

# Regulatory Framework for Wetlands Conservation

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# Introduction

- The wetlands, which are vital parts of the ***hydrological cycle***, 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; groundwater recharge; microclimate regulation; ***enhance aesthetics*** of the landscape; support many significant recreational, social and cultural activities, besides being a part of our ***cultural heritage***.

# Introduction

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

# Introduction

India is a signatory to the Ramsar Convention for management of wetland, 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 human-made wetland, such as fish and shrimp ponds, farm ponds, irrigated agricultural land, salt pans reservoirs, gravel pits, sewage farms, and canals

# Introduction

MoEF has identified a number of wetlands for conservation and management under the National [\*\*Wetland Conservation Programme\*\*](#) and some financial assistance is being provided to State Governments for various conservation activities through approval of the Management Action Plans

# Introduction

The **National Environment Policy (NEP)** recognizes 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

Therefore, in exercise of the powers conferred by Section 25 read along with sub-section (1) and clause (v) of sub-section (2) 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

# **Wetlands (Conservation and Management) Rules, 2008**

## **4. Restriction on Activities within Wetlands-**

### **(1) Prohibited Activities**

- Conversion of wetland to non-wetland use.
- Reclamation of wetlands
- Solid waste dumping and discharge of untreated effluents.
- Any other activity to be specified in writing, which according to the Committee constituted in accordance with section 9,10 and 11 of these Rules, may have adverse impact on the ecosystem of the wetland.

# **Wetlands (Conservation and Management) Rules, 2008**

## **(2) Regulated activities**

- Withdrawal of water/impoundment /diversion/interruption of sources
- Harvesting (including grazing) of living/non-living resources (may be permitted to the level that the basic nature and character of the biotic community is not adversely affected.)
- Treated effluent discharges – industrial / domestic/agro-chemical.
- Plying of motorized boats
- Dredging (need for dredging may be considered, on merit on case to case basis, only in cases of wetlands impacted by siltation)

# **Wetlands (Conservation and Management) Rules, 2008**

- Constructions of permanent nature within 50 m of periphery except boat jetties.
- Activity which interferes with the normal run-off and related ecological processes – upto 200 m (*Facilities required for temporary use such as pontoon bridges and approach roads, will be exempted.*)
- Any other activity to be specified in writing which according to the Committee constituted in accordance with section 9,10 and 11 of these Rules, may have adverse impact on the ecosystem of the wetland.

# **Wetlands (Conservation and Management) Rules, 2008**

- *Any of the regulated activities mentioned in 4(2) shall be undertaken only after a proposal for the activities is cleared by the concerned Regulatory Authority after going through the environment impact assessment procedure.*

# **Wetlands (Conservation and Management) Rules, 2008**

*Notwithstanding the provisions above under Rule 4 (1) & (2), any intervention intended for the restoration and/or enhancement of the functions and values of the wetland, in deviation of the prescriptions of the management action plan shall be allowed only with the prior permission of the EAC (for Category 'A'), SEIAA (for category 'B') and DWCC(for category 'C') is obtained.*

**Expert Appraisal Committee (EAC); State Environment Impact Assessment Authority (SEIAA); District Wetland Conservation Committee (DWCC).**

# **Wetlands (Conservation and Management) Rules, 2008**

*Further notwithstanding the provisions above under Rules 4 (1) & (2), the power to convert a wetland under Category 'A' to non-wetland use shall vest with the Central Government, conversion of wetland under category 'B' shall vest with the State Government after seeking prior approval of the Central Government and for conversion of wetland under category 'C' shall vest with the District Magistrate after seeking prior approval of the State Government.*

# **Wetlands (Conservation and Management) Rules, 2008**

*No wetland will be converted to non wetland use unless it is in public interest and detailed reasons are mentioned. Provided further any change in category of land use shall be in accordance with the Town and Country Planning Acts, of the respective States/UTs.*

## **Penal provisions:**

Whoever fails to comply with or contravenes any of the provisions of these Rules or order issued there under, shall be liable for action under the provisions of the Environment (Protection) Act, 1986

# Categories of wetlands for Regulation

## i) Category 'A'

Wetlands shall be categorised under this category based upon all or any one of the following criteria:

- a) Wetlands listed under the Ramsar Convention
- b) Wetlands recognized as or lying within a world heritage site or a national heritage site
- c) Transboundary wetlands
- d) Inter-state wetlands which do not fall under category B or C;
- e) Wetlands with an area equivalent to or more than 1000 ha in arid regions, 5000 ha in semi-arid regions, 10,000 ha in sub-humid and 1,00,000 ha in humid tropic regions; and
- f) Wetland which is a major source of drinking water for 'Class A' cities.

