

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

**Original Application No. 153/2024/EZ
(Earlier Original Application No. 716/2024/PB)**

**News Items Titled “Manipur ponies
under threat despite state conservation
policy” appearing in India.monabay.com
dated 07.05.2024**

.....Applicant(s)

-VERSUS-

Union of India & Ors

.....Respondents

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Dated:21.10.2024
Place: Shillong

For Respondent no.1
Filed through

Amrita Pandey

Ms. Amrita Pandey
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 153/2024/EZ
(Earlier Original Application No. 716/2024/PB)

News Items Titled "Manipur ponies
under threat despite state conservation
policy" appearing in India.monabay.com
dated 07.05.2024

.....Applicant(s)

-VERSUS-

Union of India & Ors

.....Respondents

वैज्ञानिक ई / Scientist E
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, i.e., MINISTRY OF
ENVIRONMENT, FOREST & CLIMATE CHANGE (MOEF&CC), REGIONAL
OFFICE, SHILLONG.

I, Dr. H. Tynsong, S/o (L) W. Khongkham, aged about 45 years, presently working as Scientist-'E' in the Ministry of Environment, Forest & Climate Change (MoEF&CC), Regional Office, Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong do hereby solemnly affirm and declare on oath as under:

1. That, I am, the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present affidavit.
2. That, in the present application, the MoEF & CC, Regional Office, Shillong has been arrayed as Respondent No. 1.



SI/Instrument No. 14
Date 22.10.2024

3. That the present Original Application No. 716/2024 was registered Suo-Moto before the Principal Bench on the basis of the news item titled “*Manipuri ponies under threat despite state conservation policy*” appearing in India.mongabay.com dated 07.05.2024.
4. That, thereafter, the Original Application was transferred to the Eastern Zone Bench, Kolkata of this Hon’ble Tribunal vide order dated 02.07.2024 and has been re-numbered as Original Application No.153/2024/EZ. The order dated 02.07.2024 has been annexed here as **Annexure –R1/1**.
5. That vide order dated 02.09.2024, passed by this Hon’ble Tribunal, the Respondent No.1, i.e., MoEF&CC was directed to file its counter affidavit within the defined timeframe. The operative portion of the order dated 02.09.2024 is reproduced hereunder:
- “Mr. Apurba Ghosh, learned Counsel who is present in another matter, is directed to accept notice on behalf of the Respondent No.1, Ministry of Environment, Forests and Climate Change and file counter-affidavit within four weeks.”*
- The order dated 02.09.2024 is annexed as **Annexure-R1/2**.
6. That at the outset, it is submitted that this respondent, Ministry of Environment, Forest & Climate Change is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India’s environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country’s forests, lakes and rivers, its biodiversity, natural resources and wildlife.

वैज्ञानिक ई / Scientific
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong



X

7. That the 'land' is a subject matter of State Government. The forest/wetland areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under Central and State Acts and concerned judgments and directions of the Hon'ble Courts/Tribunals.
8. That, it is pertinent to mention that Hon'ble Supreme Court of India vide its order dated 08.02.2017, in the matter of MK Balakrishnan vs. Union of India (WP No. 230/2001), inter-alia, directed the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to the 2,01,503 wetlands (>2.25 ha) that have been mapped by the Union of India. The inventory of these wetlands prepared by Space Applications Centre (SAC), Ahmedabad based on the satellite data of 2006-07 is available at <https://indianwetlands.in/uploads/National-Wetland-Inventory.pdf>. Subsequently, SAC has prepared the national wetlands inventory (>2.25 ha) based on the satellite data of 2017-18 along with decadal wetland change analysis with reference to earlier wetland inventory of 2006-07. The same is available at https://indianwetlands.in/uploads/Wetlands201718_inventory%20list_moef.pdf. The said order dated 08.02.2017 is annexed here as Annexure-R1/3.
9. That, for effective conservation and management of wetlands in the country, MoEF & CC in consultation with all the stakeholders, had notified the Wetlands (Conservation & Management) Rules, 2017 on 26.09.2017 superseding the Wetlands (Conservation and

वेदज्ञानिक/वेदज्ञानिक 'E'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong



Management) Rules, 2010. Vide these 2017 Rules, the State/Union Territories (UT) Wetland Authorities have been constituted and powers for notification of wetlands have been delegated to the State Governments and UT Administrations. The Wetlands (Conservation & Management) Rules, 2017 are annexed here as **Annexure-R1/4**.

