



## **Draft Regulatory Framework for Wetlands Conservation for Comments**

*May 24, 2010*

### **[A] Background:**

Wetlands are the transitional zones between permanently aquatic and dry terrestrial ecosystems. A wide variety of wetlands like marshes, swamps, open water bodies, mangroves and tidal flats and salt marshes etc. exists in our country. Wetlands are considered life support systems and provide a wide range of services critical to human development and well-being. They help recharge aquifers, support local food production, function as habitat for indigenous and migratory birds, are effective in flood and erosion control besides being a major source of national and international ecotourism. Wetlands also play a major role in treating and detoxifying variety of waste products as well as physical buffering of climate change impacts. Globally, 1.5 - 3 billion people depend on wetlands as a source of drinking water as well as for food and livelihood security. The significance of linkages between wetlands and human development can be most explicitly experienced within Asia whose major civilizations have evolved in the river valleys and wetlands.

### **[B] Wetlands in India:**

India has a varied terrain and climate that supports a rich diversity of inland and coastal wetland habitats including Keoladeo National Park (Bharatpur, Rajasthan), which supports a large population of migratory birds every winter; Chilika (Orissa), the largest brackish water lake in India; and Wular (Jammu and Kashmir), one of the largest freshwater lakes in Asia playing a key role in hydrographic system of Kashmir. Wetlands constitute 18.4% of the country's area of which 70% are under paddy cultivation.

### **[C] Key Threats:**

Despite their immense use to human well-being, wetlands are the most threatened and rapidly degrading ecosystems globally. The biotic and abiotic threats are varied and include:

- habitat destruction and encroachments through drainage and landfill
- over-exploitation of fish resources
- discharge of waste water and industrial effluents
- uncontrolled siltation and weed infestation
- ill-effects of fertilizers and pesticides
- other such anthropogenic pressures.

Research suggests that 1/3<sup>rd</sup> of Indian wetlands have already been wiped out or severely degraded.

### **[C] MoEF Initiatives:**

The Government of India has accorded wetlands conservation a high priority and, the National Environment Policy (NEP) 2006 seeks to set up a legally enforceable regulatory mechanism for identified wetlands to prevent their degradation, enhance their conservation and wise-use by all the stakeholders.

Since 1985-86, India's National Wetlands Conservation Programme has supporting conservation activities and, is currently providing financial support to 115 wetlands. India has been a member of the Standing Committee of the Ramsar Convention as well as a part of the Supervisory Council of Wetland International (Ramsar Convention partner) on the basis of rich experience in conservation. 6,77,131 hectares of wetlands across 25 sites in India have been identified and declared Ramsar sites, and six more will be declared shortly.

### **[D] Proposed Regulatory Framework:**

In pursuance of the policy resolution, a multi-disciplinary expert group was set up in the Ministry to formulate a structure for regulatory framework for the conservation of wetlands. A draft of the Regulatory Framework is appended to this release. We invite a final round of comments from all stakeholders. Please send your feedback to the following, before June 21<sup>st</sup> 2010.



**Ministry of Environment and Forests**  
GOVERNMENT OF INDIA

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**GOVERNMENT OF INDIA**  
**MINISTRY OF ENVIRONMENT AND FORESTS**

**NOTIFICATION**

New Delhi the ..... , 2009

**G.S.R. ---WHEREAS** the wetlands, which are vital parts of the hydrological cycle, are highly productive, support exceptionally large biological diversity and provide a wide range of ecosystem services, such as food and fibre, waste assimilation, water purification, flood mitigation, erosion control, ground water recharge; microclimate regulation; enhance aesthetics of the landscape, support 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, conversion, 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 on wetlands for conserving their biodiversity and wise use, extending its scope to a wide variety of habitats, including rivers and lakes, coastal lagoons, mangroves, peatlands, coral reefs, and numerous man-made wetlands, such as ponds, farm ponds, irrigated agricultural lands, sacred grooves, salt pans reservoirs, gravel pits, sewage farms, and canals;

