

## **WETLANDS (CONSERVATION AND MANAGEMENT) RULES, 2010**

**G.S.R. ———** **WHEREAS** the wetlands, vital parts of the hydrological cycle, are highly productive, support exceptionally large biological diversity and provide a wide range of ecosystem services, such as waste assimilation, water purification, flood mitigation, erosion control, ground water recharge, microclimate regulation, aesthetic enhancement of the landscape while simultaneously supporting many significant recreational, social and cultural activities, besides being a part of the cultural heritage;

**AND WHEREAS** many wetlands are seriously threatened by reclamation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alterations (water withdrawal and inflow changes) and over-exploitation of their natural resources resulting in loss of biodiversity and disruption in goods and services provided by wetlands;

**AND WHEREAS** India is a signatory to the Ramsar Convention for the conservation and wise use of wetlands, which includes in its ambit a wide variety of habitats, such as rivers and lakes, coastal lagoons, mangroves, peatlands, coral reefs, and numerous man-made wetlands, such as ponds, farm ponds, irrigated agricultural lands, sacred groves, salt pans, reservoirs, gravel pits, sewage farmland canals;

**AND WHEREAS** the Central Government has identified certain wetlands for conservation and management under its conservation programme and provides financial and technical assistance to the State Governments and Union territory Administrations for various conservation activities through approval of the Management Action Plans;

**AND WHEREAS** the National Environment Policy, 2006 recognises the ecological services provided by wetlands and emphasizes the need to set up a regulatory mechanism consistent with the Ramsar Convention to maintain the ecological character of the identified wetlands and develop a national inventory of such wetlands;

**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 of the Environment (Protection) Act, 1986 (29 of 1986), 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, 2010.
2. They shall come into force on 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 (29 of 1986);
- (b) "Authority" means the Central Wetlands Regulatory Authority constituted under rule 5;
- (c) "dredging" means an excavation activity or operation usually carried out at least partly underwater, in shallow sea or fresh water areas with the purpose of gathering up bottom sediments and disposing them off at a different location;
- (d) "National Park" means an area declared, as National Park under section 35 or section 38, or deemed to be declared as a National Park under sub-section (3) of section 66, of the Wild Life (Protection) Act, 1972 (35 of 1972);
- (c) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
- (f) "UNESCO" means the United Nations Educational, Scientific and Cultural Organisation;
- (g) "wetland" means an area or of marsh, fen, peatland or water; natural or artificial, permanent or temporary, with wafer 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 and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetland covered under the notification of the Government of India in the Ministry of Environment and forest, S.O. number 114 (E) dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) of dated the 20th February, 1991;

- (h) “wildlife sanctuary” means an area declared as a wildlife sanctuary under the provisions of Chapter IV of the WildLife (Protection) Act, 1972 (35 of 1972) and shall include an area deemed to be sanctuary under sub section (4) of section 66, of the said Act.

(2) The word and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.

### **3. Protected wetlands.-**

Based on the significance of the functions performed by the wetlands for overall well being of the people and for determining the extent and level of regulation, the following wetlands shall be regulated under these rules, namely: -

- (i) wetlands categorised as Ramsar Wetlands of International Importance under the Ramsar Convention as specified in the Schedule.
- (ii) wetlands in areas that are ecologically sensitive and important, such as, national parks, marine parks, sanctuaries, reserved forests, wildlife habitats, mangroves, corals, coral reef's, areas of outstanding natural beauty or historical or heritage areas and the areas rich in genetic diversity;
- (iii) wetlands recognised as or lying within a UNESCO World Heritage Site;
- (iv) high altitude wetlands or high altitude wetland complexes at or above an elevation of two thousand five hundred metres with an area equal to or greater than five hectares;
- (v) wetlands or wetland complexes below an elevation of two thousand five hundred metres with an area equal to or greater than five hundred hectares.
- (vi) any other wetland as so identified by the Authority and thereafter notified by the Central Government under the provisions of the Act for the purposes of these rules.

### **4. Restrictions on activities within wetlands.-**

(1) The following activities within the wetlands shall be prohibited, namely:-

- (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.C. number 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 number 1037 (E) dated the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified vide S.O. number 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.