10. That the Hon'ble Supreme Court vide Order dated 04.10.2017 in the aforementioned matter has inter-alia, directed that, "*We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010*". The order dated 04.10.2017 is annexed here as **Annexure-R1/5**.

11. That an Office Memorandum dated 08.03.2022 was issued to all the State/UT Wetlands Authorities by the Ministry, wherein it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules. The OM dated 08.03.2022 is annexed here as **Annexure-R1/6**.

12. That Rule 4(1) of the Wetlands (Conservation and Management) Rules, 2017, provides that the wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority and Rule 4 (2) enumerates that the following activities shall be prohibited within the wetlands, namely:-



वैज्ञानिक ई / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong



- i. *conversion for non-wetland uses including encroachment of any kind;*
- ii. *setting up of any industry and expansion of existing industries;*
- iii. *manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- iv. *solid waste dumping;*
- v. *discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;*
- vi. *any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,*
- vii. *poaching*

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



वैज्ञानिक 'E' Scientist 'E'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong

X

13. That the subject matter of this application pertains to the State Government of Manipur & its concerned organizations and Manipur State Wetlands Authority, which are required to take necessary action in the matter.

14. That in view of the aforesaid, the Hon'ble Tribunal may decide the present application.

Identified by:

A.A.
 (A. A. Sangma)
 Enroll no: 0529/2018
 Advocate, Shillong

[Signature]
 DEPONENT

वैज्ञानिक 'ई' / Scientist 'E'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 Ministry of Environment, Forest and Climate Change
 क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong



MELARINA LYNGWA
 NOTARY
 East Khasi Hills District
 Government of Meghalaya



VERIFICATION

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and area based on official records and nothing material is concealed therein.

Verified at Shillong on this 21st day of October, 2024.

DEPONENT

वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, शिलांग / Regional Office, Shillong



Item No. 06

Court No. 1

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

Original Application No. 716/2024

News Item titled "Manipuri ponies under threat despite state conservation policy" appearing in India.mongabay.com dated 07.05.2024

Date of hearing: 02.07.2024

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

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Manipuri ponies under threat despite state conservation policy" appearing in India.mongabay.com dated 07.05.2024.
2. The matter relates to the threat to Manipur's ponies as its grazing grounds and natural habitats are being encroached by infrastructure development projects. This is pushing the ponies out of their habitat, making them more susceptible to road accidents and deaths due to plastic consumption. As per the article, though the government launched a conservation policy for the ponies in 2016, it has not been efficiently implemented on ground, increasing concern for the last remaining population of the species.
3. The news item further states that in 2016, the Manipur state government passed the Manipur Pony Conservation and Development Policy, acknowledging the decline in the species population, from 1898 as per the 2003 livestock census to 1101 as per the count published in the 2012 census. However, there has not been efficient implementation on

ground. Only one meeting of the board members has happened till date, after the passing of the policy and 32 acres of low-lying area within Lamphelpat has been earmarked as grazing ground for the ponies. This area of grazing ground may at best cater to 100 ponies for a month. Besides natural reasons, road accidents and plastic consumption have been the major causes of pony deaths in the last few years. Due to the increasing stress induced by declining grazing grounds, ponies are often out in the roads and seen scavenging for food from a pile of roadside garbage, which often causes consumption of plastics. This leads to blockages in their intestines and causes death.

4. The news item alleges that the Manipur ponies prefer the kind of habitat with marshy green wetlands. However, the government is not focusing on the preservation of grazing fields and wetlands. . The wetlands in Imphal used to be the primary habitat place for the Manipur ponies. However, the situation has changed due to development of infrastructure in the region. The Water Resource Department has finalized a latest project to dig Lamphelpat into a 12 feet deep waterbody, which seems to be the final nail in the coffin. The project spans over 300 acres and thus forces the Manipur ponies to step out of their habitat. The article notes that since the initiation of this project, over 10 ponies have died as they got stuck in the mud pool. The article also highlights that local grass such as *tingoi* and *hoop* are the main fodder for ponies, however, they are found no more after the projects in Lamphelpat.

