

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 503/2018**

IN THE MATTER OF:-

R. K. GUPTA

APPLICANT

VERSUS

DELHI DEVELOPMENT AUTHORITY & ORS.

RESPONDENTS

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Ajit Kumar Vidyarthi

**(A.K. VIDYARTHI)
ADDITIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD,
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032.**

**DATE: 11.07.2019
PLACE: DELHI**

REPORT ON CONSTITUTION OF WETLAND AUTHORITY AND ITS FUNCTIONING AT THE CENTRAL, STATES/UNION TERRITORIES

**(SUBMITTED IN COMPLIANCE TO HON'BLE NATIONAL GREEN
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI ORDER
DATED 29.3.2019 IN ORIGINAL APPLICATION NO. 503/2018 IN THE
MATTER OF R. K. GUPTA VS DELHI DEVELOPMENT AUTHORITY &
ORS.)**



CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)
Parivesh Bhawan East Arjun Nagar,
DELHI-110 032
(10 July, 2019)

REPORT ON CONSTITUTION OF WETLAND AUTHORITY AND ITS FUNCTIONING AT THE CENTRAL, STATES/UNION TERRITORIES

1. Background

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi passed order on 29/3/2019 in Original Application No. 503/2018 in the matter of R. K. Gupta Vs Delhi Development Authority & Ors and directed Central Pollution Control Board (CPCB) in para 10 which is reproduced as below: -

Para 10: "We also direct the CPCB to ascertain whether National Wetland Authority is functioning at Central Level and Wetland Authorities in all the States/UTs are functioning. If not, their functioning be required to be operational within one month. Such authorities may identify wetland and water bodies and take further steps for their protection. A status report in the matter be furnished before the next date in O. A No 496/2016 i.e., 12.07.2019 by email at ngt.filing@gmail.com. The report be included in the file of O.A No 496/2016."

A copy of the Hon'ble NGT order dated 29/3/2019 is attached as *Annexure I*.

2. Follow up actions by CPCB

For ensuring compliance to Hon'ble NGT order dated 29/3/2019, CPCB vide letter dated 11/4/2019 requested all the Chief Secretaries of State Governments & Union Territory (UT) Administrations, Member Secretaries of State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) in Union Territories and Principal Secretary (Environment), NCT of Delhi to provide status of constitution/functioning of Wetland Authority in the respective State/UT and also ensure to make such authority functional/operational within one month, if not functional, so that further steps are taken for protection of polluted wetlands. A copy of the afore-said

letter also forwarded to Joint Secretary (NRCD), Ministry of Environment, Forest and Climate Change (MoEF & CC) for information and further action on the subject matter. Vide afore-said letter dated 11/04/2019, CPCB also requested all the States/UTs to submit the status report to CPCB on or before 24th April, 2019. A copy of CPCB letter dated 11/04/2019 is annexed as **Annexure-II**.

CPCB vide letter dated 30.04.2019 also requested Delhi Development Authority, Chief Executive Officer, Delhi Jal Board requested for preparation of time bound action plan for conservation and management of water bodies, including Tikri Khurd Lake and also requested to inform CPCB on the status of action taken for restoration of Tikri Khurd Lake (**Annexure-III**).

As no information received from most of the States/UTs, CPCB vide letter dated 14/5/2019 reminded all the States/UTs for providing status of functioning of the Wetland Authority, to CPCB on or before 20th May, 2019 (**Annexure -IV**) to enable CPCB to apprise the matter to Hon'ble NGT in compliance to the order dated 29.03.2019.

As the response was poor and to know details on constitution of Wetland Authority as well as its functioning and wetlands in the States/UTs, CPCB prepared and circulated a format vide letter dated 23.05.2019 to the State Governments/UT Administrations, SPCBs/PCCs to provide desired information on or before 10/6/2019. A copy of the CPCB letter dated 23.05.2019 and the format circulated by CPCB are enclosed as **Annexure V**. Further, vide letter dated 17/6/2019, CPCB reminded all the State Governments and UT Administrations to submit desired information in light of the format circulated by CPCB on or before 21/6/2019 (**Annexure VI**) and in absence of response in time it will be concluded that no action is taken in the matter and same will be appraised to Hon'ble NGT.

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, the Central Government published Gazette Notification of The Wetlands (Conservation and Management) Rules, 2017 vide GSR No.1203 (E) (hereafter referred

as The Wetlands (C & M) Rules, 2017) which came into force from the date of their publication in the Official Gazette i.e., 26.07.2017.

Rule 5 of The Wetlands (Conservation and Management) Rules, 2017, stipulate setting up of a State Wetlands Authority in each State and Union Territories under the Chairmanship of Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands and also comprising of government officials which include one expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socioeconomics to be nominated by the state government to perform the functions as prescribed under the afore-said rules.

Rules 6 of the The Wetlands (Conservation and Management) Rules, 2017, stipulates that the Central Government hereby constitutes the National Wetlands Committee under the Chairmanship of Secretary, Ministry of Environment, Forest and Climate Change, Government of India to perform the functions as prescribed under the afore-said rules.