**AND WHEREAS** the Central Government has identified a number of wetlands for conservation and management under its conservation programme and provides



financial and technical assistance to the State Governments or Union territory Administration for various conservation activities through approval of the Management Action Plans;

**AND WHEREAS** the National Environment Policy recognises the numerous ecological services provided by wetlands and emphasizes on the need for setting up of a legally enforceable regulatory mechanism for the identified wetlands and developing of 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, 2009.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.- In these Rules unless the context otherwise requires,-**

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "wetland" means an area of marsh, fen, peat land 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 and includes all inland waters such as lakes, reservoirs, marshes, swamps, tanks, backwaters, lagoons, creeks, estuaries, man-made wetlands; the zone of influence on wetlands, i.e, the riparian floodplain areas along the rivers to the extent they are flooded naturally, a perimeter of 200 metres from the highest water line observed in the last ten years; but

*does not include main river channels, paddy fields, those coastal wetlands covered under the notification of the Government of India in the Ministry of Environment and Forests number S.O. ---- dated --- --published in the Gazette of India, Extraordinary Part-II, section 3, sub-section (ii) issued under section 3 of the Environment (Protection) Act, 1986;*



- (c) “National Park” means an area declared, whether 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, (35 of 1972);
- (d) “Wildlife Sanctuary” means an area declared as a wildlife sanctuary under the provisions of Chapter IV of the Wildlife (Protection) Act, 1972 (18 of 1972) and shall include an area deemed to be sanctuary under sub section (4) of section 66, of the said Act;
- (e) “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;
- (f) Regulatory Authority constituted under the rule (3), (4) and (5) at Central, State and District level.
- (g) “Committee” means the Central Wetlands Appraisal Committee constituted under rule 6(a), the State Wetlands Appraisal Committee constituted under rule 6(b), or the District Wetlands Appraisal Committee constituted under rule 6(c).
- (h) “person” shall include any company or association or body of individuals, whether incorporated or not.
- (i) “Chairperson” means the Chairperson of the Central Wetland Regulatory Authority, or the State Wetland Regulatory Authority or as the case may be of Central Wetlands Appraisal Committee, State Wetland Appraisal Committee or District Wetlands Appraisal Committee.
- (j) “Public Consultation” refers to the process by which the concerns of local affected persons and others who have plausible stake in the ecological and economic aspects of the site proposed to be identified under the regulatory framework, are taken into account.

## **2. Restrictions on Activities within the Wetlands.-**

- (1) The following activities within the notified wetlands shall be prohibited, namely :-
  - (i) conversion of wetlands to non-wetland use with appropriate benchmarks in time for land use;
  - (ii) reclamation of wetlands;
  - (iii) setting up of new industries and expansion of existing industries;



- (iv) manufacture or handling or storage or disposal of hazardous substances as specified in the notifications of the Government of India in the Ministry of Environment and Forests No. S.O. 594(E) dated 28<sup>th</sup> July 1989, S.O. 966 (E) dated 27<sup>th</sup> November, 1989 and GSR 1037 (E) dated 5<sup>th</sup> December, 1989;
  - (v) solid waste dumping; the existing practices, if any, shall be phased out within a reasonable time period not exceeding one year from the date of notification of the wetland under these rules;
  - (vi) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements; the existing practices, if any, shall be phased out within a reasonable time period not exceeding two years from the date of notification of the wetland under these rules;
  - (vii) any construction of permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the last ten years in the standing water bodies;
  - (viii) any other activity to be specified in writing by the regulatory authorities constituted in accordance with these rules, which may have adverse impact on the ecosystem of the wetland.
- (2)** The following activities within the notified wetlands shall not be undertaken without the prior approval of the concerned regulatory authority:
- (i) withdrawal of water, impoundment, diversion, interruption of sources carried within the natural carrying capacity of the wetland ecosystem and essential for the sustenance of local communities;
  - (ii) harvesting of living and non-living resources; grazing to the level that the basic nature and character of the biotic community is not adversely affected;
  - (iii) treated effluent discharges from industries, cities or towns, human settlements and agricultural fields falling within the limits prescribed by the Central Pollution Control Board or the State Pollution Control Committee, as the case may be.
  - (iv) plying of motorized boat, if it is not detrimental to the nature and character of the biotic community;
  - (v) dredging only if the wetland is impacted by siltation;
  - (vi) construction of boat jetties;
  - (vii) activities which interfere with the normal run-off and related ecological processes upto 200 meters as per the definition of wetland;