(2) The following activities shall not be undertaken without the prior approval of the State Government within the wetlands, namely:-

- (i) withdrawal of water or the impoundment, diversion or interruption of water sources within the local catchment area of the wetland ecosystem;
- (ii) harvesting of living and non-living resources;
- (iii) grazing to the level that the basic nature and character of the biotic community is not adversely affected;
- (iv) treated effluent discharges from industries, cities or towns, human settlements and agricultural fields failing within the limits laid down by the Central Pollution Control Board or the State Pollution Control Committee, as the case may be;

- (v) plying of motorized boat, if it is not detrimental to the nature and character of the biotic community;
- (vi) dredging, only if the wetland is impacted by siltation;
- (vii) construction of boat jetties;
- (viii) activities within (lie zone of influence, as per the definition of wetlands, that may directly effect the ecological character of the wetland;
- (ix) facilities required for temporary use, such as pontoon bridges, that do not affect the ecological character of the wetland;
- (x) aquaculture, agriculture and horticulture activities within the wetland;
- (xi) repair of existing buildings or infrastructure including reconstruction activities.
- (xii) any other activity to be identified by the Authority.

(3) Notwithstanding anything in sub-rule (1) or sub rule (2), tie Central Government may permit any of the prohibited activities or non-wetland use in the protected wetland on the recommendation of the Authority.

(4) The State Government shall ensure that a detailed Environment Impact. Assessment is carried out ii accordance with the procedures specified in the notification of the Government of India in the Minister of Environment and Forests S.O. number 1533 (E) dated the September 14th, 2006 as amended from time to time.

(5) No wetland shall be converted to non-wetland use unless the Centra! Government is satisfied on the recommendation of the Authority that it is expedient in the public interest and reasons justifying the decision are recorded.

#### **5. Constitution of Central Wetlands Regulatory Authority.-**

(1) The (Central Government, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), hereby constitutes Central Wetlands Regulatory Authority consisting of the following Chairpersons and members for the purpose of these rules, namely:-

- (a) Secretary, Ministry of Environment and Forests, Government of India Chairperson;
- (b) a representative (not below the rank of Joint Secretary) from Ministry of Tourism,, Government of India — Member ex-officio:

- (c) a representative (not below the rank of Joint Secretary) from Ministry of Water Resources, Government of India — Member ex-officio;
- (d) a representative (not below the rank of Joint Secretary) from Ministry of Agriculture, Government of India - Member ex-officio;
- (e) a representative (not below the rank of Joint Secretary) from Ministry of Social Justice, Government of India — Member ex-officio;
- (f) Chairman or his nominee, the Central Pollution Control Board,- Member ex; officio;
- (g) Joint Secretary or Adviser, dealing with the wetland in the Ministry of Environment and Forests, Government of India, - member ex-officio;
- (h) Dr. Asad R. Rahmani, Director, Bombay Natural History Society. Hornbill House, Dr. Salim Ali Chowk, Shaheed Bhagat Smgh Road, Mumbai - 400 023; Expert Ornithology —Member.
- (i) Dr. M. R.D. Kunadangar, Darul Alooni Qasmia Lane, Botshah Mohalla, Lal Bazar, Srinagar, Kashmir ; Expert Limnology- Member
- (j) Dr. C.K. Varshney, 88 Vaishalt, Pitampura, New Delhi-110034; Expert Ecology- Member
- (k) Dr K. J. James , Director, Water Institute, Karunya University, Coimbatore, Tamil Nadu ; Expert Hydrology- Member;
- (l) Director or Additional Director or Joint Director dealing with the Wetland in the Ministry of Environment and Forests-Member Secretary.

(2) The term of the Authority shall be three years effected from the date of publication of the notification referred to in sub-rule (1).

(3) The Authority shall exercise the following powers and perform the following functions, namely:-

- (i) appraise proposals for identification of new wetlands, projects or activities in consultations with the concerned local authorities;
- (ii) identify and interface with the concerned local authorities to enforce the provisions contained under these rules and other laws for the time being in force;
- (iii) grant, clearances or identify in consultation with the local state government, the areas for the grant of clearance for regulated activities in the wetlands within their respective jurisdictions;

- (iv) determine, in consultation with concerned local authority, the /one of direct influence of the wetlands;
  - (v) issue whatever directions, necessary for the conservation, preservation and wise-use of wetlands to the State Governments.
- (4) The Authority shall periodically review the list of wetlands and the details of prohibited and regulated activities under the rules.
- (5) The Authority shall specify the threshold levels for activities to be regulated and the mode and methodology for undertaking activities in wetland.

