determined by the Authority by regulation.

- (3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.

10. Meetings of the Authority

- (1) The Authority shall meet at least four times in a year normally after a period of three months at the Head quarters of the Authority or at such place as may be decided by the Chairperson.
- (2) The Chairperson shall, upon a written request from not less than five Members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.
- (3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.
- (4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.
- (5) The decision of the Authority at a meeting shall, if necessary, be taken by a simple majority of the Members present and voting and the Chairperson or in his absence, the Member presiding shall have a second or casting vote.
- (6) Each member shall have one vote.
- (7) The quorum at every meeting of the Authority shall be five.
- (8) No Member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the Members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.

11. Appointment of Expert Committee by the Authority and their entitlements

- (1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.
- (2) The members of the Committee other than the members of the Authority shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.

12. General functions of the Authority

The Authority may perform the following functions; namely:-

- (i) lay down the procedure and guidelines to govern the activities provided under sections 3, 4 and 6;
- (ii) advise the Central Government on any matter concerning conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (iii) coordinate the activities of the State Bio-diversity Boards;
- (iv) provide technical assistance and guidance to the State Bio-diversity Boards;
- (v) commission studies and sponsor investigations and research;
- (vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions :

Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.

- (vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

-
- (viii) organise through mass media a comprehensive programme regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.
 - (ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of bio-diversity and sustainable use of its components;
 - (x) prepare the annual Budget of the Authority incorporating its own receipts as also the devaluation from the Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government ;
 - (xi) recommend creation of posts to the Central Government, for effective discharge of the functions by the Authority and to create such posts, provided that no such post whether permanent / temporary or of any nature, would be created without prior approval of the Central Government;
 - (xii) approve the method of recruitment to the officers and servants of the Authority;
 - (xiii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses ;
 - (xiv) give directions to State Bio-diversity Boards and the Bio-diversity Management Committees in writing for effective implementation of the Act;
 - (xv) report to the Central Government about the functioning of the Authority and implementation of the Act;
 - (xvi) recommend, modify, collection of benefit sharing fee under sub section (1) of Section 6 or Changes of royalties under sub-section (2) of section 19 in respect of biological resources from time to time;

-
- (xvii) sanction grants – in – aid and grants to the State Bio-diversity Board and Bio-diversity Management Committees for specific purposes;
 - (xviii) undertake physical inspection of any area in connection with the implementation of the Act;
 - (xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated knowledge obtained from India in an illegal manner;
 - (xx) do such other functions as may be assigned or directed by the Central Government from time to time.

13. Powers and duties of Chairperson

- (1) The Chairperson shall have the overall control of the day - to - day activities of the Authority.
- (2) Subject to the provisions of Section 10, the Chairperson shall have the powers of general superintendence over the officers and staff of the Authority and he may issue necessary directions for the conduct and management of the affairs of the Authority.
- (3) The Chairperson shall be in charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.
- (4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorised by the Chairperson in this behalf.
- (5) The Chairperson, either himself or through an officer of the authority authorised for the purpose, may sanction and disburse all payments against the approved budget.
- (6) The Chairperson shall have full powers for granting administrative and technical sanction to all estimates.

- (7) The Chairperson shall convene and preside over all the meetings of the Authority and shall ensure that all decisions taken by the Authority are implemented in proper manner.
- (8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.

14. Procedure for access to biological resources and associated traditional knowledge

- (1) Any person seeking approval of the Authority for access to biological resources and associated knowledge for research or for commercial utilization shall make an application in Form I
- (2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of a cheque or demand draft drawn in favour of the Authority.
- (3) The Authority shall after consultation with the concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, dispose of the application, as far as possible, within a period of six months from the date of its receipts .
- (4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.
- (5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant.
- (6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following; namely:-

-
- (i) general objectives and purpose of the application for seeking approval ;
 - (ii) description of the biological resources and traditional knowledge including accompanying information;
 - (iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)
 - (iv) conditions under which the applicant may seek intellectual property rights;
 - (v) quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case if the biological material is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently.
 - (vi) restriction to transfer the accessed biological resources and the traditional knowledge to any third party without prior approval of Authority ;
 - (vii) to adhere to a limit set by the Authority on the quantity and specification of the quality of the biological resources for which the applicant is seeking access;
 - (viii) guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;
 - (ix) submitting to the Authority a regular status report of research and other developments;
 - (x) commitment to abide with the provisions of Act and rules and other related legislations in force in the country;
 - (xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed;
 - (xii) commitment to minimize environmental impacts of collecting activities;

- (xiii) legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentiality clause.
- (7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.
- (8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.
- (9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.
- (10) The Authority shall take steps to widely publicize the approvals granted, through print or electronic media and shall periodically monitor compliance of conditions on which the approval was accorded.