- (viii) facilities required for temporary use such as pontoon bridges and approach roads;
- (ix) fisheries within the carrying capacity of the wetland;
- (x) any other activity to be identified by the regulatory authorities constituted in accordance with these rules, which may have adverse impact on the wetlands.
- (3) Notwithstanding anything undefined in sub rules (1) and (2), the power to convert a wetland under category 'A' to non-wetland use shall vest with the Central Government and conversion of wetland under category 'B' shall vest with the State Government or Union territory Administration, (herein after referred to as the State Government), with the prior approval of the Central Government and the power to convert a wetland under category 'C' to non-wetland use shall vest with the State Government.
- (4) For conversion, the State Government shall ensure that a detailed Environment Impact Assessment is carried out as per the prescribed procedures and no wetland shall be converted to non-wetland use unless it is in the public interest and detailed reasons justifying the decision are recorded.
- Provided that any change in category of land use shall be in accordance with the Town and Country Planning Act 1971, or any other Act regulating such water bodies in the State or Union territory.

### **3 Categorization of wetlands-**

(1) Based on the relative significance of the functions performed by the wetlands for overall well being of the people and for determining the extent and level of regulation, wetlands shall be categorised in to the following categories, namely:-

#### **(i) Category 'A'**

The wetlands which covers one or more of the following ingredients shall be fall within the category 'A' wetlands and shall be regulated by the Central Wetlands Regulatory Authority, namely:-

(a) wetland specified in schedule-I; List of Ramsar Sites is given below:

<b>S.No.</b>	<b>Name of Wetland</b>	<b>State</b>
1	Ashtamudi Wetland	Kerala
2	Bhitarkanika Mangroves	Orissa



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3	Bhoj Wetland	Madhya Pradesh
4	Chilika Lake	Orissa
5	Deepor Beel	Assam
6	East Calcutta Wetlands	West Bengal
7	Harike Lake	Punjab
8	Kanjli	Punjab
9	Keoladeo National Park <sup>MR</sup>	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	Rajasthan
16	Sasthamkotta Lake	Kerala
17	Tsomoriri	Jammu & Kashmir
18	Vembanad-Kol Wetland	Kerala
19	Wular Lake	Jammu & Kashmir
20	Chandratal	HP
21	Renuka	HP
22	Rudrasagar	Tripura
23	Uppar Ganga	U.P.
24	Hokarsar (Hokera)	J&K
25	Surinsar & Mansar (Complex)	J&K

(b) wetland recognised as or lying within a World Heritage Site or a National Heritage Site, which refers to A **UNESCO World Heritage Site** is a specific site (such as a forest, mountain range, lake, desert, building, complex, or city) that has been nominated for the international World Heritage program administered by [UNESCO](http://www.unesco.org).



- (c) high altitude wetland at two thousand and five hundred metres or more above the mean sea level having an extent of five hectares or more;
- (d) transboundary wetland (partially falling in the territory of another country);
- (e) inter-state wetland which does not fall under categories B or C;
- (f) wetland with an area equivalent to or more than one thousand hectares in arid region, five thousand hectares in semi-arid region, ten thousand hectares in sub-humid, and one lakh hectares in humid tropic region; and
- (g) wetland which is a major source of drinking water for 'class A' cities.  
Explanation:- For the purpose of this class, "A" means a town having the population of more than one lakh.