#### **6. Process for identification of wetlands under different categories.-**

- (1) \X/wetlands covered under item (i) of rule 3 specified under Schedule shall be the wetland to be regulated under these rules.
- (2) The States Government shall prepare, within a period of one year from the commencement of these rules, 'Brief Document' identifying and classifying the wetlands within their respective territories in accordance with the criteria specified under Rule 3 and submit the same to Authority.
- (3) The 'Brief Document' of each wetland for identification shall comprise of following information, namely:-
- (i) broad geographic delineation of the wetland;
  - (ii) its zone of influence along with a map (accurate and to scale);
  - (iii) the size of the wetland;
  - (iv) account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland.
- (4) The Authority, shall on receipt of the 'Brief document' under sub-rule (2), if consider it: necessary refer in consultation with the State Government to a research institute or university having relevant multi-disciplinary expertise related to wetlands, to conduct a comprehensive survey of the wetland within a period of thirty days: provided that the institute or university to which the matter has been referred under sub-rule (4) shall submit a report within next ninety days from the date of such reference to Authority, which shall contain information with respect to the criteria specified under rule 3.
- (5) The Authority shall, thereafter, arrive at a decision in consultation with the State Government, on die proposal, within a period of ninety days from the date of receipt of the report under sub-rule (4).
- (6) The Central Government shall on the receipt of the recommendation of the Authority notify the area of wetlands as

recommended by the Authority for public information inviting objections and suggestions from the general public likely to be affected to make representation to the Central Government within a period of sixty days;

(7) The Authority shall consider all the representations which the Central Government may receive under sub-rule (6) and submit its recommendation on the such representations to Central Government within a period of sixty days for final notification;

(8) The Central Government: shall on receipt of the recommendations of the Authority under sub rule(7) issue a final notification notifying therein the area of the wetland its category or classification to be regulated under these rules and display the said notification in public places in English and vernacular languages.

(10) The Authority may, *suo moto* or on application made to it, review any decision under these rules or issue direction for inclusion of wetland under these rule.

#### **7. Overlapping provisions.-**

(1) The wetlands within the protected areas of the National Parks and Wildlife Sanctuaries shall be regulated by the provisions of Wildlife (Protection) Act, 1972(35 of 1972).

(2) The wetlands within the protected or notified forest areas shall be regulated by h provisions of the Indian Forest Act, 1927 (16 of 1972); the Forest (Conservation) Act, 1980 (69 of 1980); and the Environment (Protection) Act, 1986 (29 of 1986).

(3) The gaps in die regulation of wetlands within the protected and notified forest areas, if any, under the provisions of the Indian Forest Act, 1927; Wildlife (Protection) Act, 1972; and Forest (Conservation) Act, 1980; shall be plugged by invoking provisions of flue Environment (Protection) Act, 1986.

(4) The wetlands situated outside the protected or notified forest areas referred to in sub rule(2) shall be regulated by the relevant provisions of the Environment (Protection) Act, 1986(29 of 1986).

#### **8. Enforcement of regulated activities.-**

(1) The identified activities for management and wise use of wetlands situated within the protected or notified forest areas referred to in sub rule (2) of rule 7 shall be regulated by the Forest Department of the State concerned.



(2) The identified activities for management and wise use of wetlands situated outside the protected or notified forest areas shall be regulated by the nodal Department or the relevant local state agencies to be designated by the State Government within a period of six months from the date of commencement of these rules.

### **9. Appeals against the decisions of Authority:-**

Any person aggrieved by the decision of the Authority may prefer an appeal to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 (19 of 2010) within a period of sixty days from the date of such decision: Provided the National Green Tribunal may entertain any appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

### **THE SCHEDULE**

[see-rule 3(i)]

#### **List of wetlands in India identified as Ramsar sites under Ramsar Convention on Wetland**

<b>Serial Number</b>	<b>Name of Wetland</b>	<b>State</b>
(1)	(2)	(3)
1	Ashtamudi Wetland	Kerala
2	Bhitarkanika Mangroves	Orissa
3	Bhoj Wetland	Madhya Pradesh
4	Chilika Lake	Orissa
5	Deepor Beel	Assam
6	Kast Calcutta. Wetlands	West Bengal
7	Harike Lake	Punjab
8	Kanjli	Punjab
9	Kcoladeo National Park	Rajasthan
10	Kolleru Lake	Andhra Pradesh
11	Loktak Lake	Manipur

12	Point Calimere Wildlife and Bird Sanctuary	Tamil Nadu
13	Pong Dam Lake	Himachal Pradesh
14	Ropar	Punjab
15	Sambhar Lake	Rajastlian
16	Sasthamkotta Lake	Kerala
17	Tsomoriri	Jammu and Kashmir
18	Vernbanad-Kol Wetland	Kerala
19	Wular Lake	Jammu and Kashmir
20	Chandratal	Himachal Pradesh
21	Renuka	Himachal Pradesh
22	Rudrasagar	Tripura
23	Uppar Ganga	Uttar Pradesh
24	Hokarsar Jarnmu and Kashmir (Hokera)	
25	Surinsar and Mansar (complex)	Jammu and Kashmir

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