

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 351/2019

(With reports dated 30.10.2021 and 15.11.2021)

Raja Muzaffar Bhat

Applicant

Versus

State of Jammu and Kashmir & Ors.

Respondent(s)

Date of hearing: 25.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Saurabh Sharma, Advocate

Respondent: Mr. A.K. Mehta, Chief Secretary, UT of J&K  
Ms. Manju Pandey, Joint Secretary, MoEF&CC with Mr. Balendu  
Shekhar, Advocate  
Mr. Pradeep Mishra, Advocate for UPPCB

**ORDER**

1. The issue for consideration initially considered in this application was prevention of unscientific dumping of waste and encroachment of Hokersar Wetland, Wular Lake and Kreentchoo-Chandhara Wetland in the Union Territory of Jammu & Kashmir. By later orders, scope of consideration was extended to protection of all wetlands in the country in the light of observations of the Hon'ble Supreme Court that 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. It was further

observed that conservation of wetlands is of immense ecological importance. The Hon'ble Supreme Court did not appreciate that the Central Government was attempting to abdicate its responsibility under the Environment (Protection) Act, 1986 in favour of the State Governments.

2. Order of the Hon'ble Supreme Court dated 3.4.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*<sup>1</sup> as follows:

*“17. Be that as it may, for the reasons given below, we are compelled to direct that **the Wetlands (Conservation and Management) Rules, 2016 should be notified on or before 30-6-2017.** We are compelled to issue this direction since the matter has been pending with the Union of India for the last almost a year and there has to be some finality to the publication of the Rules. The comments/suggestions have been given by all stakeholders such as the State Governments including its organisations, individuals and civil society organisations. That being the position, there is obviously a great deal of interest in the Rules being formulated and notified. Under these circumstances, there is no justification why the Union of India should not have taken prompt action and constituted the Committee much earlier for the purposes of finalising the Rules. Finally, **the conservation of wetlands is of immense ecological importance.***

*18. The learned counsel for the Union of India says that all efforts will be made to ensure compliance with this direction and to ensure that the Rules are notified on or before 30-6-2017. We are sure that both the Committee as well as the Union of India will take into consideration the comments and suggestions offered by the State Governments and its organisations, individuals and civil society organisations before taking a final decision.*

*19. With regard to the Central Wetlands Regulatory Authority, we are told that its term is expiring on 14-2-2017. We have been informed by the learned counsel for the Union of India that the Central Wetlands Regulatory Authority will be notified on 13-2-2017. The Union of India is bound by the statement made by the learned counsel for the Union of India, which statement has been made on instructions received by him from an officer of the Ministry of Environment, Forest and Climate Change.*

*20. In our order dated 31-1-2017 [Set out in paras 11 to 13, above.], we had required the Union of India to tell us the steps taken to preserve the 26 wetlands covered by Ramsar Convention, 1971. **The affidavit that has now been filed by the Union of India merely gives the disbursal of amount made by the Union of India from***

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<sup>1</sup> (2017) 7 SCC 805

**time to time. What specific steps have been taken including how the funds made available have been utilised and what is the impact of those steps have not been adverted to. We must have specific details. We direct the Union of India to file an affidavit within four weeks positively giving required specific details.**

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

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

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

**"4. (1)(i)** reclamation of wetlands;

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

**(iii)** manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. No. 966(E), dated 27-11-1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms / Genetically Engineered Organisms or Cells notified vide GSR No. 1037(E), dated 5-12-1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified vide S.O. No. 2265(E), dated 24-9-2008;

**(iv)** solid waste dumping;

*Provided that the existing practices, if any, existed before the commencement of these Rules shall be phased out within a period not exceeding six months from the date of commencement of these Rules;*

*(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements:*

*Provided that the practices, if any, existed before the commencement of these Rules shall be phased out within a period not exceeding one year from the date of commencement of these Rules;*

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

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

**24.** *The learned counsel for the Union of India has shown us a chart of proposals/brief documents that have already been received by the Union of India under Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. The total number of wetlands covered in this document are 1683. Many of these proposals/brief documents received by the Union of India contain deficiencies which have already been identified in the document handed over to us. **The Central Wetland Regulatory Authority will take up the rectification of deficiencies with the State Governments with promptitude and ensure that all these deficiencies are removed and complete proposals/brief documents are furnished within the next about one month so that the Central Wetlands Regulatory Authority is in a position to take a final decision with regard to these 1683 wetlands and their notification, if required, on or before 31-3-2017.”***

3. Further, vide order dated 04.10.2017, the Hon'ble Supreme Court in *M.K. Balakrishnan, supra* observed:

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

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

*Learned counsel for the parties say that they have very serious objections to some of these Rules. **It is submitted that it appears that the Central Government has abdicated its responsibility***

**under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.**

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

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

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

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

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

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

**We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the**

***presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.***

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

***We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.”***

4. Thus, the Hon’ble Supreme Court, apart from directing the High Courts where Ramsar Convention sites are located to monitor the management of such sites, also directed application of Rule 4 of the Wetland (Conservation and Management) Rules, 2010 to 2,01,503 wetlands already mapped by the Central Government. It was further directed that the Central Government will identify and inventorise the said wetlands with the assistance of the State Governments and communicate the order of the Hon’ble Supreme Court to the State Governments who will be bound by the said order. Rule 4 in question provides for protection of wetlands against any incompatible activity, including encroachment and dumping of waste which is to be ensured by the State Wetland Authorities.