**(ii) Category 'B'**

The wetlands which covers one or more of the following ingredients shall be within the category 'A' wetlands and shall be regulated by the State Wetlands Regulatory Authority, namely :-

- (a) Wetland recognised as, or lying within, a State Heritage Site;
- (b) Wetland with an area of twenty five hectares but below one thousand hectares in arid region, one hundred hectares but below five thousand hectares in semi-arid region, five hundred hectares but below ten thousand hectares in sub-humid; and two thousand and five hundred hectares but below one lakh in humid tropic region;
- (c) High altitude wetland at two thousand and five hundred metres or more above mean sea level having an extent of less than five hectares;
- (d) Wetland which is a major source of drinking water for a 'Class B' town

Explanation:- For the purpose of this clause, "B town" means a town having the population between fifty thousand to one lakh.

**(iii)Category 'C'**

The wetlands which covers one or more of the following ingredients shall be within the category 'C' wetlands and shall be regulated by the District Wetland Regulatory Authority, namely :-

- (a) wetlands other than those covered under categories 'A' and 'B';
- (b) wetland with an area of less than twenty five hectares in arid region, less than one hundred hectares in semi-arid region, less than five hundred hectares in sub-humid and less than two thousand and five hundred hectares in humid tropic region;



- (c) wetland which is a major source of drinking water for local communities involving at least one hundred households; and
- (d) wetland which is socially, and, or, culturally important to the local communities.

(2) In case of any conflict on the issue of justification of a wetland based upon criteria specified under rule (1), the State Wetland Regulatory Authority shall form an opinion in respect of the issue taking into account the additional criteria on ecological significance of the wetland, and the refer the same for decision to the Central Government.

### **3 Constitution of Central Wetlands Regulatory Authority**

- (1) The Central Wetlands Regulatory Authority shall consist of the following Chairpersons and members, namely:-
- (a) Secretary, Ministry of Environment and Forests, Government of India – Chairperson;
  - (b) Representative (not below the rank of Joint Secretary) from Ministry of Tourism, Government of India – Member ex officio;
  - (c) Representative (not below the rank of Joint Secretary) from Ministry of Water Resources, Government of India – Member ex officio;
  - (d) Representative (not below the rank of Joint Secretary) from Ministry of Agriculture, Government of India – Member ex officio;
  - (e) Representative (not below the rank of Joint Secretary) from Ministry of Social Justice, Government of India – Member ex officio;
  - (f) Chairman or his nominee, Central Pollution Control Board, – Member ex officio;
  - (g) Joint Secretary, in the Ministry of Environment and Forests, Government of India, - member;
  - (h) Expert in the field of Marine Biology non official member
  - (i) Expert Limnology non official member
  - (j) Expert Ornithology non official member



- (k) Expert wetland management non official member
  - (l) Expert Ecology non official member
  - (m) Expert Hydrology non official member
  - (n) Expert Environmental Education non official members
  - (o) Director, Wetland Member Secretary;
- (2) All the non official member will be nominated by Ministry of Environment and Forests as and when required by issuing a notification.
  - (3) The tenure of the Central Wetlands Regulatory Authority shall be three years with effect from the date of publication of this notification in the official Gazette.
  - (4) The Central Wetlands Regulatory Authority shall exercise the following powers and perform the following functions, namely:-
    - (i) grant of clearances for permissible activities in the wetlands within their respective jurisdictions;
    - (ii) exercise regulatory functions;
    - (iii) determine the zone of influence of the wetlands;
    - (iv) issue broad guidelines for compliance by the State Governments.
  - (5) Based on the recommendations of the Central Wetlands, Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee, the Central Wetland regulatory authority shall decide the inclusion of the wetlands to be governed under these rules along with the details of prohibited and permissible activities.
  - (6) The Central Wetlands Regulatory Authority, shall approve the guidelines drafted by the Central Wetlands, Appraisal Committee, prescribing the threshold levels for activities to be regulated and the mode and methodology for undertaking these activities.