# **Categories of wetlands for Regulation**

## **ii) Category 'B'**

**Wetlands shall be identified & categorised under this category based upon all or any of the following criteria:**

- a) Wetlands recognized as, or lying within, a state heritage site;**
- b) Wetlands with an area of 25 ha but below 1000 ha in arid regions, 100 ha but below 5000 ha in semi-arid regions, 500 ha but below 10,000 ha in sub-humid; and 2,500 ha but below 1,00,000 in humid tropic regions;**
- c) High altitude wetland at 2,500 metres or more above mean sea level; and**
- d) Wetland which is a major source of drinking water for 'Class B' towns.**

# **Categories of wetlands for Regulation**

## **iii) Category 'C'**

**Wetlands shall be identified & categorised under this category based upon all or any of the following criteria:**

- a) Wetlands other than those covered under category A and B;**
- b) Wetland with an area less than 25 ha in arid regions, less than 100 ha in semi-arid region, less than 500 ha in sub-humid and less than 2,500 ha in humid tropic regions;**
- c) Wetland which is a major source of drinking water for local communities involving at least 100 households; and**
- d) Wetland which is socially and/or culturally important to the local communities.**

# **Constitution and Composition of Central/State/District Regulatory Authorities**

**Central Wetlands Conservation Committee (CWCC)**

**State Wetlands Conservation Committee (SWCC)**

**District Wetlands Conservation Committee (DWCC)**

# **Effect of overlapping Legal Provisions**

- 1) A given wetland shall be regulated by one identified agency only.**
- 2) Wetlands lying within the protected area of National Parks and Wildlife Sanctuaries shall be regulated under the Wildlife Protection Act, 1972.**
- 3) Wetlands lying within the notified forest areas shall be regulated by the Indian Forest Act, 1927 and the Forest Conservation Act, 1980; and the relevant provisions of the Environment (Protection) Act, 1986 after the issuance of this notification under the Section 3(3).**
- 4) The Wetlands outside protected or notified forest areas shall be regulated by the relevant provisions of the Environment (Protection) Act, 1986 after the issuance of this notification under the Section 3(3).**
- 5) While the shortfalls, if any, under the Indian Forest Act, 1927; Wildlife Protection Act, 1972; and the Forest Conservation Act, 1980 may be plugged by invoking provisions of Environment (Protection) Act, 1986, the converse shall not be invoked. i.e. a wetland in protected or notified forests area shall be regulated both by Indian Forest Act, 1927; Wildlife Protection Act, 1972; and the Forest Conservation Act, 1980 as the case may be, and Environment (Protection) Act, 1986; however a wetland outside protected or notified forest area shall be regulated only under Environment (Protection) Act, 1986.**

# Enforcement of regulated activities

The precise enforcement agency shall be identified with reference to the activities to be regulated and the enforcement agencies shall vary from wetland to wetland as given below:

- (a) The identified activities for management and wise use of wetlands within forest and protected areas shall be enforced by the **forest officers concerned**.
- (b) The identified activities for management and wise use of wetlands outside the forest shall be enforced by the Department/ Institutions/Agencies dealing with the particular activity in the region which may include:
  - i) **Local urban and rural body** for the activities regarding conversion of wetlands to non-wetlands use, and reclamation and dredging;
  - ii) **Department of Revenue** for the activities like withdrawal or impoundment or diversion of water; and harvesting and grazing of living or non-living resources;
  - iii) **State Pollution Control Board** for activities such as. solid waste dumping, and effluent discharges;
  - iv) **Agency** maintaining the wetland for eco-tourism for plying of motorized boats;

# **Public Consultation**

- 1) Public consultation shall be undertaken before a Management Action Plan for an identified wetland is prepared and/or finalised.**
- 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 in for ascertaining concerns of local affected persons;**
  - (b) Obtain responses in writing from other concerned persons having a plausible stake in the environmental and economic aspects of the proposal.**

## **Extent of Powers of Monitoring Committee**

- 1) The powers of the Committee shall depend upon the extent and nature of activities to be regulated as per Notification of Regulatory framework for wetlands.
- 2) The general framework of powers, however, shall be derived from the Environment Protection Act, 1986.

# **Process for Regulatory frame work of Wetlands**

- 1) Committee makes list of potentially regulated wetlands.**
- 2) The process shall begin with the submission of preliminary document by the proponents to CWCC, SWCC and DWCC.**
- 3) The document shall be reviewed by concerned regulatory committees, viz., CWCC, SWCC and DWCC. These authorities shall also undertake preparation of detailed TOR for the document.**
- 4) The professional body prepare the detailed document for the CWCC and send it to SWCC for their views.**

# Power to make rules

- 1) The powers of the Committee shall depend upon the extent and nature of activities to be regulated as per Notification of Regulatory frame work for wetlands.
- 2) The general framework of powers, however, shall be derived from the Environment Protection Act, 1986.
- 3) The provisions of the National Environment Policy, 2006 shall provide guidance on the powers of the said Regulatory Committees.





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