5. In this matter, a factual and action taken report was sought from a joint Committee of Jammu & Kashmir Pollution Control Board (‘State PCB’), Department of Wildlife Protection and Deputy Commissioners of Budgam, Srinagar and Bandipora. The matter was considered by this Tribunal on 16.12.2019 in the light of the report dated 09.12.2019 filed by the joint Committee of authorities of J&K in respect of certain wetlands in J&K. The report mentioned the steps taken to prevent dumping of solid

waste and to remove the encroachments, apart from other steps for conservation of the wetlands. It was stated that the demarcation of the boundary of the wetlands had been done and map of the demarcated line prepared. The Tribunal also considered the Minutes of the Meeting held on 30.11.2019 wherein further decisions were taken for remedial action, to prevent menace to the environment. The Tribunal directed further steps in the matter and sought an action taken report. The Tribunal thereafter considered the matter on 27.08.2020 in the light of further the report of the joint Committee of officers of J&K dated 18.08.2020 which mentioned the measures taken in respect of Hokersar Wetland Conservation Reserve, Wullar Lake and Kreentchoo-Chandhara Wetland. The applicant gave certain suggestions as noted in the last order. The Tribunal directed the joint Committee to take further action.

6. Apart from the above, the Tribunal also directed the National Wetland Committee to compile information about the status of compliance in respect of all significant wetlands in the country in the light of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*. The operative part of the order is reproduced below:

*“7. Conservation of wetlands in general and Ramsar sites in particular is a significant aspect of protection of environment. To give effect to the Sustainable Development and Precautionary Principles, which have been held to be part of right to life and are to be statutorily enforced by this Tribunal under Section 20 of the National Green Tribunal Act, 2010, effective action plan and its execution is imperative.*

*8. One of the serious challenges is solid and liquid waste management, apart from encroachments. There are binding directions of the Hon'ble Supreme Court in *Almitra H. Patel Vs. Union of India & Ors*<sup>2</sup>. and *Paryavaran Suraksha vs. Union of India*<sup>3</sup> on the subject of scientific management of solid waste and sewage/effluents in accordance with the statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, ('Water Act') Air (Prevention and Control of Pollution) Act, 1981, ('Air Act') and waste management rules*

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<sup>2</sup> (2000) 2 SCC 679

<sup>3</sup> (2017) 5 SCC 326

framed under the Environment (Protection) Act, 1986 ('EP Act'). There is large scale non-compliance of the said statutory provisions which has led this Tribunal to consider the issue of river pollution in OA No. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB" in view of acknowledged data of 351 polluted river stretches in the country. Apart from the said issue, large scale failure has been found in the matter of solid waste management as repeatedly recorded in O.A. No. 606/2018. The Chief Secretaries of all the States/UTs were required to remain present in person before this Tribunal for interaction and further planning. In O.A. No. 325/2015, Lt. Col. Sarvadaman Singh Oberoi v. UOI & Ors., the Tribunal has considered the issue of restoration of water bodies. In Original Application No. 593/2017, Paryavaran Suraksha Samiti & Anr. v. UOI & Ors., the issue of untreated sewage or effluent being discharged in water bodies have been taken up for consideration. There are several other matters dealing with such issues, including coastal pollution, pollution of industrial clusters etc.

9. There is discussion in the media about inadequacy of monitoring of action for restoration of lakes, wetlands and ponds which is certainly necessary for strengthening the rule of law and protection of public health and environment<sup>4</sup>. Several directions have been issued by the Hon'ble Supreme Court in *M.K. Balakrishnan and Ors. v. UOI & Ors.*<sup>5</sup>

10. Wetland (Conservation and Management) Rules, 2017 contain elaborate provisions for protection of Wetlands and National and State Wetland Authorities have been set up. However, the fact remain that the wetlands are facing serious challenge of conservation as shown by the present case and other cases which are the Tribunal dealing with from time to time. Secretary, MoEF&CC heads the National Wetlands Committee with 18 other Members for integrated management of wetlands, monitoring implementation of the Rules and other allied functions. The Committee is statutorily required to meet once in six months. The State Wetlands Authorities are headed by Environment Ministers of the States with Chief Secretaries as Vice Chairperson and 16 other members. Likewise, the Union Territories Wetland Authorities are headed by the Chief Secretaries. They are required to statutorily plan and oversee necessary action for management of the Wetlands. In spite of high level authorities in place, there are widespread grievances of failure to manage some of the important wetlands, as in the present case and another matter dealt with today relating to Sambhar Lake in Jaipur.

11. Accordingly, the report received from the Joint Committee, showing the extent of challenges faced by the Wetlands in question, may also be forwarded to the Secretary, MoEF&CC and the CPCB as

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<sup>4</sup> <https://gradeup.co/lakes-in-india-i-4b99dc80-f6ce-11e7-9d78-07a242af4480>

<http://www.saconenvis.nic.in/publication/Lake%20Protection%20and%20Managemen%20of%20Urban%20Lakes%20in%20India.pdf>

[http://www.worldlakes.org/uploads/Management\\_of\\_lakes\\_in\\_India\\_10Mar04.pdf](http://www.worldlakes.org/uploads/Management_of_lakes_in_India_10Mar04.pdf)

<sup>5</sup> (2017) 7 SCC 805



*a feedback for further planning and action on the pattern of the problems depicted in the report.*

*12. We also direct that the National Wetlands Committee may compile data of status of compliance of environmental norms in respect of all significant wetlands in the country to ensure remedial action. The State PCBs/PCCs and State/UT Wetland Authorities in India may give the status of management of wetlands in their respective States to the Secretary, MoEF&CC within three months. On that basis a joint Committee of the Secretary and Chairman CPCB may give a consolidated report to this Tribunal before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”*

7. The matter was last considered on 22.07.2021 in light of report of the J&K PCB dated 19.01.2021 and report filed by the Scientist -D, MoEF&CC dated 11.06.2021. The Tribunal found that the reports were incomplete. The report of J&K failed to mention the status of remedial action and the report of MoEF&CC failed to give the entire relevant data. The Tribunal accordingly directed the State of J&K to prepare an action plan with budgetary support and to identify the accountable persons. It was further directed that the action plan may be overseen by the Chief Secretary, J&K who may remain present in person by Video Conferencing with the compliance status. It was further directed that National Wetland Authority (NWA) may compile all relevant data about status of compliance for 2,01,503 wetlands. Considering the report filed by the MoEF&CC for action plans for wetlands pan India, it was observed that National Wetland Authority had failed to provide all relevant information inspite of categorical orders of the Hon'ble Supreme Court dated 08.02.2017, requiring the Central Government to inventorize 2,01,503 wetlands to which the principle of Rule 4 of the Wetlands Rules 2010 was made applicable. Accordingly, the Tribunal directed the NWC to ensure that action plans are prepared and executed under the control of District Magistrates and District Level Committees and also monitored by the State Wetland Authorities which may at National level be monitored by the Joint

Secretary, MoEF&CC. The Joint Secretary MoEF&CC was also directed to remain present in person by video conferencing.