5. The above news item indicates violation of the provisions of the Environment Protection Act, 1986, Policy on Conservation of Manipuri Pony, 2016, and the Biological Diversity Act, 2002.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents in this matter:

(i) Ministry of Environment, Forest & Climate Change,
Integrated Regional Office (Manipur) Law-U-Sib,
Lumbatngen, Near MTC Workshop, Shillong – 793 021

(ii) Loktak Development Authority, Manipur, Through its
Chairperson

The Secured Office Complex 2nd Floor, North Block AT-Line
Near 2nd MR Gate Imphal (W) Manipur – 79500.

(iii) Veterinary and Animal Husbandry Services, Through its
Principle Secretary

Manipur Secretariat, Imphal West-795001 Manipur, India.

(iv) Deputy Commissioner, Revenue Department, Imphal West,
DC Office, Lamphel – 795004

9. Let notice be issued to the above Respondents for filing their response before the Eastern Zonal Bench of the Tribunal.

10. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of this OA be transferred to the Eastern Zonal Bench, Kolkata.

11. List before Eastern Zonal Bench at Kolkata on 02.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 02, 2024
O.A. No. 716/2024
HB

Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.153/2024/EZ
(Earlier O.A. No.716/2024/PB)

News Item titled “Manipuri ponies
under threat despite state conservation
policy” appearing in India.mongabay.com
dated 07.05.2024

Applicant(s)

Date of hearing: 02.09.2024

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

ORDER

1. This Original Application No.716/2024/PB was registered *suo-motu* by the New Delhi Bench of the National Green Tribunal on the basis of the news item titled “Manipuri ponies under threat despite state conservation policy” appearing in India.mongabay.com dated 07.05.2024.
2. Thereafter, the Original Application was transferred to the Eastern Zone Bench, Kolkata of National Green Tribunal vide order dated 02.07.2024 and has been re-numbered as Original Application No.153/2024/EZ.
3. Paragraphs-2, 3, 4, 5 and 6 of the order dated 02.07.2024 read as under:-

“2. The matter relates to the threat to Manipur’s ponies as its grazing grounds and natural habitats are being encroached by infrastructure development projects. This is pushing the ponies out of their habitat, making them more susceptible to road accidents and deaths due to plastic consumption. As per the article, though the government launched a conservation policy for the ponies in 2016, it has not been efficiently implemented

on ground, increasing concern for the last remaining population of the species.

3. The news item further states that in 2016, the Manipur state government passed the Manipur Pony Conservation and Development Policy, acknowledging the decline in the species population, from 1898 as per the 2003 livestock census to 1101 as per the count published in the 2012 census. However, there has not been efficient implementation on ground. Only one meeting of the board members has happened till date, after the passing of the policy and 32 acres of low-lying area within Lamphelpat has been earmarked as grazing ground for the ponies. This area of grazing ground may at best cater to 100 ponies for a month. Besides natural reasons, road accidents and plastic consumption have been the major causes of pony deaths in the last few years. Due to the increasing stress induced by declining grazing grounds, ponies are often out in the roads and seen scavenging for food from a pile of roadside garbage, which often causes consumption of plastics. This leads to blockages in their intestines and causes death.

4. The news item alleges that the Manipur ponies prefer the kind of habitat with marshy green wetlands. However, the government is not focusing on the preservation of grazing fields and wetlands. . The wetlands in Imphal used to be the primary habitat place for the Manipur ponies. However, the situation has changed due to development of infrastructure in the region. The Water Resource Department has finalized a latest project to dig Lamphelpat into a 12 feet deep waterbody, which seems to be the final nail in the coffin. The project spans over 300 acres and thus forces the Manipur ponies to step out of their habitat. The article notes that since the initiation of this project, over 10 ponies have died as they got stuck in the mud pool. The article also highlights that local grass such as tingoi and hoop are the main fodder for ponies, however, they are found no more after the projects in Lamphelpat.

5. The above news item indicates violation of the provisions of the Environment Protection Act, 1986, Policy on Conservation of Manipuri Pony, 2016, and the Biological Diversity Act, 2002.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.”