Based on the information provided by the States/UTs, status of functioning of Wetland Authority in the States/UTs as well as details on Wetlands in the States/UTs are detailed in the subsequent paras: -

A. Constitution and Functioning of Wetland Authority at the Central Level :-

As per the information received from National River Conservation Directorate (NRCD), Ministry of Environment, Forest and Climate Change (MoEF & CC) vide E-mail dated 10.07.2019, in compliance to The Wetlands (Conservation and Management) Rules, 2017, at the Central level, MoEF&CC has constituted National Wetland Committee (NWC) under the Chairmanship of Secretary (EF&CC) vide MoEF & CC order No. A-33011/1/2018-NRCD-II dated 15th June, 2018. 1st Meeting of NWC under the Chairmanship of Secretary, MoEF&CC was held on 26/7/2018 at MoEF&CC, New Delhi

B. Constitution and Functioning of Wetland Authority at the State Level:-

28 States viz., Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh and West Bengal and 05 UTs viz., Andaman & Nicobar Islands, Chandigarh, Delhi, Lakshadweep and Puducherry have provided information with regard to the status of constitution of state level wetland authority and working of constituted authorities in compliance to The Wetlands (Conservation & Management) Rules, 2017 notified by Ministry of Environment, Forest and Climate Change (MoEF & CC).

State-wise details on constitution of Wetland Authority and the functional status are given in the **Table-1** below:-

Table 1. State-wise details on constitution of Wetland Authority and the Functional Status

S. No.	Name of the State/UT	Status of Constitution of The Wetland Authority (Yes/No)	Functional Status (Yes/No)	Whether wetlands identified (Yes/No)	Information provided as per the format circulated by CPCB (Yes/No)	Remarks
1	Andaman & Nicobar Islands	Yes	Yes	Yes	Yes	-
2	Andhra Pradesh	No	No	No	No	Govt of AP informed that action is being taken for constitution of Andhra Pradesh State Wetland Authority
3	Arunachal Pradesh	Yes	Yes	Yes	Yes	-
4	Assam	Yes	Yes	Yes	No	-
5	Bihar	No	No	Yes	Yes	State Wetland Authority constituted under The Wetland (C & M) Rules, 2010. Under

S. No.	Name of the State/UT	Status of Constitution of The Wetland Authority (Yes/No)	Functional Status (Yes/No)	Whether wetlands identified (Yes/No)	Information provided as per the format circulated by CPCB (Yes/No)	Remarks	
						the Wetland (C & M) Rules, 2017, reconstitution of Wetland Authority is under consideration of the Bihar State Government	
6	Chandigarh	Yes	Yes	Yes	Yes	-	
7	Chhattisgarh	No	No	Yes	Yes	Constitution of Wetland Authority is under process in compliance to The Wetland (C & M) Rules, 2017	
8	Daman and Diu, Dadra and Nagar Haveli	Information not provided					
9	Delhi	Yes	Yes	No	No	Delhi Wetland Authority has requested water body owning agencies to provide information as per the format circulated by CPCB.	
10	Goa	Yes	Yes	No	Yes	Identification of wetlands is going on through NIO, Goa	
11	Gujarat	Yes	Not provided	Yes	Yes	-	
12	Haryana	Yes	No	No	No	-	
13	Himachal Pradesh	Yes	Yes	Yes	Yes	-	
14	Jammu & Kashmir	Information not provided					
15	Jharkhand	Yes	Yes	No	No	-	
16	Karnataka	Yes	Yes	Yes	Yes	-	
17	Kerala	Yes	Yes	Yes	Yes	-	
18	Lakshadweep	No	-	Yes	No	UT has informed that constitution of wetland authority is not required,	

S. No.	Name of the State/UT	Status of Constitution of The Wetland Authority (Yes/No)	Functional Status (Yes/No)	Whether wetlands identified (Yes/No)	Information provided as per the format circulated by CPCB (Yes/No)	Remarks
						as all the coastal wetlands in territorial water are managing under Island Protection Zone (IPZ) Notification
19	Madhya Pradesh	Yes	Yes	Yes	Yes	-
20	Maharashtra	Yes	Yes	No	No	-
21	Manipur	Yes	Yes	Yes	Yes	-
22	Meghalaya	Yes	Yes	Yes	Yes	-
23	Mizoram	Yes	Yes	Yes	Yes	-
24	Nagaland	Yes	No	No	No	-
25	Odisha	Yes	Yes	Yes	No	-
26	Puducherry	Yes	Yes	Yes	Yes	-
27	Punjab	Yes	Yes	Yes	Yes	-
28	Rajasthan	Yes	Yes	Yes	Yes	-
29	Sikkim	No	No	No	No	Wetland authority constituted as per The Wetland (C & M) Rules, 2010. Re-constitution of wetland authority under The Wetland (C & M) Rules, 2017 is under process.
30	Tamil Nadu	Yes	Yes	Yes	No	-
31	Telangana	Yes	No	No	No	-
32	Tripura	Yes	Yes	Yes	Yes	-
33	Uttarakhand	Yes	Yes	Yes	No	-
34	Uttar Pradesh	Yes	Yes	Yes	No	-
35	West Bengal	Yes	Yes	Yes	Yes	-

CPCB vide letter dated 23.05.2019 had requested all the States/UTs to provide information on wetlands in light of the format. In response, 19 States/UTs (viz., Arunachal Pradesh, Andaman & Nicobar, Bihar, Chandigarh, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Kerala, Karnataka, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Tripura, Puducherry, Rajasthan, Punjab and West Bengal) have submitted the requisite information in light of the format circulated by CPCB.

Based on the information received from States/UTs, a brief Status is given as follows: -

ANDAMAN & NICOBAR:- As per the information received vide letter dated 08.07.2019 from Office of the Deputy Conservator of Forest, Working Plan Division, Haddo, Port Blair, vide Andaman & Nicobar UT Administration Notification No. (Legal)/6/317 dated 06.02.2018 has constituted A & N Union Territory Wetland Authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. However, no meeting of the wetland authority conducted so far. 13 wetlands have been identified having total area of about 360.1858 Ha. Most of the identified wetlands are reported to be used for drinking water supply.