8. The operative part of the order is reproduced below:-

*“8. From the above, it is seen that while in the last column of ‘major challenges’, the challenges are mentioned, **the status of remedial action has not been given. Thus, the report is incomplete and does not serve the required purpose. Let an action plan in respect of each of the wetland be prepared within one month for action in a time bound manner, with budgetary support and identified accountable persons. The plan may include among others remedial action against weed infestation, sewage discharges, solid waste disposal, encroachments etc. This may be overseen by the Chief Secretary, J&K in view of significance of the matter and continued violation of orders of the Hon’ble Supreme Court, noted earlier. The Chief Secretary, J&K to remain present in person on the next date, by video conferencing, with compliance status as on 31.10.2021.***

*9. We now take up the report of the MoEF&CC with regard to status of compliance of the environmental norms in respect of significant wetlands, based on the information furnished by the State PCBs, PCCs/ Wetland Authorities of States/UTs.*

*10. The report mentions that the Wetland Division is implementing National Plan for Conservation of Aquatic ecosystems (NPCA) for Conservation and Management of Wetlands in the country on cost sharing basis between Central Government and respective State Governments with the object of National Plan for Conservation of Aquatic Ecosystems (NPCA). The Plan NPCA aims at holistic conservation and restoration of wetlands and lakes for achieving the desired water quality enhancement, besides improvement in biodiversity and ecosystems and to promote mainstreaming of wetlands in developmental programming with States by supporting formulation and implementation of integrated management plans, capacity development and research. Till date MoEF&CC has funded 92 nos. of wetlands in 24 States under NPCA scheme. 100 days programme for rejuvenating and restoring wetlands was initiated wherein over 130 wetlands were targeted using the 4 – pronged approach of preparing Brief Documents, filling Ecosystem Health Cards, instituting Wetland Mitras and formulating Integrated Management Plans. Health Cards have been prepared for 115 nos. of wetlands covering an area of 24,55,321.91 ha. States were advised to prepare Integrated Management Plans (IMP) for these wetlands based on the health and specific threats facing the wetlands which ensures rejuvenation in an outcome-oriented manner. Phase II of this initiative is now underway. It is envisioned to include about 1000 wetlands and help identify synergies between different stakeholders. Over 500 health cards have been prepared with the help of knowledge partners and sent to states for validation. two wetlands, namely Sukhna (Chandigarh) and Raamgarh Taal (UP) have been notified under the Rules. Draft notifications for many other wetlands are at*

various stages of notification by the State Governments. Currently, India has 42 nos. of wetlands designated as Ramsar Sites (Wetlands of International Importance) covering 1,081,438 hectares area and spread across 19 states and UTs. MoEF&CC has provided financial assistance to States under various Centrally Sponsored Schemes (CSS), namely National Action Plan for Conservation of Aquatic ecosystems (NPCA), Integrated Development of Wildlife Habitat (IDWH) and Conservation and Management of Mangroves and Coral reefs (CMMC). Out of 42nos. of Ramsar sites, 35 nos. of sites were supported through financial assistance under various Centrally Sponsored Scheme by MoEF&CC for conservation and management. 16 nos. of Ramsar sites are being monitored by Central Pollution Control Board (CPCB) for water quality. According to the National Wetland Inventory and Assessment (NWIA) carried out through Space Applications Centre (SAC), Ahmedabad based on 2006-07 satellite data, **a total 201503 nos. of wetlands have been mapped at 1: 50,000 scale which are >2.25 ha and cover an area of approx. 14.7 Million ha. Significant wetlands include the 42 nos. of Ramsar wetlands and other wetlands.** The Ministry had earlier prepared a health card system, which provides the health status of the wetland based on a rapid study of health of each wetland ecosystem. Using health and threat score, 130 wetlands were rapidly assessed in a special drive of 100-day Programme. The nodal officers for 33 nos. of these wetlands which fell under Low Health and High Threat category, were guided for preparing and reviewing the management plans of these wetlands to mitigate the threats.

11. We have considered the report filed by the MoEF. 'Summary of data received' given in the report is hardly of any value as against most of the States, remarks are 'not responded'. Under the heading 'Examples of some best practices implemented for the rejuvenation of wetlands', reference has been made to certain steps taken only two places - Anusupa and Chilika Lakes, Odisha.

12. **We are disappointed at inadequacy of the report filed almost 10 months after the last order and four years after the order of the Hon'ble Supreme Court. It is surprising to note that even after such long period, the National Wetland Authority is not able to get relevant information from the concerned States, inspite of categorical orders of the Hon'ble Supreme Court dated 08.02.2017, requiring the Central Government to inventorize 2,01,503 wetlands to which the principle of Rule 4 of the Wetlands Rules 2010 was made applicable. If even the relevant information with regard to compliance of the binding direction of the Hon'ble Supreme Court could not be compiled by the National Wetland Authority, one wonders what meaningful action will be taken by the said Authority. It is a matter of serious great regret and failure.**

13. The applicant has filed response to the report of the joint Committee dated 11.06.2021. Suggestion on the subject of performa for deciding which wetlands are significant wetland must include component like:

"8. ... (i) whether the concerned wetland is having any significance from livelihood sourcing point of view and if that

*has been affected for any reason, (ii) whether there exist any communities who possess traditional knowledge with respect to the wise use of wetlands, so that the same knowledge can be utilised for replication in similar type of wetlands elsewhere which are under threat and (iii) what enforcement action has been taken for each identified threat and how much of the threat has been addressed.”*