#### **4. Constitution of State Wetlands Regulatory Authority**

- (1) The State Wetlands Regulatory Authority shall consist of the following Chairpersons and members, namely:-
  - (a) Chief Secretary, Department of Environment and Forests, State Government - Chairperson;



- (b) Secretary, Tourism, State Government – Member ex officio;
  - (c) Secretary, Water Resources, State Government – Member ex officio;
  - (d) Secretary, Agriculture, State Government – Member ex officio;
  - (e) Secretary, Social Justice, State Government – Member ex officio;
  - (f) Secretary, Fisheries, State Government – Member ex officio;
  - (g) Expert in the field of Marine Biology non official member
  - (h) Expert Limnology non official member
  - (i) Expert Ornithology non official member
  - (j) Expert wetland management non official member
  - (k) Expert Ecology non official member
  - (l) Expert Hydrology non official member
  - (m) Expert Environmental Education non official members
  - (n) Representative from Non Governmental Organizations
  - (o) Director, Department of Environment and Forests or Nodal Department  
Member Secretary ex officio;
- (2) All the non official member will be nominated by the State Wetland Regulatory Authority as and when required by issuing a notification.
  - (3) The expanses of the State Wetlands Regulatory Authority for discharging of its function shall be met by the State Government
  - (4) The tenure of the State Wetlands Regulatory Authority shall be three years with effect from the date of publication of this notification in the official Gazette.
  - (5) The State Wetlands Regulatory Authority shall exercise the following powers and perform the following functions, namely:-



- (i) grant of clearances for permissible activities in the wetlands within their respective jurisdictions;
  - (ii) exercise regulatory functions;
  - (iii) determine the zone of influence of the wetlands;
  - (iv) issue broad guidelines for compliance by the State Governments.
- (6) Based on the recommendations of the Central Wetlands, Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee, the regulatory authorities shall decide the inclusion of the wetlands to be governed by these Rules along with the details of prohibited and permissible activities.
- (7) The State Wetlands Regulatory Authority shall approve the guidelines drafted by the State Wetlands Appraisal Committee, prescribing the threshold levels for activities to be regulated and the mode and methodology for undertaking these activities.

## **5. Constitution of District Wetlands Regulatory Authority**

- (1) The District Wetlands Regulatory Authority shall consist of the following Chairpersons and members, namely:-
  - (a) District Magistrate, - Chairperson ex officio;
  - (b) District Forest Officer, Member ex officio;
  - (c) Director or his representative Department of Agriculture, Member ex officio;
  - (d) Director or his representative Department of Water Resource, Member ex officio;
  - (e) Director or his representative Department of Social Welfare, Member ex officio;
  - (f) Two representative from village panchayats (on rotational basis)
  - (g) Two representatives from Non Governmental Organizations /Stakeholder non official.



- (h) Eminent Personal Member Secretary ex officio;
- (2) All the non official member will be nominated by the District Magistrate as and when required by issuing a notification with the approval of Chairperson of the State Wetland Regulatory Authority.
- (3) All expenses of the District Wetlands Regulatory Authority for discharging of its function shall be met by the District Authority.
- (4) The tenure of the District Wetlands Regulatory Authority shall be three years with effect from the date of publication of this notification in the official Gazette.
- (5) The District Wetlands Regulatory Authority shall exercise the following powers and perform the following functions, namely:-
- (i) grant of clearances for permissible activities in the wetlands within their respective jurisdictions;
  - (ii) exercise regulatory functions;
  - (iii) determine the zone of influence of the wetlands;
  - (iv) Central Wetlands Regulatory Authority shall issue broad guidelines for compliance by the State Governments.
  - (v) Based on the recommendations of the Central Wetlands, Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee, the regulatory authorities shall decide the inclusion of the wetlands to be governed by these Rules along with the details of prohibited and permissible activities.
  - (vi) The District Wetlands Regulatory Authority shall approve the guidelines drafted by the District Wetlands Appraisal Committee, prescribing the threshold levels for activities to be regulated and the mode and methodology for undertaking these activities.

## **6 Appraisal Committees**

- (1) (a) The Central Government shall constitute a Central Wetlands Appraisal Committee at the Central Government level for category 'A' wetlands as per composition given below:
- A chairperson, who shall be an outstanding expert in the field of policy formulation, environmental management or public administration, having national or international recognition and having adequate knowledge and



experience in wetland and lake conservation and other related issues, to be nominated by the Central Government for Central Wetlands Appraisal Committee.