ANDHRA PRADESH:- Government of Andhra Pradesh Vide letter dated 06.06.2019 informed that action is being taken for constitution of Andhra Pradesh State Wetland Authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Filled in format has not been received from Andhra Pradesh.

ARUNACHAL PRADESH:- As per the information dated 05.07.2019 received from the State of Arunachal Pradesh, the State has constituted wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and so far one meeting was held by the authority. Identified wetlands area is about 6180.1 Ha. Report on polluted wetlands not assessed by Arunachal Pradesh State Pollution Control Board.

ASSAM:- As per the information received from the Government of Assam vide letter dated 29.04.2019, the State has constituted Assam State Wetland Authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. An inventory of Wetlands within Reserve Forest areas in Assam has been made to identify its number and spatial extend in the form of maps using remote sensing data and other data such as survey of India topographic maps (SOI) etc. After mapping the wetlands of Assam within the reserved forest, 7313 wetlands (excluding

rivers and streams) are found within the reserved forest of Assam having area of 243791Ha.

BIHAR:- As per the information dated 31.05.2019 received by e-mail from Director (Ecology & Environment), Government of Bihar, the constitution of wetland authority in State is under process in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. In the State, 28 wetlands have been identified having total area about 8175.39 Ha.

CHANDIGARH: - As per the information received dated 13.06.2019 from the Department of Forest and Wildlife, UT of Chandigarh, Chandigarh UT has constituted wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and so far one meeting was held by Chandigarh Wetland authority. The Technical and Grievance Committee has also been constituted. 01 wetland named Sukhna Lake has been identified having area 228.647 Ha. During winter season, it turns into a sanctuary for migratory birds. It was also mentioned that wetland has not been found polluted.

CHHATTISGARH: - As per the information received dated 21.06.2019 from Office of The Principal Chief Conservator of Forest (Wild Life Management and Bio Diversity Conservation) Cum Chief Wildlife Warden, Chhattisgarh, the constitution of wetland authority in the State is under process. In Chhattisgarh State, 04 wetlands having area 71.85 Ha (i.e., Balrampur - 34.56 Hectares, Govindban -24.92 Hectares, Pidhi-7.97 Hectares and Upanpal-3.40 Ha) have been identified. Identified wetlands are being used for agriculture, fisheries & domestic use activities and these wetlands are having low pollution level. Measures have not been taken so far for rejuvenation of polluted wetland.

DELHI:-As per the information dated 08.05.2019 received from Office of the Wetland Authority, Department of Environment, Government of NCT of Delhi, Delhi has constituted wetland authority vide notification dated

23.04.2019 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Chief Secretary, Delhi Government has taken meeting with the concerned authorities on 25/4/2019 and directed to prepare list of all water bodies, documentation and for preparation of action plans including conservation, development and beautification.

GUJARAT:- As per the information received dated 09.07.2019 from Gujarat Pollution Control Board, wetland authority in the State has been constituted. In Gujarat State, 05 wetlands having area about 989046.86 Ha have been identified. Identified wetlands are habitats mainly for migratory birds and other species of birds and reptiles.

GOA:- As per the information dated 18.06.2019 received from the Goa State Wetland Authority, Goa State has constituted wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and four meeting were held by the authority. Also, informed that technical and grievance committees have been constituted. Identification of wetlands is ongoing through agency National Institute of Oceanography (NIO), Goa. Informed that action plan for rejuvenation of polluted wetlands will be prepared after process of identification and notification.

HARYANA: -As per the information dated 15.05.2019 received from Director General, Environment and Climate Change Department, Haryana, the State of Haryana, the State has constituted wetland authority vide order dated 31.03.2017 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Filled in format has not been received from Haryana.

HIMACHAL PRADESH: - As per the information dated 22.06.2019 received from Himachal Pradesh State Wetland Authority, Shimla, H.P. State has constituted Himachal Pradesh State Wetland Authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Technical Committee and Grievance Committee have been constituted by

the authority. The authority has identified 05 wetlands (Pong Dam-125 Sq km, Chandertal-3856 Hectares, Renuka-402.80 Hectares, Rewalsar-173 Hectares, Khajjiar-6 Sq Km). Utility of these wetlands is mainly for livelihood based on fisheries, tourism and Sports, groundwater recharge, religious and cultural activities, protection of wildlife and migratory birds site & Biodiversity conservation. Himachal Pradesh Pollution Control Board is also monitoring water quality of 04 wetlands.

JHARKHAND:- As per the information dated 10.06.2019 received from the State Government of Jharkhand, the State has constituted wetland authority vide notification dated 22.05.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and five meetings were held by the authority. Filled in format has not been received from Jharkhand.

KARNATAKA: - As per the information dated 08.07.2019 received from the State Government of Karnataka, the State has constituted Karnataka State Wetland Authority vide notification dated 13.03.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and one meeting was held by the authority. Technical Committee and Grievance Committee have been constituted. Karnataka State Remote Sensing Application Centre (KSRAC) has been requested to identify the wetlands as per definition of The Wetlands (M & H) Rules, 2017.