*It is further pointed out that only 363 wetlands have been identified as ‘significant wetlands’ out of 2,01,503 wetlands which are more than 2.25 ha.*

**14. Accordingly, we direct that the National Wetland Committee may expeditiously compile all relevant data about status of compliance of environmental norms in terms of directions of Hon’ble Supreme Court which covers 2,01,503 wetlands. Out of the said data, data in respect of ‘significant wetlands’ may be placed before the Tribunal. Under Rule 6(3) (c) of the Wetland Rules 2017, the National Wetland Committee has to monitor compliance of Rules by the State Wetland Authorities. The Committee needs to get action plans formulated and executed under control of DMs and District level Committees. The States may accordingly prepare annual reports and MoEF&CC may bring out National Annual Status Report as required under the said Rules. This exercise may be overseen by Joint Secretary, MoEF&CC to be nominated by the Secretary, MoEF&CC. Nomination may be done within one week from today. The suggestion that identification of significant wetlands could not be based merely on the size but all factors, including the suggestion of the applicant, mentioned above. Report about status as on 31.10.2021 may be filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The said Joint Secretary may remain present in person by video conferencing on the next date.”**

9. In pursuance of above, reports have been filed by the State of J&K as well as by MoEF&CC. Shri. A.K. Mehta, Chief Secretary, J&K and Ms. Manju Pandey, Joint Secretary, MoEF&CC are present in person by Video Conferencing. We have considered the report dated 30.10.2021 filed by State of J&K and report dated 15.11.2021 by the MoEF&CC. We have heard the Chief Secretary, J&K as well as Joint Secretary, MoEF&CC and perused the report.

10. The report filed by UT of J&K mentions the action plan with regard to each of the wetland in their jurisdiction which includes remedying the issues of siltation, weed infestation, pollution, habitat modification, degradation of water quality, solid waste and encroachment. It is stated that Integrated Management Action Plan (IMAP) for Hokersar, Hygam, Shallabugh, Mirgund, Chattlum, Manibugh, Fashkoori and Krenctchoo with a budgetary outlay of Rs. 46.70 crores has been prepared by the Department of Wildlife Protection, J&K. Wetland-wise Action Plan covering major issues are reproduced below:-

**“1. Silting and Floods:**

*Hygam, Hokersar, Mirgund and Shallabugh wetlands are getting silted up by recurring flooding. As a result of heavy deposits of silt, many important species of plants and animals are under threat to lose their habitats, however, a few new species are appearing and spreading fast. The destruction caused by flood waters and sediment deposition will be detrimental to many species of water-birds inhabiting these wetlands if corrective measures are not taken in hand. Adequate flood control measures are therefore, essential to ensure the survival of these productive ecosystems.*

*That, in order to address this issues IMAP envisages to increase the water holding capacity of all these Wetland Conservation Reserves under the control of Wildlife Protection Department in Kashmir by at least 50% during the plan period by way of:*

- *Removal of 416500 willow trees and other plantations from and within wetlands raised on 833 Ha of land followed by desilting of these plantation zones.*
- *Selective dredging of 895 Ha of Silted areas.*
- *Opening and deepening of existing natural water channels and courses by desilting of 353300 Cum of Silt.*
- *Construction of 5 No of water regulatory gates to manage high loads of sediments during floods and to regulate optimum water level in each wetland during the rest of the periods.*
- *Construction & Maintenance of settling Basins over an area of 22 Ha.*

## **2. Encroachment:**

### **Wetland wise detail is as under:**

#### **Hygam Wetland:**

- On 28.10.2021 eviction drive was conducted by the Department of wildlife Protection J&K jointly in collaboration with Baramullah District Administration, Police and Forest Protection Force demolished intersectional embankments raised to facilitate illegal paddy cultivation on 42.5 Ha of land of this wetland. These drives however shall continue to be held till complete eviction of the wetland area.
- Eviction notices under relevant laws are also being served upon each encroacher to opt for voluntarily eviction within the stipulated time frame work failing which eviction proceedings shall be initiated and action under rules shall be taken for complete eviction.
- Along with District administration, Police, Forest Protection Force and local community groups working towards a joint strategy for complete eviction, removal and demolition of **56** house holders and **96** otherwise action under rules shall be initiated.
- Demarcated boundaries will be permanently consolidated by way of fixing of **100 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of Chain link fencing **6.68** Km, Barbed Wire Fencing **2.28** Km and Bio fencing by way of planting of **95000** willow and other plants along the peripheries.
- Demolition of **3 Km** of temporary cross-sectional embankments inside the wetland to evict seasonal illegal paddy cultivators.
- "**Wise use**" of wetlands however, as defined under the Ramsar Convention that "the maintenance of ecological character of wetlands shall be achieved through the implementation of ecosystem approaches, within the context of sustainable development" shall strictly be ensured. That, Copies of the statements showing the ownership of lands in the wetlands as authenticated by Revenue Department are enclosed as : **Annexures- 10 to 15**

#### **Hokersar Wetland:**

- Demarcation of part of Hokersar falling in District Budgam indicates that out of 23233 K 3 M (**1161.665** Ha) of land 1338 K 14 M (67 Ha) of land is proprietary in nature with residential status on 135 K 5 M, under crop 1010 K and vacant 195 K 9 M. Besides 1724 K and 5 M is registered under Section 5 of Revenue Act with Crop on 655 K 7 M and vacant 1068 K 18 M.