15. Revocation of access or approval:-

- (1) The Authority may either on the basis of any complaint or *suo moto* withdraw the approval granted for access under rule 15 and revoke the written agreement under the following conditions ; namely:-
 - (i) on the basis of reasonable belief that the person to whom the approval was granted has violated any of the provisions of the Act or the condition on which the approval was granted ;
 - (ii) when the person who has been granted approval has failed to comply with the terms of the agreement ;
 - (iii) on failure to comply with any of the conditions of access granted;
 - (iv) on account of overriding public interest or for protection of environment and conservation of biological diversity;

-
- (2) The Authority shall send a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

16. Restriction on activities related to access to biological resources

- (1) The Authority if it deems necessary and appropriate shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons; namely:-
 - (i) the request for access is for any endangered taxa;
 - (ii) the request for access is for any endemic and rare species ;
 - (iii) the request for access may likely to result in adverse effect on the livelihoods of the local people;
 - (iv) the request to access may result in adverse environmental impact which may be difficult to control and mitigate.
 - (v) the request for access may cause genetic erosion or affecting the ecosystem function;
 - (vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.

17. Procedure for seeking approval for transferring results of research

- (1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non Resident Indians (NRIs), shall make an application to the Authority in the Form II.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.
- (3) Every application under sub-rule (1) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same.

- (4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.
- (6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed; Provided that the application shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

18. Procedure for seeking prior approval before applying for intellectual property protection.

- (1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall make an application in Form III.
- (2) Every application under sub- rule (1) shall be accompanied by paying a fee of five hundred rupees.
- (3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority.

- (6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an opportunity of hearing.

19. Procedure for third party transfer under sub- section (2) of Section 20.

- (1) The persons who have been granted approval for access to biological resources and associated knowledge, intend to transfer the accessed biological resource or knowledge to any other person or organization shall make an application to the Authority in Form IV
- (2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of Bank draft or cheque drawn in favour of the Authority.
- (3) The Authority shall after collecting any additional information, decide upon the application as far as possible within a period of six months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.
- (5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.
- (6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

20. Criteria for equitable benefit sharing (Section 21)

- (1) The Authority shall by notification in the Official Gazette formulate the guidelines and describe the benefit sharing formula.
- (2) The guidelines shall provide for monetary and other benefits such as royalty; joint ventures; technology transfer; product development; education and awareness raising activities; institutional capacity building and venture capital fund.
- (3) The formula for benefit sharing shall be determined on a case-by case basis.
- (4) The Authority while granting approval to any person for access or for transfer of results of research or applying for patent and IPR or for third party transfer of the accessed biological resource and associated knowledge may impose terms and conditions for ensuring equitable sharing of the benefits arising out of the use of accessed biological material and associated knowledge.
- (5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the local bodies and benefit claimers and may be decided in due regard to the defined parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.
- (6) Depending upon each case, the Authority shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits.
- (7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.
- (8) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them through the district administration. Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.

- (9) Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be, towards administrative and service charges.
- (10) The Authority shall monitor the flow of benefits as determined under sub rule (4) in a manner determined by it.

21. Application of National Biodiversity Fund. -

- (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorized in this regard
- (2) The National Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts from the Central Government and the other concerning the fee, licence fee, royalty and other receipts of the Authority.

22. Constitution of Biodiversity Management Committees

- (1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.
- (2) The Biodiversity Management Committee as constituted under Sub- rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/ Scheduled Tribes.
- (3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.
- (4) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years.
- (5) The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.

- (6) The main function of the BMC is to prepare People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.
- (7) The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vairs and practitioners using the biological resources.
- (8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.
- (9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.
- (10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.
- (11) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

23. Appeal for settlement of disputes under Section 50. –

- (1) If a dispute arises between the Authority or a State Biodiversity Board or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, prefer an appeal to the Central Government under section 50, in Form V to the Secretary, Ministry of Environment and Forests, Government of India.