KERALA:- As per the information dated 10.06.2019 received from the State Wetland Authority Kerala, the State has constituted state wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and one meeting was held by the authority. The Technical Committee and Grievance Committee have also been constituted by the State. In Kerala, 03 wetlands have identified as Ramsar sites with area (Vembanad-151250 Hectares, Sasthamkotta-373 Hectares & Asthamudi -6140 Hectares), however the notification process of other wetlands of the State is in progress. All three wetlands are polluted in some pockets as per approved management plans. In Asthamudi, pollution is due

to direct discharge of untreated sewage and wastes from Kollam city, adjoining industrial units, tourist houseboats. In Sastahmkota, high level of fecal coliform due to washing of clothes and Satahm temple visits by devotees. This lake is also a drinking water source. Vembanad receives untreated sewage from the settlements and discharge from industrial units, effect of backwater tourism, increased use of fertiliser in high yield varieties of rice. Increase of water borne diseases amongst fishing community is also observed as high due to nutrient loading. There is an approved 5-year Integrated Management Action plan for three Ramsar sites of Kerala. Measures have also been proposed for rejuvenation of these three Ramsar sites.

MADHYA PRADESH: - As per the information dated 10.06.2019 received from MP State Wetland Authority, the State has constituted wetland authority vide notification dated 02.01.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and it's functional. Filled in format has been received from Madhya Pradesh. In the M.P. State, 01 wetland (Ramsar site) has been identified viz., Bhojwetland (upper & lower lake)-5.41 Lakh Hectares The wetlands is being used for drinking water supply, irrigation, recreation, fisheries, ground water recharge, birds habitats, aquatic flora and fauna etc. Online water quality monitoring of Bhojwetland is being done by Madhya Pradesh Pollution Control Board (MPPCB). Projects have been undertaken in Madhya Pradesh for rejuvenation such as Bhoj wetland, Sirpur wetland under National Plan for Conservation of Aquatic Ecosystem (NPCA) and Shivpuri lakes, Sindh Sagar under National Lake Conservation Plan (NLCP).

MAHARASHTRA:- As per the information dated 02.05.2019 received from the Government of Maharashtra, the State has constituted wetland authority vide G.R. dated 06.02.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. The authority is functional and one meeting was held by the authority. Technical Committee and Grievance Redressal Committee have also been constituted. Filled in format has not been received from Maharashtra.

MANIPUR:- As per the information dated 09.07.2019 received from Manipur Pollution Control Board, the State has constituted wetland authority vide order dated 31.01.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and it is functional. In Manipur State, 06 wetlands have been identified. The wetlands is being used for drinking water supply, irrigation, fisheries, ground water recharge, birds habitats, aquatic flora and fauna etc.

MEGHALAYA:- As per the information dated 13.06.2019 received from the State of Meghalaya, the State has constituted wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and one meeting was held by the authority. Technical and Grievance Committee have also been constituted under this provision. In Meghalaya State, 134 wetlands have been identified. Authority made it clear that many of these wetlands do not meet definition of wetland given in The Wetland (C & M) Rules, 2017. As of now, data on water quality of wetlands are presently not available with the Forests & Environment Department. Government of Meghalaya.

MIZORAM:- As per the information dated 10.06.2019 received from Office of PCCF (WL) & Chief Wildlife Warden, Environment, Forest & Climate Change Department, Mizoram, the State has constituted wetland authority vide notification dated 16.01.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Two meetings were held by the authority and also constituted Technical and Grievance Committee. In Mizoram state, 02 wetlands have been identified having area (Tamdil-13.5 km² and Palak-1.5 Km²). The wetlands identified in the State of Mizoram are being used for the following activities:-

- Tamdil: for small scale cage culture on water for fish seeds/fingerlings and boating with surrounding as tourist spots
- Palak: overflow water used for irrigation and boating

Both wetlands are not found polluted and action plans made for soil conservation and conservation of surrounding forests.

NAGALAND:- As per the information dated 22.04.2019 received from the Government of Nagaland, the State has notified wetland authority vide dated 28.11.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. The Technical and Grievance Committee has also been constituted. Filled in format has not been received from Nagaland.

ODISHA:- As per the information dated 22.04.2019 received from the State Pollution Control Board, Odisha, the State has constituted wetland authority vide notification dated 21.05.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and is functional. The authority have identified two wetlands in Odisha namely Chilka and Bhitarkanika which are Ramsar sites. Other wetlands namely Ansupa, Daha, Kanji and Kuanria are being funded by the Government of India for implementation of conservation plans under National Plan Conservation of Aquatic Ecosystem. Filled in format has not been received from Odisha.

PUDUCHERRY: - As per the information dated 26.06.2019 received from the UT of Puducherry, the UT has constituted wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and four meetings were held by the authority. In Puducherry UT, 05 wetlands identified viz., Vadanur tank-106.37 ha, Katterikuppam Tank-49.8 ha, Korkadu tank-65.26 ha, Bahoor lake- >200 ha and Oussudu lake-390 Ha respectively. None of the wetlands have been found polluted and comprehensive management action plan (CMAP) was already prepared by SACON-Coimbatore, Tamil Nadu. The wetlands identified in the UT are being used for irrigation purpose.

PUNJAB:- As per the information dated 14.06.2019 received from the State of Punjab, the State has constituted wetland authority vide notification dated 21.03.2018 and is functional in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. One

meeting was held by the authority. Technical Committee and Grievance committee have already been constituted. 04 wetlands have been identified having area viz., Harike-4100 ha, Kanjili-183 Ha, Ropar-1365 Ha & Nangal-400 Ha. None of the four wetlands come under the Category of polluted wetlands. The wetlands identified in the State of Punjab are being used for the following activities:

- Nangal: for fishing, irrigation and drinking purpose
- Ropar: for irrigation and drinking purpose
- Harike: for fishing, irrigation and drinking purpose
- Kanjili: for re-creation purpose

The Punjab Pradesh Pollution Control Board monitors the wetlands and analysed samples for physico-chemical, biological, heavy metals and pesticides. The quality of water in Nangal wetland conforms to Class B/C, Ropar wetland conforms to Class C, Harike wetland conforms to Class C and Kanjili wetland conforms to Class B or C.

