

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 351/2019

(With reports dated 19.01.2021 and 11.06.2021)

Raja Muzaffar Bhat

Applicant

Versus

State of Jammu and Kashmir & Ors.

Respondent(s)

Date of hearing: 22.07.2021

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

Applicant: Mr. Saurabh Sharma, Advocate

Respondent(s): Mr. Balendu Shekhar, Advocate for MoEF & CC
Mr. Pradeep Misra, Advocate and
Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. The issue for consideration is prevention of unscientific dumping of waste and encroachment of Hokersar Wetland, Wular Lake and Kreentchoo-Chandhara Wetland in the Union Territory of Jammu & Kashmir. 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.

2. The matter has been dealt with by the Hon'ble Supreme Court inter alia by order dated 3.4.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*¹ as follows:

¹(2017) 7 SCC 805

“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 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. The matter was earlier 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*². and *Paryavaran Suraksha vs. Union of India*³ 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 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 environment⁴. Several directions have been issued by the Hon'ble Supreme Court in *M.K. Balakrishnan and Ors. v. UOI & Ors.*⁵*

² (2000) 2 SCC 679

³ (2017) 5 SCC 326

⁴ <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

⁵ (2017) 7 SCC 805

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 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 preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”*

7. Accordingly, we have two reports for consideration – Report of the J&K PCB dated 19.01.2021 and report filed by the Scientist -D, MoEF&CC dated 11.06.2021. The report of J&K PCB gives following information in a tabular form:-

“PROFORMA

S.No	Wetland name	District	Co-ordinates	Criteria for Significance (Ramsar Site/Within PA/Other-explain)	Applicable Environmental Laws (WPA/Wetland Rules/CRZ/Others)	Status of Compliance of all applicable environmental laws (Ongoing Cases in HC/SC/NGT regarding non-compliance)	Water Quality Data-Present (DO,BOD and pH)*	Water Quality Data-2016 (DO, BOD and pH)*	Management Plan (Implemented/Drafted/Not existing)	Major management challenges faced
a) J&K Wildlife Protection Department										
1	Hokersar Wetland Conservation Reserve	Srinagar/ Budgam	34° 06'.556"N 74° 43'.132"E	Notified as Conservation Reserve under the Wildlife Protection Act. This site is also notified as RAMSAR Site on 08-11-2005.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation, Encroachment.
2	Hygam Wetland Conservation Reserve	Baramulla	34° 14'.448"N 74° 30'.914"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation, Encroachment.
3	Shallabugh Wetland Conservation Reserve	Ganderbal/ Srinagar	34° 09'.583"N 74° 43'.433"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of	Turbid during rains & high flows otherwise clear having desired levels	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management	Silting, Flood, Weed infestation, Encroachment.

				<i>Act.</i>		<i>any order of HC/SC/NGT till date.</i>	<i>BOD and other parameters.</i>		<i>Action Plan for all the Wetland Conservation Reserves of Kashmir.</i>	
4	Mirgund Wetland Conservation Reserve	Budgam/Baramulla	34° 07'.472"N 74° 39'.437"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation, Encroachment.
5	Kranchoo Wetland Conservation Reserve	Pulwama	33° 59'.693"N 74° 56'.156"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation.
6	Chattalum Wetland Conservation Reserve	Pulwama	34° 00'.598"N 74° 56'.513"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation, Encroachment.
7	Freshkhoori Wetland Conservation Reserve	Pulwama	34° 00'.627"N 74° 55'.332"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation, Encroachment.

8	Manibugh Wetland Conservation Reserve	Pulwama	33° 59'.693"N 74° 56'.156"E	Notified as Conservation Reserve under the Wildlife Protection Act.	Wildlife Protection Act, 1972,	Applicable laws are being implemented and there is no report of non-compliance of any order of HC/SC/NGT till date.	Turbid during rains & high flows otherwise clear having desired levels BOD and other parameters.	Not available	Department of Wildlife Protection in Collaboration with National Institute of Technology Srinagar is working on formulation of an Integrated Management Action Plan for all the Wetland Conservation Reserves of Kashmir.	Silting, Flood, Weed infestation.
b) J&K Lakes and Waterways Development Authority										
1	Dal Lake	Srinagar	34.1106° N 74.8686° E	Others	J&K LAWDA Development Act, 1970	Complying	<p>Nehru Park Basin: pH:7.9 D.O: 6.0 mg/l BOD: 9 mg/1</p> <p>Nishat Basin: pH: 8.0 DO: 5.0 mg/l BOD: 9.mg/1</p> <p>Hazratbal Basin: pH: 7.9 D.O: 6.7 mg/1 BOD: 8 mg/I</p> <p>Nigeen Basin: pH: 7.9 D.O: 6.5 mg/I BOD: 12 mg/1</p>	<p>Nehru Basin: pH: 8.1 D.O: 7.3 mg/I BOD: N.A</p> <p>Nishat Basin: pH: 8.0 DO: 6.4 mg/1 BOD: N.A</p> <p>Hazratbal Basin: pH: 7.9 D.O: 6.5 mg/1 BOD: N.A</p> <p>Nigeen Basin: pH: 7.9 D.O: 5.6 mg/1 BOD: N.A</p>	<ul style="list-style-type: none"> • 5 STPs constructed by LDA in the past. Three at Hazratbal, Habak and Laam on FAB Technology and are under refurbishment. And will be completed and commissioned by 30th November 2020. Two STPs at Nallah Amir Khan and Brari Nambal on SBR Technology. Total treatment of 36.1 MLD out of the required 50 MLD (approx.) is being carried out by these STPs. Now DPR for the construction of 14 MLD STP for left out i.e uncovered area of Tellbal/ Shalimar stands prepared. • Dredging of settling basin. • Catchments are management by plantation of trees/ construction of check dams and construction of 	<ul style="list-style-type: none"> • High ingress of nutrients into the lake. • Sewage management, uncovered areas and houseboats. • Rehabilitation of Dal Dwellers. • Vigorous/excessive weed growth

									<i>compost pits.</i> <ul style="list-style-type: none"> • <i>Dredging of outflow channels.</i> • <i>Selective deweeding.</i> <i>Aeration through surface aerators etc.</i>	
c) J&K Wular Conservation and Management Authority (WUCMA)										
1)	<i>Wular Lake</i>	<i>Bandipora/ Baramulla</i>	<i>34° 17' 45" to 34° 25' 30" N and 74° 31' 40" to 74° 40' 15" E</i>	<i>Ramsar site</i>	<i>Wetland Conservation Rules 2017; J&K Development Act and Wild Life (Protection) Act.</i>	<i>All complied with</i>	Statement enclosed	N.A	<i>Management Action Plan under implementation</i>	<i>Siltation/ Willow removal</i>

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 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.

A copy of this order be forwarded to Secretary, MoEF&CC, Chief Secretary, J&K and the National Wetland Committee by e-mail for compliance.

A copy of this order be also forwarded to Chief Secretaries and DMs of all States/UTs by e-mail for compliance.

List for further consideration on 17.11.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 22, 2021
Original Application No. 351/2019
DV