- (2) In case the dispute arises between a State Biodiversity Board and another state Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government which shall refer the same to the Authority.
- (3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for.
- (4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorized representative of the appellant.
- (5) The memorandum of appeal shall be submitted in quadruplicate, either in person or through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impugned provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the orders impugned, direction or policy decision, as the case may be.
- (6) The notice for hearing of the appeal shall be given in Form VI by a registered post with an acknowledgement due.
- (7) The Central Government shall, after hearing the appellant and the other parties, dispose of the appeal.
- (8) In disposing of an appeal it may vary or modify or cancel impugned order, direction or policy, as the case may be.
- (9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.

24. Manner of giving notice under Section 61

- (1) The manner of giving notice, under clause (b) of section 61, shall be as follows namely:
 - (i) The notice shall be in writing in Form VII
 - (ii) The person giving the notice may send it to,-
 - (a) If the alleged offence has taken place in a Union territory, to the Chairperson of the National Bio-diversity Authority; and
 - (b) If the alleged offence has taken place in a State, to the Chairperson of the State Bio-diversity Board
- (2) The notice referred to in sub – rule (1) shall be sent by registered post acknowledgement due; and
- (3) The period of thirty days mentioned in clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub – rule (1).

FORM I

(see rule 14)

Application form for access to Biological resources and associated traditional knowledge

Part A

- (i) Full particulars of the applicant
 - (ii) Name:
 - (iii) Permanent address:
 - (iv) Address of the contact person /agent , if any, in India:
 - (v) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication):
 - (vi) Nature of business:
 - (vii) Turnover of the organization in US \$:
2. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed
- a) Identification (scientific name) of biological resources and its traditional use:
 - b) Geographical location of proposed collection:
 - c) Description /nature of traditional knowledge (oral/documentated):
 - d) Any identified individual /community holding the traditional knowledge:
 - e) Quantity of biological resources to be collected (give the schedule):
 - f) Time span in which the biological resources is proposed to be collected:
 - g) Name and number of person authorized by the company for making the selection:
 - h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it:

- i) Whether any collection of the resource endangers any component of biological diversity and the risks which may arise from the access:
3. Details of any national institution which will participate in the Research and Development activities.
4. Primary destination of accessed resource and identity of the location where the R&D will be carried out.
5. The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs
6. The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he / she belongs
7. Estimation of benefits, that would flow to India / communities arising out of the use of accessed bioresources and traditional knowledge
8. Proposed mechanism and arrangements for benefit sharing.
9. Any other information considered relevant.

Part B**Declaration**

I / we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities;

I/we further declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed

Name

Title

Place

Date

FORM II

(see rule 17)

Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes.

1. Full particulars of the applicant
 - i) Name :
 - ii) Address :
 - iii) Professional profile :
 - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the results of research conducted
3. Details of the Biological resources and / or associated knowledge used in the research.
4. Geo-graphical location from where the biological resources used in the research are collected
5. Details of any traditional knowledge used in the research and any identified individual / community holding the traditional knowledge
6. Details of institution where R & D activities carried out.
7. Details of the individual / organization to whom the research results are intend to transfer.
8. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the individual / organization due to commercialization of transferred research results.

9. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.
10. Details of any agreement or MOU between by the proposed recipient and applicant seeking approval for transfer of results of research.

Declaration

I/we declare the information provided in the application form is true and correct and I/We shall be responsible for any incorrect/wrong information.

Signed

Name

Title

Place

Date

FORM III

(See rule 18)

Application for seeking prior approval of National Biodiversity Authority for applying for Intellectual Property Right

1. Full particulars of the applicant
 - i) Name :
 - ii) Address :
 - iii) Professional profile :
 - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the invention on which IPRs sought
3. Details of the Biological resources and / or associated knowledge used in the invention.
4. Geo-graphical location from where the biological resources used in the invention are collected .
5. Details of any traditional knowledge used in the invention and any identified individual/ community holding the traditional knowledge.
6. Details of institution where Research and Development activities carried out.
7. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

Declaration

I/we declare the Information provided in the application form is true and correct and I/We shall be responsible for any incorrect/ wrong information.

Signed

Name

Title

Place

Date

FORM IV

(See rule 19)

Application form for seeking approval of National Biodiversity Authority for third party transfer of the accessed Biological resources and associated traditional knowledge.