4. The Respondents have already been impleaded as per paragraph-8 of the order dated 02.07.2024.
5. Mr. Apurba Ghosh, learned Counsel who is present in another matter, is directed to accept notice on behalf of the Respondent No.1, Ministry of Environment, Forests and Climate Change and file counter-affidavit within four weeks.
6. No one is present on behalf of the State Respondents, State of Manipur. We, therefore, direct a copy of this order be communicated to the Chief Secretary, Government of Manipur by the office of the Tribunal within one week.
7. The State Respondents are granted four weeks time for filing counter-affidavit.
8. **List on 24.10.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

September 02, 2024,
Original Application No.153/2024/EZ
(Earlier O.A. No.716/2024/PB)
MN

ITEM NO.102

COURT NO.5

SECTION PIL(W)

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

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

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

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

CORAM :

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

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

For Respondent(s)/
applicant(s)

UOI

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

Mr. Jayant Bhushan, Sr. Adv.

For States of
Andhra Pradesh

Mr. Guntur Prabhakar, Adv.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(i) reclamation of wetlands;

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

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

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

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

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

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

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

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

List the matter on 3rd April, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

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

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

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

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

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

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



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

और आर्द्रभूमि का संरक्षण और युक्तियुक्त उपयोग राज्य और राष्ट्रीय अर्थव्यवस्था को सारवान प्रत्यक्ष और अप्रत्यक्ष आर्थिक लाभ प्रदान कर सकता है तथा केन्द्रीय सरकार विभिन्न क्षेत्रों के लिए विकास आयोजना तथा निर्णय लेने की प्रक्रिया में आर्द्रभूमि जैवविविधता तथा पारिप्रणाली सेवाओं की पूर्ण शृंखला को मुख्य धारा में लाने के लिए प्रतिबद्ध है;

और, राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को इसी प्रकार से अपने विकासात्मक कार्यक्रमों तथा आर्थिक कल्याण में आर्द्रभूमि पारिस्थितिकी प्रणाली सेवाओं और जैव विविधता संबंधी मूल्यों पर विचार करने और इस बात को संज्ञान में लेने की आवश्यकता है कि आर्द्रभूमि पारिस्थितिकी प्रणाली के दो मुख्य पारिस्थितिकी घटक भूमि और जल, भारतीय संविधान के अनुसार राज्य के विषय के रूप में सूचीबद्ध हैं;

और केन्द्रीय सरकार ने देश में आर्द्रभूमियों के प्रभावी संरक्षण और प्रबंधन के लिए आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को अधिकांत करना आवश्यक समझा है;

और, अब, केन्द्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 की उपधारा (1) और उपधारा (2) के खंड (v) और धारा 3 की उपधारा (3) के साथ पठित धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जनसाधारण की जानकारी के लिए, जिनके उससे प्रभावित होने की संभावना है, सा.का.नि. 385 (अ) तारीख 31 मार्च, 2016 द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 का प्रारूप प्रकाशित किया था; और यह सूचना दी गई थी कि केन्द्रीय सरकार द्वारा उक्त प्रारूप नियमों पर, उस तारीख से, जिसको इस राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दी जाती है, साठ दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा;

और, केन्द्रीय सरकार को प्रारूप आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 के संबंध में राज्य सरकारों, संघ राज्य क्षेत्रों राज्यों और इसके संगठनों, व्यक्तियों और सिविल समाज संगठनों से सुझाव तथा आक्षेप प्राप्त हुए हैं;

और, ऐसे आक्षेपों और सुझावों पर, जो ऊपर उल्लिखित प्रारूप नियमों के संबंध में प्राप्त हुए हैं, पर राज्य सरकारों और राज्य क्षेत्र प्रशासनों के परामर्श से केन्द्रीय सरकार द्वारा सम्यक रूप से विचार किया गया;

अतः अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और उप-धारा (3) के साथ पठित धारा 25 और धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को उन बातों के सिवाय अधिकांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने का लोप किया गया था, आर्द्रभूमि के संरक्षण और प्रबंधन के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—

- (1) इन नियमों का संक्षिप्त नाम आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2017 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—