- *Demarcation of part of Hokersar falling in District Srinagar indicates that out of 3906 K 1 M (**195.3 Ha**) of land 33 K 17 M of land is proprietary in nature besides 69 K 4 M is registered under section 5 of the Revenue Act.*
- *Demarcated boundaries will be permanently consolidated by way of fixing of **100 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of Chain link fencing 7.92 Km, Barbed Wire Fencing **2.68** Km and Bio fencing by way of planting of **286700** willow and other plants along the peripheries.*
- *Demolition of temporary cross-sectional embankments inside the wetland to evict seasonal paddy cultivators.*
- *The rightful owners of the land in the wetland will be given access to wise use of wetland resources only without exercising any change in the land-use of the wetland.*

#### **Mirgund Wetland:**

- *Demarcation of part of Mirgund falling in Check Kawosa Jagir District Budgam indicates that out of 6906 K 3 M (345.6 Ha) of land no land is proprietary in nature. However, 96 K 19 M (5.7Ha) is registered under Section 5 of Revenue Act.*
- *Demarcated boundaries will be permanently consolidated by way of fixing of **50 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of Barbed Wire Fencing **2.36** Km and Bio fencing by way of planting of 3000 willow and other plants along the peripheries.*
- *Demolition of **2.9 Km** temporary cross-sectional embankments inside the wetland to evict seasonal illegal paddy cultivators.*
- *The rightful owners under section 5 in the wetland will be given access to wise use of wetland resources only without exercising any change in the land-use of the wetland.*

#### **Chattlum Wetland:**

- *Demarcation of Chatlum Wetland indicates that out of 852 K 17 M (**42.7 Ha**) of land, 79 K 04 M (**3.96 Ha**) is encroached in the form of plantation and seasonal agricultural use.*
- *Demarcated boundaries will be permanently consolidated by way of fixing of **50 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of chain link fencing **1 Km** Barbed Wire Fencing **1 Km**, Bio fencing by way of planting of **3000** willow and other plants along the peripheries. Besides construction of embankment involving **4000 Cum** along the peripheries.*

- *Eviction notices under relevant laws are being served upon each encroacher to opt for voluntarily eviction within the stipulated time frame work failing which eviction proceedings shall be initiated and action under rules shall be taken for complete eviction of the encroachment.*

#### **Fashkoori Wetland:**

- *Demarcation of Fashkoori Wetland indicates that out of 341K 14 M (**17.06 Ha**) of land, 96 K 17 M (**4.85 Ha**) is encroached in the form of plantation and seasonal agricultural use.*
- *Demarcated boundaries will be permanently consolidated by way of fixing of **40 No** of Boundary pillars at digitally delineated points, encroachment vulnerable areas will be closed by way of chain link fencing **1 Km**, Bio fencing by way of planting of **15000** willow and other plants along the peripheries. Besides construction of embankment involving **4000 Cum** along the peripheries.*
- *Eviction notices under relevant laws are being served upon each encroacher to opt for voluntarily eviction within the stipulated time frame work failing which eviction proceedings shall be initiated and action under rules shall be taken for complete eviction of the encroachment.*
- *Regarding Shallabugh, Manibugh and Krentchoo there are no recorded encroachments.*

#### **Sewage Discharges and Solid Waste Disposal.**

- *That working towards integrating Rural-Urban Sanitation & Waste Management Schemes and role of the concerned Government Departments has been envisaged in the action plan for healthy Wetlands and their surrounds. In this regard following measures are envisaged:*
- *The Directorates of Urban Local Bodies and Rural Sanitation J&K Government have agreed to work on joint strategy to collect and scientifically dispose the solid waste collection and management system in all the villages falling in zone of influence of each wetland conservation Reserve in Kashmir.*
- *J&K Urban Local Bodies, will promote application of concept of civic bodies at grass root level in these areas for creating people's participation in improving and achieving the objectives of sanitation, Solid Waste management and other civic amenities/ services by way of exploration and utilization of available resources at local level.*
- *A sustained well-run mechanism of performance and functions shall be arrived at for implementing the operational schemes like Public Health, Sanitation and Solid Waste Management falling in the zone of influence of each wetland wherever applicable.*
- *The Rural Sanitation Department under Swachh Bharat (Gramin) will focus on improving the levels of cleanliness in the*



area falling under the zone of influence of each Wetland Conservation Reserve through Solid and Liquid waste management activities and making Gram Panchayats Open Defecation Free (ODF), clean and sanitized components like Individual House Hold Latrines and Community sanitary complexes shall be promoted in each village under the zone of influence of all the eight wetlands.

- The local municipalities have agreed to collect and dispose scientifically the collected solid waste on regular and sustained basis.

**Wetland wise detail is as under:**

**Hokersar Wetland:**

- Through community based solid waste management system 400 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology 7 Artificial Wetlands shall be constructed near the source points to act as biofilters and address the issues of sewage discharge and leaching of nutrients into the wetland.
- **100** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

**Hygam Wetland:**

- Through community based solid waste management system 400 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- 50 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban/rural sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

**Shallabugh Wetland**

- Through community based solid waste management system 400 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.

- *Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.*
- *60 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.*
- *Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.*

#### **Mirgund Wetland**

- *Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.*
- *Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.*
- ***30** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.*
- *Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.*

#### **Chattlum Wetland**

- *Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.*
- *Under the component, control of diffused pollution through wetland technology 3 Artificial Wetlands shall be constructed near the source points to act as biofilters and address the issues of sewage discharge and leaching of nutrients into the wetland.*
- ***30** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.*
- *Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.*

#### **Fashkoori Wetland**

- *Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.*
- *Under the component, control of diffused pollution through wetland technology 3 Artificial Wetlands shall be constructed near the source points to act as biofilters and address the issues of sewage discharge and leaching of nutrients into the wetland.*

- **30** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation Oty for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Manibugh Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- **30** number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.

#### **Krentchoo Wetland**

- Through community based solid waste management system 100 cleanliness drives shall be conducted during the plan period in the Wetland and in the fringe villages.
- Under the component, control of diffused pollution through wetland technology no major threat of leaching of nutrients into the wetland is recorded.
- 30 number of specially designed Dust bins shall be installed at identified places in the villages as well as in the Wetland and connected to the urban sanitation for scientific disposal.
- Water quality monitoring shall be carried out on regular intervals to assess the trend of important parameters and keep check on Health of Wetland Ecosystem.”