1. Full particulars of the applicant
 - (i) Name :
 - (ii) Address :
 - (iii) Professional profile :
 - (iv) Organizational affiliation (Please attach relevant documents of authentication)
2. Details of the biological material and traditional knowledge accessed
3. Details of the access contract entered (Copy to be enclosed)
4. Details of the benefits and mechanism/arrangements for benefit sharing already implemented.
5. Full particulars of the third part to whom the accessed material knowledge is intended to transfer.
6. The purpose of the intended third party transfer.
7. Details of economic, social, biotechnological, scientific or any other benefits that are intended, or may accrue to the third party due to transfer of accessed biological material and knowledge.
8. Details of any agreement to be entered between the applicant and the third party.

9. Estimation of benefits that would flow to India/communities arising out of the third party transfer of accessed biological resources and traditional knowledge.
10. Proposed mechanism and arrangements for benefit sharing arising out of the proposed third party transfer.
11. Any other relevant information

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect/ wrong information.

Signed

Name

Title

Place

Date

FORM V

(See rule -23 (1))

Form of Memorandum of Appeal

**BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS,
NEW DELHI**

OR**NATIONAL BIODIVERSITY AUTHORITY**

(as the case may be)

(Memorandum of appeal under Section 50 of the Biological Diversity Act, 2002)

Appeal No. _____ of 200

..... Appellant (s)

Vs.

.....Respondent (s)

(here mention the designation of the Authority/Board, as the case may be)

The appellant begs to prefer this Memorandum of Appeal against the order dated _____ passed by the Respondent on the following facts and grounds.

1. FACTS:

(Here briefly mention the facts of the case):

2. GROUND :

(Here mention the grounds on which the appeal is made):

i.)

ii.)

iii.)

3. RELIEF SOUGHT

i.)

ii.)

iii.)

4. PRAYER:

a) In the light of what is stated above, the appellant respectfully prays that the order /decision of the respondent be quashed / set-aside.

b) The policy / guidelines / regulation framed by the Respondent be quashed / modified / annulled to the extent_____

c) _____

Place:_____

Dated:_____

Signature of the appellant

with seal

Address:

VERIFICATION

I, the appellant do hereby declare that what is stated above is true to the best of my information and belief.

Verified on _____ day of _____

Signature of the appellant
with seal
Address

Signature of the Authorised representative of the appellant

Enclosures: 1. Authenticated copy of the order / direction/ policy decision, against which the appeal has been preferred.

FORM VI

(See rule 23 (6))

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND
FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY
(as the case may be)

Appeal No. _____ of 200

Between:

_____ Appellant (s)

Vs.

_____ ... Respondents (s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order / direction / policy decision (give details) is fixed for hearing on _____ at _____ .

The copies of the appeal memorandum and other annexure filed along with the appeal are sent herewith for your reference.

Please note that if you fails to appear on the said date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you ex-parte.

Authorised signatory on behalf of the
Appellate Authority (Seal)

Date: _____

Place: _____

FORM VII**FORM OF NOTICE**

(See rule 24(1))

By Registered Post / Acknowledgement due

From,

Shri _____

To,

Sub: NOTICE UNDER SECTION 61(b) OF THE BIOLOGICAL DIVERSITY ACT, 2002

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by _____

2. I/ we hereby give notice of 30 days under Section 61(b) of the Biological Diversity Act, 2002 of my / our intention to file a complaint in the Court against _____ for violation of the provisions of the Biological Diversity Act, 2002.

-
3. In support of my /our notice, I am / we are enclosing herewith the following documents as evidence of proof.

Place: _____

Date: _____

Signature

EXPLANATION:

- (1) In case the notice to be given in the name of a company, documentary evidence authorizing the person to sign the notice on behalf of the company shall be enclosed to the notice.
- (2) Give the name and address of the alleged offender. In case of using biological resource/knowledge/research/bio- survey and bio utilization / the intellectual property right/patent, without the approval of the Authority, the details thereof and the commercial utilisation if any, may be furnished.
- (3) Documentary evidence shall include photograph, technical report etc., for enabling enquiry into the alleged violation / offence.

[No. J-22018/57/2002-CSC(BC)]

DESH DEEPAK VERMA, Jt. Secy.

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

O.A. No. 247 of 2024

IN THE MATTER OF:

Suo Moto matter in respect of news item appearing in News meter Network dated 09.05.2024 titled "Citizen Journalism: Illegal construction on Ameenpur Lake in Sangareddy led to pollution from Industrial waste".

**REPLY AFFIDAVIT AND
DOCUMENTS FILED BY
RESPONDENT NO. 3**

S.DIWAKAR

Counsel for 3rd Respondent

9884670187