RAJASTHAN:- As per the information dated 05.07.2019 received from the State of Rajasthan, the State has constituted State Wetland Authority on 10.04.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. As per National Wetland Atlas, total 12625 wetlands have been mapped at 1:50,000 scale in the State. In addition, 34123 small wetlands (<2.25 ha) have also been identified. Jalore and Barmer are the only districts containing coastal wetlands (Inter-tidal mudflats). Keoladeo National Park & Sambhar lake are the two Ramsar Wetland sites in Rajasthan, presently being managed by Forest Department.

SIKKIM:- As per the information dated 24.04.2019 received from the State of Sikkim, constitution of wetland authority is under process in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Filled in format has not been received from Sikkim.

TAMIL NADU:- As per the information dated 20.05.2019 received from the State of Tamil Nadu, the State has constituted Tamil Nadu State Wetland

Authority vide G.O (MS) No. 148 dated 26.11.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and the authority convened two meetings. Out of all wetlands existing in the State of Tamil Nadu, 141 wetlands identified as prioritised wetlands. Filled in format has not been received from Tamil Nadu.

TELANGANA: - As per the information dated 26.04.2019 received from the Telangana State Pollution Control Board, the State has constituted State Wetland Authority vide GO (MS) No. 5 dated 15.02.2019 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. Filled in format has not been received from Telangana.

TRIPURA: - As per the information dated 08.07.2019 received from the Tripura State Pollution Control Board, Tripura State has constituted wetland authority vide notification dated 16.05.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and held three meetings by the authority. Similarly, Technical and Grievance and Monitoring Committees have been constituted. In Tripura, 01 wetland has been identified named as Rudrasagar Lake Ramsar Site having area of 240 ha. The wetland identified in Tripura is being used for Pisciculture and ecotourism and wetland has not found polluted as well. An Integrated Management Plan has been prepared for conservation of Rudrasagar. The proposal for getting financial assistance from MoEF & CC has been submitted.

UTTARAKHAND:- As per the information dated 27.04.2019 received from Uttarakhand Environment Protection and Pollution Control Board, the state has constituted wetland authority vide order dated 16.05.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC. In Uttarakhand State, 178 wetlands have been identified on map having area more than 2.25 Ha each respectively. Filled in format has not been received from Uttarakhand

UTTAR PRDESH:- As per the information dated 22.04.2019 received from UPPCB, Uttar Pradesh State has constituted wetland authority vide dated 05.03.2018 in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and three meetings were held by the authority. Technical and Grievance Committee have also been constituted. The State has identified 28553 wetlands having area more than 2.25 Ha each is proposed to be notified as wetlands. Filled in format has not been received from Uttar Pradesh.

WEST BENGAL:- As per the information dated 10.06.2019 received from the State Wetland Authority, West Bengal, the State has constituted wetland authority in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF&CC and one meeting was held by the authority. Technical Committee and Grievance Committee have been constituted in the same provision. The State has identified 02 Ramsar sites having area (East Kolkata-12,500 Ha and Sundarban-4,23,000 Ha respectively). The wetlands identified in the State of West Bengal are being used for treating city's waste water; for pisciculture and agriculture and serves as nurseries to shellfish, finfish and sustain the fisheries of entire eastern coast. West Bengal State is also monitoring East Kolkata Wetland for water quality and found good to excellent and not polluted as well. For rejuvenation of polluted wetland, a study is being carried out through West Bengal Pollution Control Board (WBPCB) to assess quality of waste water at different points of canals and water bodies in the East Kolkata Wetland.

LAKSHADWEEP:- As per the information dated 06.07.2019 received from the UT of Lakshadweep, *UT has informed that constitution of wetland authority is not required in compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF & CC, as all the coastal wetlands in territorial water are managing under Island Protection Zone (IPZ) Notification.* In UT, 48 coastal wetlands have been identified with a total area of 79,586 Ha as per National Wetland Inventory & Assessment carried out by Space Applications Centre, Indian space Research Organizations, Ahmedabad. No inland wetland area is demarcated or

identified in the territory. Filled in format has not been received from Lakshadweep.

3. CONCLUSION

- *In compliance to Wetlands (Conservation & Management) Rules, 2017 notified by MoEF & CC, 25 States and 03 UTs have constituted Wetland Authority in the respective State/UT. National Wetland Committee at the Central and the constituted Wetland Authorities at the State Level are operational. States namely Andhra Pradesh, Bihar, Chhattisgarh and Sikkim States have informed that constitution of the Wetland Authority in compliance to The Wetlands (Conservation and Management) Rules, 2017 in the respective State is under process.*
- *Even after several reminders, the State of Jammu & Kashmir and UT-Daman, Diu, Dadra & Nagar Haveli have not submitted information relating to constitution and functioning of Wetland Authority in the respective State / UT.*
- *Lakshadweep UT has informed that constitution of the Wetland Authority is not required as all the identified coastal wetlands in territorial water are managing under Island Protection Zone (IPZ) Notification.*
- *16 States viz., Arunachal Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Kerala, Karnataka, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Tripura, Rajasthan, Punjab and West Bengal and 03 UTs viz., Andaman & Nicobar, Chandigarh and Puducherry have submitted duly filled in formats. Based on the information received by CPCB from States/UTs, this report has been prepared and is submitted for perusal of Hon'ble NGT for consideration.*

CPCB would be abide by any order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

-- OO --

Item No.01

Court No. 1

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

Original Application No.503/2018

R.K. Gupta

Applicant(s)

Versus

Delhi Development Authority & Ors.