11. The report of MoEF&CC mentions following broad details about status of 2.01 lakh wetlands:

“

<b>S. No</b>	<b>Type of wetlands</b>	<b>Number</b>	<b>Area</b>
	<b>Wetlands &gt;2.25 ha</b>	<b>2,01,503</b>	<b>14705015 ha</b>
1	Wetlands protected under the Forest Act i.e., falling	27,905	2758580 ha

	<b>inside the Recorded Forest Area</b>		
2	Wetlands protected under the <b>Coastal Regulation Zone notification</b>	13,033	4140116 ha
3	<b>Tanks/Ponds</b> -separate programs being run by other Ministries of GOI for their conservation and rejuvenation	1,22,370	1310443 ha
4	Manmade wetlands protected by the Departments under which they were created	20,442	263389 ha
	Total wetlands with protection	1,83,750 (91%)	8472528 ha
	Balance	17,753	6232487 ha

”

12. Steps taken are outlined as follows:-

#### **“REGULATORY INITIATIVES**

8. **The Guidelines for implementing the Wetlands (Conservation and Management) Rules, 2017 (Annex-IV)** were published in January 2020 to support the State Governments/UT Administrations in the implementation of the Rules by providing guidance on various aspects like identifying wetlands for notification under the Rules, delineating wetlands, wetland complexes and zones of influence, preparation of Brief Document, developing a list of activities to be regulated and permitted, constitution and operational matters of the Wetlands Authorities among other issues.
9. The Guidelines clarify the concepts to be taken into account while filling the brief documents, the format to be used and the step by step process. A format for draft notification of wetlands under the Rules and how to fill it is also a part of the Guidelines followed by a draft format for reporting status of notified wetlands. Issues like overlapping regulations and notifications in a wetland site and applicability of Rules are also explained. Since April 2020-21, only the plans submitted in accordance with the IMP format prescribed in these Guidelines are being considered for financial support under the scheme.

## **CAPACITY DEVELOPMENT**

10. *Continuous workshops have been organised by the Ministry for all the SWAs region wise to guide them on all aspects of wetland management including implementation of the wetland Rules, 2017. 11. To sensitise officers on the importance of wetlands and the technicalities of wetland conservation, it was decided to catch them young and a wetland module has now been introduced for the probationers in the **Indira Gandhi National Forest Academy (IGNFA)**.*

## **WEB PORTAL**

12. *As required under the 2017 Rules, **a dedicated web portal for wetlands to host the digital inventory from the State and UT Wetland Authorities, has been prepared and was made public on 2nd October, 2021.** The portal [indianwetlands.in](http://indianwetlands.in) is a publicly available information and knowledge platform to facilitate knowledge sharing, information dissemination, host capacity building material, and provide a single-point access data repository. It is a system for processing information and making it available to the stakeholders in an efficient and accessible manner. One of the primary features of the portal is the Management Information System (MIS) login for each and every state/UT wherein information pertaining to the wetlands in their administration needs to be uploaded. This information would be linked with the public front of the portal and will be available for the public with varying access rights. Login credentials to the MIS have been provided to the States and UTs which have provided their web portal nodal point information.*
13. *This technology driven platform has been created for Force multiplier impact. The platform would help in regular sharing of good work being done in different geographies and providing visibility to relevant stakeholders involved in wetland restoration. This way the local initiative in one wetland shall be visible to others for replication.*

## **RAMSAR SITES – cover more than 10.83 lakh ha area**

14. *The **number of Ramsar sites in India have increased to 46 covering an area of 10,83,322 ha.** India has the largest number of Ramsar sites in South Asia. Further, about 10 more sites covering an area of about 6.87 lakh ha would soon be declared as Ramsar sites increasing this area covered to 17,71,134 ha. Therefore, about 12 % of the area of wetlands is notified under the Ramsar Convention.*

## **FOCUSSED FOUR PRONGED APPROACH**

15. *One of the transformative ideas taken up by the MoEF&CC as part of the PM's 100 days program was to start work on the restoration and rejuvenation of at least 100 major wetlands across the country wherein over 130 wetlands were targeted using the 4 – pronged approach of preparing Brief Documents, preparing Ecosystem Health Cards, involving all stakeholders by instituting Wetland Mitras and formulating Integrated Management Plans.*
16. *For the first time, **Health Cards** (Annex – V) have been prepared for wetlands and targeted IMPs were prepared based on the health and specific threats facing the wetlands. The health cards were prepared based on the 500 more health cards have been prepared since then. The basic criteria checked for preparing the health cards is percentage of **Area** of wetland converted, the Hydrological regimes ie the Ratio of natural inflows choked and diverted to total number of natural **Inlets**, Ratio of natural outflows choked and diverted to total number of natural Outlets, percentage of **Water Quality** samples conforming to desired Biological Oxygen Demand / Dissolved Oxygen levels, Percentage wetland area covered by **Invasive Macrophytes**, Annual January **Water Bird Count** as a proportion to maximum count observed count in last 10 years and the status of Governance.*

## **KNOWLEDGE PARTNERS AND WETLAND RESEARCH INSTITUTE**

17. *Knowledge Partners have been identified to help the Ministry as well as the State Wetland Authorities in the preparation of Brief Documents and Health Cards. Each State has been allotted a knowledge partner to guide it in preparing the details for the notifications.*
18. *Wetlands International South Asia(WISA), Worldwide Fund for Nature(WWF), Chilika Development Authority(CDA), Gujarat Ecological Education and Research Foundation (GEER Foundation), Centre for Water Resources Development and Management, Cochin(CWRDM), Environmental planning and Coordination Organisation, Bhopal (EPCO), Salim Ali Centre for Ornithology and Natural History, Coimbatore (SACON), Wildlife Institute of India, Dehradun(WII), Indian Institute of Technology, Roorkee are some of the organisations working as knowledge partners for the Ministry.*
19. *To help the Ministry in taking up research programs related to wetlands and help the State Wetland Authorities in the*

technical matters relating to wetlands, the **National Centre on Sustainable Coastal Management (NCSCM)**, Chennai has been asked to work as the wetland Research arm of the Ministry.