- The chairperson shall nominate one of the members as the vice-chairperson who shall preside over the Committee meetings in the absence of the chairperson.
  - An officer dealing with wetlands conservation programme in the Ministry of Environment and Forests shall be the member-secretary of the Central Wetlands, Appraisal Committee.
  - The total number of members shall not exceed twelve including the chairperson and the member-secretary for Central Wetlands, Appraisal Committee
- (b) The State Wetlands Appraisal Committee shall be constituted by State Government for category 'B' as per composition given as below:
- A chairperson, who shall be an outstanding expert in the field of policy formulation, environmental management or public administration, having national or international recognition and having adequate knowledge and experience in wetland and lake conservation and other related issues, to be nominated by the State Government for State Wetlands Appraisal Committee
  - The chairperson shall nominate one of the members as the vice-chairperson who shall preside over the Committee meetings in the absence of the chairperson.
  - An officer dealing with wetlands conservation programme at the State level, the member-secretary shall be a serving officer of the concerned Department of Environment/Forests and Wildlife.
  - The total number of members shall not exceed twelve including the chairperson and the member-secretary State Wetlands Appraisal Committee
- (c) District Wetlands Appraisal Committee shall be constituted by the District Magistrate as per the eligibility criteria given below:
- A chairperson, of District Wetlands Appraisal Committee will be District Magistrate



- The chairperson shall nominate one of the members as the vice-chairperson who shall preside over the Committee meetings in the absence of the chairperson.
  - An officer dealing with wetlands conservation programme at the District level, the member-secretary shall be the serving officer nominated by the District Magistrate.
  - The total number of members shall not exceed nine members for District Wetlands Appraisal Committee DWAC which shall include four experts and three elected people's representatives, one from Zila Parishad, and one each by rotation from the village and block samities
- (d) The term of office of the Central Wetlands Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee shall be three years.
- (2) The terms and conditions of appointment including payment of honorarium, etc., of the chairperson and non-official members shall be as per norms of the Government of India, for the Central Wetlands, Appraisal Committee and the State Government for the State Wetlands Appraisal Committee and District Wetlands Appraisal Committee, issued from time to time for such committees.
- (3) The Ministry of Environment and Forests shall provide secretariat assistance to the Central Wetlands Appraisal Committee and the State Department of Environment or Forests and Wildlife shall act as secretariat for the State Wetlands Appraisal Committee. The District Magistrate shall designate one department as nodal department for providing secretarial assistance to the District Wetlands Appraisal Committee.

## **7 Functions of the Central, State and District Wetlands Appraisal Committees:-**

### **(a) Central Wetlands Appraisal Committee:-**

- (1) The Central Wetlands Appraisal Committee shall appraise proposals for identification of new wetlands, projects or activities provided in sub-rule (2) of Rule 4 for category 'A'
- (2) The Central Wetlands Appraisal Committee shall make categorical recommendations to the regulatory authority concerned, either for allowing the activities with stipulated terms and conditions or rejection of the proposal together with reasons for the same.



- (3) In addition to the above, the Central Wetlands shall render necessary advice with respect to other functions of the concerned regulatory authority, as and when required.

**(b) State Wetlands Appraisal Committee:-**

- (1) The State Wetlands Appraisal Committee shall appraise proposals for identification of new wetlands, projects or activities provided in sub-rule (2) of Rule 4 for category 'B'
- (2) The State Wetlands Appraisal Committee shall make categorical recommendations to the regulatory authority concerned, either for allowing the activities with stipulated terms and conditions or rejection of the proposal together with reasons for the same.
- (3) In addition to the above, the State Wetlands Appraisal Committee shall render necessary advice with respect to other functions of the concerned regulatory authority, as and when required.