Respondent(s)

Date of hearing: 29.03.2019

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

For Applicant(s): Mr. R.K Gupta, applicant in-person

For Respondent (s): Mr. Rajiv Bansal, Sr. Advocate with Mr. Kush
Sharma and Ms. Vaishali Rawat, Advocates

ORDER

1. The issue for consideration is restoration of Tikri Khurd Lake, Delhi by removing encroachments around the said lake.
2. Vide order dated 08.08.2018, after noticing the stand of the applicant that NCR is losing its water bodies which may have serious implications on ground water recharge, a direction was issued to the Ministry of Environment, Forest and Climate Change (MoEF & CC) to have the matter examined and identify the authority to take appropriate steps to preserve the existing water bodies, including the Tikri Khurd Lake. The Delhi Development Authority (DDA) was also required to take steps to remove the encroachments after demarcating the water bodies and also consider lake front beautification at the location in question.

3. We have perused the report received from the MoEF & CC vide email dated 29.12.2018 stating that as per Wetlands (Conservation & Management) Rules, 2017, States/UTs Wetlands Authorities have been constituted. The said Authorities have to notify the wetlands. The Authority has to meet atleast thrice in a year and take appropriate actions in terms of the said Rules. The MoEF & CC asked the Department of Environment, NCT of Delhi to ensure due functioning of the Wetlands Authority and to prepare a detailed consolidated time bound action plan for conservation and management of water bodies, including the Tikri Khurd lake. The report further mentions that as per information received from the Delhi Parks and Gardens Society (DPGS), the High Court appointed Court Commissioners to inspect the water bodies which information has been uploaded on the website of DPGS. The DDA has been asked to make efforts to remove encroachments, put up fencing/boundary wall and undertake its beautification. The Delhi Jal Board (DJB) is to rejuvenate the 155 water bodies for which budget has been approved.
4. Report has also been received from the DDA stating that from the perusal of "aks shijara" of village Tikri Khurd, it was found that the so called Tikri Lake did not exist in the said records. The triangular area in question is in Khasra No. 50 which is within the *firmi* of the village *abadi* area. The *abadi* area is to be dealt with by the NCT of Delhi. The CEO, DPGS is the nodal officer for the water bodies and as per the minutes of the meeting held on 17.9.2014, wetlands were found at Khasra No. 15/9(4-16) and 30/1(4-16), 30/3(4-15), 30/4(0-

9). The National Wetland Atlas of Delhi was based on mapping done through remote sensing and was not based on an on-site inspection. The stagnated water deposit in low lying land at Tikri Khurd, whereupon alleged encroachment has taken place, has not yet been recognised as a wetland in the revenue records. We may only comment that stand of the DDA does not show commitment for conserving water body and merely focusses on technicalities and shifting responsibility which attitude is not consistent with Articles 48A and 51-A (g) of the Constitution, expected from a public body. Learned Senior Counsel for the DDA travelled extra mile during arguments to emphasise that responsibility is not of DDA but of NCT, Delhi or the Wetland Authority. Certainly, DDA is not irrelevant and is expected to make positive contribution on such issues without standing on technicalities.

5. Letter dated 21.12.2018 by the DPGS to the MoEF & CC which has been enclosed with the report of the MoEF&CC *inter-alia* states as follows:

"So far as matter regarding Tikri Khurd is concerned, as already informed, DDA has intimated that they have undertaken to remove encroachments, demarcate the water bodies, put up fencing/boundary walls and undertake its beautifications."

6. We are of the view that the Wetland Authority constituted under Rule 5(2) of the Wetlands (Conservation & Management) Rules, 2017 for the NCT Delhi must look into the matter. If any steps are required to be taken for making Wetland Authority fully

functional, such steps may be taken by the Chief Secretary, Delhi. Even if it is found that the area in question is not technically a wetland, the lake is required to be preserved as a water body. The Delhi Wetlands Authority may co-opt DDA as a member of the Wetland Authority under Rule 5(3) of the Rules so that the effective joint decision can be taken to resolve the dispute whether the area falls within the jurisdiction of DDA or of Delhi Government.

7. We also note that vide order dated 30.8.2018, this Tribunal constituted a Monitoring Committee headed by Justice S.P Garg, former Judge, Delhi High Court in *O.A.No. 496/2016 in Tribunal on its own motion v. Government of NCT of Delhi & Ors.* for considering the issue of ground water protection and recharge and incidental issues.
8. In the circumstances of the present matter, we consider it appropriate to direct that the NCT Delhi Wetland Authority may hold its meeting within one month and among other issues consider the present matter. A copy of the decision taken may be furnished to the Committee headed by Justice S.P Garg, former Judge, Delhi High Court who may consider the matter in the course of deliberations of the Committee with the assistance of the DPGS and incorporate recommendations in this regard in the report to be furnished to this Tribunal, apart from any other action which may be taken as found necessary.
9. A copy of this order be sent to the Chief Secretary, Delhi and the Committee headed by Justice S.P Garg, former Judge, Delhi

High Court by email. The applicant may furnish a set of papers to the said authorities within a week.