- (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से पर्यावरण (संरक्षण) अधिनियम, 1986 अभिप्रेत है;
- (ख) "प्राधिकरण" से यथास्थिति राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, अभिप्रेत है;
- (ग) "समिति" से नियम 6 में निर्दिष्ट राष्ट्रीय आर्द्रभूमि समिति अभिप्रेत है;
- (घ) "पारिस्थितिकीय गुण" से पारिस्थितिकी प्रणाली घटकों, प्रक्रियाओं तथा सेवाओं का ऐसा संकलन अभिप्रेत है जो आर्द्रभूमियों की विशिष्टता चित्रित करता है;
- (ङ) "एकीकृत प्रबंधन योजना" से कोई ऐसा दस्तावेज अभिप्रेत है जिसमें आर्द्रभूमि का युक्तियुक्त उपयोग के लिए कार्यनीतियों और कार्रवाइयों का वर्णन किया गया है तथा इस योजना में स्थल प्रबंधन के उद्देश्य; उद्देश्यों को प्राप्त करने के लिए अपेक्षित प्रबंधन कार्रवाइयां, वे घटक, जो विभिन्न स्थल विशिष्टताओं को प्रभावित करते हैं, या प्रभावित कर सकते हैं; पारिस्थितिकीय स्वरूप में परिवर्तनों का पता लगाने के लिए और प्रबंधन की प्रभाविता के मापन के लिए अपेक्षित मानीटरी और कार्यान्वयन प्रबंधन कार्यान्वयन के लिए संसाधन सम्मिलित हैं;
- (च) "रामसर अभिसमय" से 1971 में ईरान के रामसर में हस्ताक्षरित आर्द्रभूमि संबंधी अभिसमय अभिप्रेत है;
- (छ) "आर्द्रभूमि से कोई क्षेत्र या कच्छ पंक, पीटभूमि या जल; प्राकृतिक या कृत्रिम, स्थायी या अस्थायी, जल जो ठहरा है या बहते, ताजे, खारे या लवणीय, जिसके अंतर्गत समुद्री जल का जिसकी गहराई ज्वार की स्थिति छह मीटर से अधिक की न हो अभिप्रेत है, परंतु इसमें नदी जल मार्ग, धान के खेत, पेयजल प्रयोजनार्थ विशिष्ट रूप से मानव निर्मित जल निकाय/जलाशय, मत्स्यपालन, नमक उत्पादन और सिंचाई प्रयोजनों के लिए विशिष्ट रूप से निर्मित संरचनाएं सम्मिलित नहीं हैं;