**(c) District Wetlands Appraisal Committee:-**

- (1) The District Wetlands Appraisal Committee shall appraise proposals for identification of new wetlands, projects or activities provided in sub-rule (2) of Rule 4 for category 'A' and 'B' and District Wetlands Appraisal Committee for category 'C'.
- (2) The Central Wetlands Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee, shall make categorical recommendations to the regulatory authority concerned, either for allowing the activities with stipulated terms and conditions or rejection of the proposal together with reasons for the same.
- (3) In addition to the above, District Wetlands Appraisal Committee shall render necessary advice with respect to other functions of the concerned regulatory authority, as and when required.



The proposals for identification of wetlands under various categories shall be initiated by the Central Government or State Government or District Authorities, as the case may be and the following categories of proponents may also initiate proposal for identification of a particular wetland:

- (a) A Central or State or Local Public Organization
- (b) A recognized University or Research Institution
- (c) A recognized Community Based Organization
- (d) A registered Industrial Association
- (e) NGO having office in a district in which the wetland is located

## **9 Process for identification and notification of wetlands under different categories.-**

- (1) For identification of a wetland, the State Government, for wetlands under categories 'A' and 'B' and the District Magistrate, for wetlands under category 'C', shall take cognizance of proposals received from the proponents within sixty days from the date of receipt and the proposal shall include :-
  - (a) broad geographic delineation of the wetland;
  - (b) its zone of influence along with a map (not necessarily to the scale);
  - (c) the size of the wetland;
  - (d) threats to the wetland;
  - (e) activities needing regulation;
  - (f) account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland; etc.
- (2) The proposals received shall be referred to a Research Institute/University having relevant multi-disciplinary expertise related to wetlands, identified by the State Government, to conduct survey of the wetland, if not already surveyed and it shall prepare a preliminary document which shall have information with respect to all the criteria earmarked in rule 5 of the rules.
- (3) The proposals as mentioned in the preliminary document prepared by the professional body shall be referred to the district authorities for conducting public consultation and the district authorities after completion of the public consultations as detailed in **Appendix II**, shall submit report to the State Government within one hundred twenty days of the receipt of such request.
- (4) Research Institute/University shall prepare a 'Comprehensive Document' using the information obtained as per sub-rules (1), (2) and (3) above, based on the terms of reference for identification of wetlands as prescribed by the Central Government.



- (5) The appraisal of the proposals, as contained in the comprehensive document, for identification of a wetland or allowing activities provided in sub-rule (2) of Rule 4 shall be completed by State Wetlands Appraisal Committee and District Wetlands Appraisal Committee concerned within 90 days from the date of receipt of the proposal complete in all respects referred to by the State Government or District Magistrate, as the case may be.
- (6) For wetlands under category 'A', the proposals so appraised by the State Wetlands Appraisal Committee shall be referred to the Central Wetlands, Appraisal Committee, along with its recommendations and for wetlands under category 'B' and 'C', the proposals shall be referred by the State Wetlands Appraisal Committee to State Wetlands Regulatory Authority and District Wetlands Appraisal Committee, to the District Magistrate, respectively. Central Wetlands, Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee shall appraise the proposal and submit its recommendations to the regulatory authorities within ninety days of the date of receipt.
- (7) The Central Wetlands Regulatory Authority in the case of the wetlands under category 'A', State Wetlands Regulatory Authority in case of wetlands under category 'B' and the District Magistrate in case of the wetlands under category 'C' shall communicate their decisions on the proposals submitted, within a reasonable period not exceeding six months from the date of receipt of the proposal from the respective Appraisal Committees.
- (8) The comprehensive document for the wetlands already identified under the existing schemes or programmes of the Government, for which information as per the criteria given in rule 5 of these rules, is available, may be got prepared by the State Wetlands Regulatory Authority or District Wetlands Regulatory Authority through the professional body following the procedures as mentioned in sub-rule (3) above, and submitted to the respective authorities for decision.
- (9) The final notification shall be displayed in public places in English as well as vernacular languages.