10. We also direct the CPCB to ascertain whether National Wetland Authority is functioning at Central level and Wetland Authorities in all the States/UTs are functioning. If not, their functioning be required to be operational within one month. Such authorities may identify wetland and water bodies and take further steps for their protection. A status report in the matter be furnished before the next date in O.A No. 496/2016 i.e 12.07.2019 by email at nwt_filing@gmail.com. The report be included in the file of O.A No. 496/2016.

11. A copy of this order be sent to the CPCB by email.

12. A copy of this order be also placed in the file of O.A No. 496/2016 in *Tribunal on its own motion v. Government of NCT of Delhi & Ors* for consideration along with the consideration of the larger issue therein.

The application is disposed of.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 29, 2019
Original Application No.503/2018
AK

Office Copy

372

No. A-14011/1/2019-WQM-1

730-808

TIME BOUND
HON'BLE NGT MATTER
11/4/2019

To

1. The PS to Chief Secretary (State Govts) & Administrator (IFT Administration)
2. The Member Secretary (SPCBs/PCCs)
3. PS to Principal Secretary (Environment), NCT of Delhi

Sub: Constitution/Functioning of Wetland Authorities in compliance to Hon'ble NGT (PB) New Delhi order dated 29/3/2019 in O.A. No. 503/2018 in the matter of restoration of Tikri Khurd Lake, Delhi by removing encroachments around the said lake-reg.

Sir,

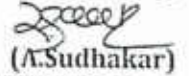
As per Wetlands (Conservation and Management) Rules, 2017 notified by MoEF&CC on 26/9/2017 State Govts/UTs Wetland Authorities have already been constituted. Also, as per aforesaid notification, the State Govts/UTs Wetland Authority have to prepare a list of all wetlands to be notified in their jurisdiction and also such authority have to meet atleast thrice in a year and take appropriate actions for ensuring compliance to said rules.

Further it is to state that Hon'ble NGT passed an order on 29/3/2019 (copy enclosed for ready reference) directed CPCB (at s.no.10) which is reproduced as below:

"CPCB to ascertain whether National Wetland Authority is functioning at Central level and Wetland Authorities in all the States/UTs are functioning. If not, their functioning be required to be operational within one month. Such authorities may identify wetland and water bodies and take further steps for their protection. A status report in the matter be furnished before the next date."

It is therefore requested to provide the present status of functioning of Wetland Authority in the State/UT and please ensure to make such authority functional/operational **within one month**, if not functioning so that further steps are taken for protection of polluted wetlands. Kindly, arrange the status report to CPCB on or before 24th April, 2019 in compliance to Hon'ble NGT order dated 29/3/2019.

Yours faithfully,



(A.Sudhakar)

o/c Head, WQM-I Division

Encl: As above

Copy to:

- 1 Sh. Jigmet Takpa,
Joint Secretary (NRCD)
Ministry of Environment, Forest and Climate
Change, 3rd Floor, Prithvi Wing,
Indira Parvayaran Bhawan
Jor Bagh, New Delhi-110003 : For information and further action please
- 2 PS to MS : For information of 'MS' please
- 3 All RDs : For information & follow up with concerned
SPCBs/PCCs and send status report
- 4 Smt Urmila Thakur, LO, Law Section, CPCB : For information please

(A.Sudha'kar)

o/c

कन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक.....

F. No. A-14011/1/2019-WQM-I

147

30/4/2019

To

(i) The Chairman Delhi Development Authority (DDA) Vikas Sadan, New Delhi-110023	(ii) The Chief Executive Officer, Delhi Jal Board (HQ) Public Relations Office Room No.306, 3rd Floor Varunalaya, Ph-II, Jhandewalan, Karol Bagh, New Delhi-110005
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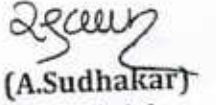
Sub: Compliance to Hon'ble NGT (PB) New Delhi order dated 29/3/2019 in O.A. No. 503/2018 in the matter of restoration of Tikri Khurd Lake, Delhi by removing encroachments around the said lake-reg.

Sir,

This has reference to Hon'ble NGT order dated 29/3/2019 in connection with preparation of time bound action plan for conservation and management of water bodies, including Tikri Khurd Lake.

It is requested that the status of action taken for restoration of Tikri Khurd Lake may kindly be informed to CPCB to take further action on the matter

Yours faithfully,



(A.Sudhakar)

Head, WQM-I Division

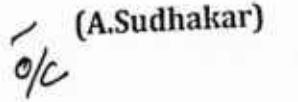
o/c

Encl: As above

Copy to:

- 1 The PS to Principal Secretary (Environment), Deptt of Environment & Forest & Wildlife VIth Level, C-Wing, Delhi Secretariat, IP Estate, New Delhi-110002 : For information please
- 2 PS to MS : For information of please

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
दिनांक... 01/05/19
दिनांक... 01/05/19



(A.Sudhakar)

o/c

[Annexure D]

Office Copy
Reminder-I

F. No. A-14011/1/2019-WQM-I

HON'BLE NGT MATTER
14/5/2019

To

2031-20419

1. The PS to Chief Secretary (State Govts) & Administrator (UT Administration)
2. The Member Secretary (SPCBs/PCCs)

Sub: Constitution/Functioning of Wetland Authorities in compliance to Hon'ble NGT (PB) New Delhi order dated 29/3/2019 in O.A. No. 503/2018 in the matter of restoration of Tikri Khurd Lake, Delhi by removing encroachments around the said lake-reg.