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

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

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

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

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

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

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

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

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

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

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

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

6. **राष्ट्रीय आर्द्रभूमि समिति का गठन.**—(1) केन्द्रीय सरकार, एक राष्ट्रीय आर्द्रभूमि समिति का गठन करेगी, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—
- (i) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – अध्यक्ष;
 - (ii) आर्द्रभूमि संबंधी कार्य देख रहे विशेष सचिव या अपर सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – उपाध्यक्ष;
 - (iii) अपर महानिदेशक, वन्यजीव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (iv) आर्द्रभूमियों संबंधी कार्य देख रहे सलाहकार या संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय – पदेन सदस्य;
 - (v) संयुक्त सचिव, पर्यटन मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (vi) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (vii) संयुक्त सचिव, कृषि और किसान कल्याण मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (viii) संयुक्त सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय भारत सरकार – पदेन सदस्य;
 - (ix) संयुक्त सचिव, शहरी विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (x) संयुक्त सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (xi) अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;
 - (xii) निदेशक, भारतीय प्राणि सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiii) निदेशक, भारतीय वनस्पति सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiv) निदेशक, अंतरिक्ष अनुप्रयुक्ति केंद्र, अहमदाबाद या वैज्ञानिक एफ - पदेन सदस्य;
 - (xv) सदस्य केन्द्रीय जल आयोग - पदेन सदस्य;
 - (xvi) सलाहकार, नीति आयोग - पदेन सदस्य;
 - (xvii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के तीन प्रतिनिधि, चक्रानुक्रम आधार पर, प्रत्येक दो वर्ष के कार्यकाल के लिए;
 - (xviii) आर्द्र भूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी क्षेत्र, भू-दृश्य योजना और सामाजिक अर्थशास्त्र के क्षेत्रों में से प्रत्येक का एक-एक विशेषज्ञ; और
 - (xix) आर्द्रभूमि से संबंधित कार्य करने वाले निदेशक/अपर निदेशक/संयुक्त निदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य सचिव।
- (2) राष्ट्रीय आर्द्रभूमि समिति, यदि अपेक्षित हो, तीन से अनधिक अन्य सदस्यों को सहयोजित कर सकेगी।
- (3) राष्ट्रीय आर्द्रभूमि समिति निम्नलिखित कृत्यों का पालन करेगी, अर्थात्:—
- (क) आर्द्रभूमियों के संरक्षण तथा बुद्धिमत्तापूर्ण उपयोग के लिए समुचित नीतियों और कार्रवाई सम्बन्धी कार्यक्रमों के विषय में केन्द्रीय सरकार को सलाह देना;
 - (ख) आर्द्रभूमियों के एकीकृत प्रबंधन के लिए बुद्धिमत्तापूर्ण उपयोग के सिद्धान्त पर आधारित मानदंड और मार्गदर्शक सिद्धान्त तैयार करना;
 - (ग) प्राधिकरण द्वारा इन नियमों के क्रियान्वयन की निगरानी करना;
 - (घ) नियम 4 के उप नियम (2) में यथानिर्दिष्ट प्रतिषेधित क्रियाकलापों के लिए राज्य सरकारों या संघ राज्य क्षेत्र प्रशासनों से प्राप्त पुनरीक्षित प्रस्तावों के संबंध में केन्द्रीय सरकार को सलाह देना;
 - (ङ.) रामसर अभिसमय के अधीन अंतर्राष्ट्रीय महत्व की आर्द्रभूमियों को अभिहित किये जाने की सिफारिश करना;
 - (च) अधिसूचित किये जाने के लिए सीमापार आर्द्रभूमियों की सिफारिश करना;
 - (छ) रामसर स्थलों और सीमापार आर्द्रभूमियों के एकीकृत प्रबंध की प्रगति का पुनर्विलोकन करना;
 - (ज) आर्द्रभूमियों से संबंधित मुद्दों पर अंतर्राष्ट्रीय अभिकरणों के समन्वय के संबंध में सलाह देना; और
 - (झ) किसी अन्य मामले पर स्वप्रेरणा से सलाह देना या केन्द्रीय सरकार को निर्दिष्ट करना।

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

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

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1. Short title and commencement.—

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

2. Definitions.—

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

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
 - (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
 - (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
 - (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
 - (g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
 - (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
 - (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
 - (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. Applicability of rules.—These rules shall apply to the following wetlands or wetlands complexes, namely:—

- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

- (2) The following activities shall be prohibited within the wetlands, namely,-
 - (i) conversion for non-wetland uses including encroachment of any kind;
 - (ii) setting up of any industry and expansion of existing industries;
 - (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
 - (iv) solid waste dumping;
 - (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
 - (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
 - (vii) poaching.



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

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

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

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

- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
- (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;
- (xi) Director, Remote Sensing Centre - Member *ex-officio*;
- (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

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

- (o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and
- (p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.
- (5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.
- (6) The Authority shall, within ninety days of publication of these rules, shall constitute,—
 - (a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and
 - (b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;
- (7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.
- (8) The Authority shall meet at least thrice in a year.
- (9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.

6. Constitution of National Wetlands Committee.—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—

- (i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;
- (ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;
- (iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;
- (iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;
- (vi) Joint Secretary , Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;
- (vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;
- (viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;
- (ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;
- (x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;
- (xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;
- (xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;
- (xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;
- (xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;
- (xv) Member, Central Water Commission - Member *ex-officio*;
- (xvi) Adviser, Niti Aayog - Member *ex-officio*;
- (xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;
- (xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

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

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

(1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—

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

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

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

Dr. A. DURAISAMY, Scientist 'G'

ITEM NO.4

COURT NO.3

SECTION PIL-W

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

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

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

CORAM :

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

Intervenor

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

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

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

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

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

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

Convention sites.

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

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

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

Centre.

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

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

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

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

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

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

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

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

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

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

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

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

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

Ramesh

(Dr. M. Ramesh)
Scientist 'E'

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To

The Member Secretaries of State and UT Wetlands Authorities