#### **INCLUSIVE APPROACH TOWARDS ACHIEVING HIGHER OUTREACH WITH LIMITED BUDGET**

20. While the Ministry has the National Program on Conservation of Aquatic Ecosystems, **the funds available under the same are just to the tune of about Rs. 50 crs which is not enough for the conservation of wetlands.** It is for this reason that the **Ministry has taken up an inclusive approach** wherein it has taken the support of various stakeholders like the knowledge partners, the members of the public in the form of wetland mitras, various corporates etc.
21. Special focus is given on building convergence of wetlands management with the ongoing sectoral developmental programmes. Comprehensive mapping of all schemes which include funds available from Jal Shakti Mantralaya, Namami Gange, MGNREGA, Smart Cities Programme etc which can contribute to conservation of a particular site is encouraged.

#### **AMRIT MAHOTSAVA IN 75 NOS OF SIGNIFICANT WETLANDS**

22. The Ministry recently celebrated the Iconic week as part of the Bharat ka Amrut Mahotsava celebrations where activities were held in 75 prominent wetlands across the country.
  - i. **Threats and Values signages** (Annex - VI) were got installed at 75 significant wetlands across the country. Boards were installed for local awareness and remedial action. The exercise has been undertaken to create awareness and flag wetland-wise threats and values to the local community and thereby create interest in the locals for the need for restoration of wetlands. The list of wetlands where the signages were to be installed, along with the actual design and content of the values and threats to each of these wetlands as well as the funding for it was all organised by the Ministry.
  - ii. **More than 10,000 nos of wetland mitras registered** (Annex- VII) during the week. The State and UTs were encouraged to register wetland mitras during the week and beyond. A logo for the wetland mitras was designed by the Ministry and during the iconic week, the registered mitras were oriented about their roles and responsibilities. In many wetlands, mitras also did

*shramdaan to help clean up the wetlands and surrounding areas. The exercise has been done to have an inclusive approach where-in all the stakeholders take part in the process of conservation of wetlands.*

- iii. **Wetland Ambassadors identified** - Wetland Ambassador is an iconic species, habitat, or cultural heritage that demonstrates the uniqueness of the particular wetland. In consultation with the wetland mitras network, a 'Wetland Ambassador' was identified, maintaining which would be one of the core objectives of the wetland management. A series of twitter posts on the wetland ambassador selection was also carried out the official handle of the Ministry, giving the people a chance to vote for the suitable ambassador.
- iv. **Wetland pledge** in English and Hindi (Annex - VIII) was drafted centrally and shared with all the states and UTs. About **10,000 people/wetland mitras took this pledge at various wetlands of the country during the week** and some states and UTs also translated the pledge into regional languages. This was done to instil a psychological & moral commitment for restoration of wetlands in people.

**The Hon'ble Minister of Environment & Forest Shri Bhupendar Yadav led the pledge at Wular.** In addition, more than 12,500 nos. of people (a mix of locals, educators, students, administrators, foresters, NGOs etc.) participated in more than 250 nos. of physical and/or virtual activities.

### **INTERNATIONAL RECOGNITION**

23. *The efforts taken by the GOI in wetland conservation has been recognised by the Ramsar Sectt and India was invited in the recent COP 26 held in Glasgow to talk about its wetland conservation program to a global audience.*

### **STATUS OF NOTIFICATION OF WETLANDS AND OTHER STEPS**

24. *The details of the compliance of rules by the States is at Annex III. A gist of the important works carried out by the States/UTs is as under –*

### **WETLANDS NOTIFIED**

- **IN REVENUE RECORDS**



*Uttar Pradesh has added 1,33,484 wetlands in their Revenue Records which gives protection to these wetlands from being used for any other purpose.*

- **IN IRRIGATION RECORDS**

*All wetlands of Gujarat are notified under the Bombay Irrigation (Gujarat Amendment) Act*

- **UNDER WETLAND RULES 2017**

*Eight wetlands have currently been notified under the Wetland Rules, 2017. These are 6nos from Goa, 1 nos from UP and 1 nos from Chandigarh. Draft notification for 5 nos of more wetlands has been put in the public domain in Goa. UP has also identified 23,890 wetlands for notification under the Wetland (Conservation and Management) Rules 2017 and has already prepared brief documents for 118 nos of wetlands.*

### **PREPARATION OF BRIEF DOCUMENTS**

- Seventeen states have either prepared or initiated the process of brief document preparation for a total of about 834 wetlands.*
- Delhi has mapped 1011 nos of waterbodies and has already prepared brief documents for 370 nos of wetlands. After the same are vetted by the technical committee of the State wetland authority, the notification process would start by the end of the year.*
- Tamil Nadu Wetland Mission announced by CM in assembly and budget session, focusing on identification, mapping, notification and restoration. The State has prepared brief documents for 141 wetlands and has identified wetlands for notification.*
- Bihar and Uttar Pradesh are prioritising wetlands in the Ganga floodplains under the National Mission on Clean Ganga (NMCG) and are employing the brief document format as prescribed by NPCA for their conservation. 279 nos. of wetlands in the Ganga Basin in UP (10 kms on both sides of the River Ganges) are being conserved using the four pronged method employed by the Ministry*

### **OTHER INITIATIVES**

- Maharashtra has prepared a Mobile app to record the information with respect to the Brief Document of Wetlands. The respective District Collectors have filled information of Brief Document in the Mobile app after site visit / ground truthing.*

- ii. *Efforts are on the reconcile the wetland inventory to identify those wetlands which may not already be covered under any other laws.”*

13. The applicant has filed his response to both the reports. In the response to the report of J&K, the suggestions of the applicant are as follows:-