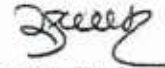
Ref: CPCB Letter No A-14011/1/2019-WQM-I dated 11/4/2019

Sir,

This has reference to CPCB letter dated 11/4/2019 vide which CPCB requested to provide present status of constitution and functioning of Wetland Authority in the State/UT and also requested to ensure to make such authority functional/operational within one month, if not functioning to ensure necessary steps are taken for protection of polluted wetlands within the jurisdiction of the respective State/UT. Desired information is yet to be received from your State/UT. Above information has been sought as a part of ensuring compliance to Hon'ble NGT order dated 29/3/2019 in OA No 503/2018.

In view of the above, kindly, arrange the status report on the afore-said aspects to CPCB on or before 20th May, 2019 so as to appraise Hon'ble NGT accordingly in compliance to Hon'ble NGT order dated 29/3/2019.

Yours faithfully,



(A.Sudhakar)

o/c Head, WQM-I Division

Copy to:

- 1 PS to MS
- 2 All RDs
- 3 Smt Urmila Thakur, LO, Law Section, CPCB

- : For information of 'MS' please
- : For information & follow up with concerned SPCBs/PCCs and send status report
- : For information please

o/c (A.Sudhakar)

Pl. follow-up with
concerned & Adv. telephonically
Jas
21/5/2019
H(Dr.PT)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... 17.5.19
दिनांक...

Scanned by CamScanner

F. No. A-14011/1/2019-WQM-I

23/5/2019

To

1. The PS to Chief Secretary (State Govts) & Administrator (UT Administration) - As per list enclosed
2. The Member Secretary (SPCBs/PCCs) - As per list enclosed.
3. PS to Principal Secretary (Environment), NCT of Delhi
4. Concerned which have informed about authority constitution - As per List enclosed

Subject: Format for seeking information on restoration of polluted wetlands-reg.

Sir,

This has reference to Hon'ble NGT order dated 29/3/2019 in OA No 503/2018. In this connection, CPCB is in the process of collection of information relating to Wetlands. For the said purpose, please find enclosed herewith a format for providing information on restoration of polluted wetlands.

It is therefore, requested to arrange to send desired information as per the enclosed format to CPCB on or before 10/6/2019.

Yours faithfully



(A. Sudhakar)
o/c DH, WQM-I Division

Incl: As above
Copy to:

PS to MS

: For kind information of 'MS' please.

o/c (A. Sudhakar)



CENTRAL POLLUTION CONTROL BOARD
"Parivesh Bhawan", East Arjun Nagar,
Delhi-110032

FORMAT FOR SEEKING INFORMATION ON WETLANDS

1	Name of the State/UT	:	
2	Name of the contact person with mobile and telephone no	:	
3	Constitution of Wetland Authority as per Wetlands (Conservation and Management) Rules, 2017	:	(Yes/No) (If No, pl indicate reason)
A	No of meetings with date held by the Authority	:	
B	Constitution of Technical Committee/Grievance Committee	:	(Yes/No)
4	No of identified/notified wetlands in State/UT	:	
5	Details about wetlands	:	(pl attach wetland-wise details separately)
A	Area (in hectares)	:	
B	Utility of Wetlands at present	:	
6	Wetland wise water quality status	:	(pl attach details as enclosure)
A	Is wetlands in the State/UT polluted, if so, indicate no of wetlands polluted with location details	:	(pl attach details as enclosure)
7	Measures taken or/proposed for rejuvenation of polluted wetland	:	(pl attach details as enclosure)

Place:

Date:

Signature of Concerned Official
with seal

17/6/2019

F. No. A-14011/1/2019-WQM-I 2532-2523

To

The PS to Chief Secretary/State Govts & Administrator/UT

Sub: Constitution/Functioning of Wetland Authorities in compliance to Hon'ble NGT (PB) New Delhi order dated 29/3/2019 in O.A. No. 503/2018 in the matter of restoration of Tikri Khurd Lake, Delhi by removing encroachments around the said lake-reg.

Ref: (i) CPCB Letter No A-14011/1/2019-WQM-I/144 dated 11/4/2019
(ii) CPCB Letter No A-14011/1/2019-WQM-I/2034 dated 14/5/2019
(iii) CPCB Letter No A-14011/1/2019-WQM-I/1771-1839 dated 23/5/2019

Sir,

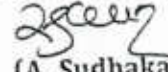
This has reference to CPCB letter dated 14/5/2019 wherein CPCB requested to provide present status of constitution and functioning of Wetland Authority in the State/UT and also requested to ensure to make such authority functional/operational within one month, if not functioning to ensure necessary steps are taken for protection of polluted wetlands within the jurisdiction of the respective State/UT.

Also, CPCB vide letter dated 23/5/2019 forwarded a format requesting for desired information by 10/6/2019 on the captioned subject.

Desired information is yet to be received from your State/UT. Above information has been sought as a part of ensuring compliance to Hon'ble NGT order dated 29/3/2019 in OA No 503/2018.

In view of the above, kindly, arrange to send the status on the afore-said aspects to CPCB within a week i.e., on or before 21/6/2019. In the absence of response in time it will be concluded that no action is taken in the matter and same will be apprised to Hon'ble NGT.

Yours faithfully,


(A. Sudhakar)

o/c Head, WQM-I Division

Copy to:

- | | |
|--|--|
| 1 The Concerned Wetland Authorities | : For information & necessary action please. |
| 2 PS to MS | : For information of 'MS' please |
| 3 All RDs | : For information & follow up with concerned Wetland Authorities |
| 4 Smt Urmila Thakur, LO, Law Section, CPCB | : For information please |

o/c (A. Sudhakar)