#### **10 Overlapping Legal Provisions.-**

- (1) The wetlands lying within the protected areas of National Parks and Wildlife Sanctuaries shall be regulated under the provisions of Wildlife (Protection) Act, 1972.
- (2) The wetlands lying within the notified forest areas shall be regulated by the provisions of the Indian Forest Act, 1927, Forest (Conservation) Act, 1980; and Environment (Protection) Act, 1986.
- (3) While the gaps, 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 the Environment (Protection) Act, 1986.
- (4) The wetlands situated outside the protected or notified forest areas shall be regulated by the relevant provisions of the Environment (Protection) Act, 1986.



**11 Enforcement of regulated activities.-**

(1) In view of the multi-disciplinary character of the wetlands, the Central Wetlands Appraisal Committee, State Wetlands Appraisal Committee and District Wetlands Appraisal Committee shall be identified with reference to the activities to be regulated as given below:

- (a) The identified activities for management and wise use of wetlands situated within the forest and protected areas shall be enforced by the forest department.
- (b) The identified activities for management and wise use of wetlands situated outside the forests for category 'A' and / category 'B' wetlands shall be enforced by the Department or Agencies dealing with the particular activity in the region as assigned by the State Government and the identified activities for wetlands under category 'C' will be enforced by the agency as assigned by the District Magistrate.

**12. Appeals against the Decisions of the Regulatory Authorities.-**

The appeals against the decisions of the regulatory authorities shall lie with the Appellate Authority at the Central level and Environment Tribunals at the State or District level.

**13. Obligations of the Enforcement Agency.-**

It shall be incumbent on the part of the Central Wetlands Appraisal Committee or State Wetlands Appraisal Committee or District Wetlands Appraisal Committee to submit an Annual Compliance Report of the enforcement functions performed in respect of the regulated activities in the identified wetlands to the concerned Regulatory Authorities.

**14 Monitoring Mechanism.-**

State Wetlands Regulatory Authority shall be responsible for monitoring the compliance of provisions of these rules for wetlands falling under category 'A' and category 'B' and District Magistrate for wetlands under category 'C'.

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## **Guidelines for selection of professionals/experts for being members of Regulatory Authorities/ Appraisal Committees**

The professionals and experts fulfilling the following eligibility criteria shall be selected for being members of the Regulatory Authorities/ Appraisal Committees.

- i. The members shall be below 70 years of age. However, in the event of non-availability of or paucity of experts in a given field, the maximum age of a member may be allowed upto 72 years. A member/chairperson can be nominated for a second term.
- ii. The members shall be experts with requisite expertise and experience of at least 15 years in the field/discipline of Aquatic Biology, Ecology, Hydrology, Limnology, Forestry, Soil Chemistry, Watershed Management (including ground water management), Sociology, Economics, Law and Public Administration.



## **APPENDIX II**

### **PROCEDURE FOR CONDUCT OF PUBLIC CONSULTATION**

- (1) Public consultation shall be arranged in a time bound and transparent manner ensuring widest possible participation in close proximity of the wetland proposed to be identified for regulation.
- (2) The public consultation shall ordinarily have two components comprising of:
  - (a) A public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed for ascertaining concerns of local affected persons;
  - (b) Obtain responses in writing from other stakeholders having a plausible stake in the environmental and economic aspects of the proposal.
- (3) In case the project/activity site is extending beyond a State or a Union Territory, the public hearing is mandated in each State or the Union Territory in which the project/activity is situated and separate reference shall be made to the district authorities concerned for holding the public consultation.
- (4) The concerned District Magistrate shall finalise the date, time and venue of the public consultation within a reasonable period from the receipt of the proposal not exceeding 30 days. An advertisement in one national daily and one vernacular daily shall be published by the concerned regulatory authority inviting objections from plausible stake holders.
- (5) In the event of cancellation of the public consultation due to unavoidable circumstances, fresh date, time and venue shall be announced as per the procedures laid.
- (6) The summary of the public consultation reflecting the views and concerns expressed shall be recorded by the representative of the concerned agency undertaking the public consultation and read over to the audience at the end of the proceedings and the agreed minutes shall be signed and forwarded to the concerned regulatory authority.



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- (7) The public consultation shall be completed within 120 days from the date of receipt of request.