“

- a. *Activities like Information Education and Communication activities (IEC) by way of Seminars, Workshops and Theatre shows be held around Wetland areas. Colleges and Schools be involved in this programme. The sanitation staff of ULBs be also trained. Panchayat Members , Village Biodiversity Committees and Women Self Help Groups (SHGs) and NGOs be also involved in this campaign*
- b. *Community leaders, Religious leaders and Preachers be trained / sensitized/made aware as well so that they too speak about importance of wetlands and their conservation. A training module for awareness on this issue be prepared for them specifically which will have a great impact in villages and towns located near Wetlands of Kashmir.*
- c. *Let Regional Wildlife Warden Kashmir Wildlife Department, Mission Director SBM Grameen (Rural Sanitation Deptt) J&K plus Director ULB (Urban Local Bodies), Kashmir be directed to hold monthly meetings on Waste Management in Wetland areas. The monthly report be submitted before Hon'ble Tribunal.*
- d. *Let the Joint Committee submit any orders, notifications and MoU's signed between Wildlife Dept, Director ULB Kashmir and Directorate of Rural Sanitation, J&K (mission director Swatch Bharat Mission, Gramin)*
- e. *Chairpersons of District Development Councils (DDCs) Budgam, Bandipora & Pulwama and Principal Secretary Rural Development J&K Govt be taken on board while executing Solid and Liquid Waste Management Programmes in Wetland villages/areas.*
- f. *Directions be issued for measures for monitoring and assessment to determine whether the condition of wetlands is improving, neutral or declining and report to this effect be submitted to this Hon'ble Tribunal*
- g. *Responsibility be fixed of officers who have permitted the dumping of Solid waste in and around the Wetlands of Kashmir with action taken report to this effect be submitted to this Hon'ble Tribunal.”*

14. The response of the applicant to the report of MoEF&CC is as follows:-

**“Submissions**

3. **On the issue of Capacity Development:** Para 10 of the Report states that Continuous workshops have been organised by the Ministry for all the SWAs region wise to guide them on all aspects of wetland management including implementation of the wetland Rules, 2017. It is stated that no such details regarding workshop dates, participants' details and minutes are there in this Report.
4. **On the issue of Web Portal:** Para 12 of the Report mentions that a web portal titled Indian wetlands. in was made public on 2nd October. It is stated that while accessing on '18th November, 2021 the portal was not functioning.
5. **On the issue of Ramsar Sites:** Para 14 of the Report talks about the number of Ramsar sites in India and the total area covered by them. It is stated that declaring any wetland a Ramsar site does not ensure protection of wetlands in terms of its land use conversion. Time series mapping of East Kolkata wetlands, Deepor Beel are important examples of land use conversion in spite of them being declared as Ramsar sites. And hence, simple boasting of numbers may not be enough from a protection point of view. Annexure A-20 filed by the applicant with his Response dated 20.07.2021 to Joint Committee's Report dated 11.06.2021 (from pages 614 to 623) may kindly be perused in this regard.
6. **On the issue of Focused Four Pronged Approach:** It is stated that para 15 and 16 of the Report have reiterated the same response, as stated in their previous report. However, it did not elaborate anything regarding the successful rejuvenation rates of the 130 wetlands for which health cards were prepared in the first phase. Since, it is a recurring approach of MoEF&CC, it will be good to have an understanding of the success rate with respect to this action
7. **On the issue of Threats and Value Signages got installed at 75 significant wetlands in the country:** It is stated that as per para 22. i. of the Report there is no rhyme or reason of having Amrit Mahotsava in only 75 'Significant Wetlands' for installation of Threats and Value Signages. In the previous report of MoEF&CC dated 11.06.2021, submitted to Hon'ble

NGT, 363 wetlands were identified as 'Significant wetlands'. The MoEF&CC ought to have dealt with the issue of Threats and Value Signages in all 363 Significant Wetlands. Compliance in only 75 wetlands, is not even one percent (it is only 0.04o/o of total) of the total mapped wetlands in India

Secondly, the NGT in its order dated 22.07.2021 directed to place data in respect of 'Significant Wetlands' before the Tribunal. This has not been presented as part of the current report of MoEFCC dated 15.11.2021.

8. **On the issue of more than 10,000 numbers of Wetland Mitras registered and refers to Annexure VII with respect to this:** Para 22. ii of the Report states that Annexure VII contains the list of 10,000 Wetland Mitras. It is stated that Annexure VII is a sample of Wetland Mitras Enrollment Form and not a list of 10,000 Wetland Mitras as has been claimed in the Report.

9. **On the issue of Status of Notification of Wetlands and Other Steps:** It is stated that according to para 24 of the Report 'under the Wetlands Rules 2017', UP has identified 23,890 wetlands for notification and has prepared brief documents for 118 numbers of wetlands. Whereas, under the head 'Preparation of Brief Documents', it says, 279 number of wetlands in the Ganga basin in UP are being conserved using four pronged method. A clarification may be sought in this regard

The figure of wetlands mentioned under this head is also creating a clear contradiction with Para 3 of the report According to the Table given under Para 3, **India has only '17,753 wetlands**, out of 2,01,503 wetlands (>2.25 Ha area), which need to be notified under the Wetlands Rules. And rest of the wetlands are protected under some other Acts like the Indian Forest Act 1927, Wild Life (Protection) Act 1972, Forest (Conservation) Act 1980, the State Forest Acts and Coastal Regulation Zone Notification, 20'1 1 etc. Whereas para 24 wise, UP alone has 23,890 wetlands for notifying under the Wetland Rules. Given this, Para 3 and Para24 are clear contradictions to each other. A clarification may be sought with respect to this as well.

10. It is stated that the MoEF&CC while submitting the present Report has failed to consider issues taken up by the Applicant in the earlier Response dated 20.07.2021.”

15. We have noted the stand of learned Chief Secretary, J&K that the execution of action plans will be overseen on regular basis by Secretary,

Environment & Forest, J&K as well as by the Chief Secretary, J&K personally atleast once in a month for further continuous action. As regards the suggestions of the applicant, the same may be duly considered by the Chief Secretary, J&K, to the extent not already considered.

16. The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act, 1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier

mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.

18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions.

The application is disposed of.

A copy of this order be forwarded to MoEF&CC, National Wetland Authority, all States Wetland Authorities, all States PCBs/PCCs, Chief Secretaries and District Magistrates by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 25, 2021  
Original Application No. 351/2019  
SN