

# Guidelines for Implementing Wetlands (Conservation and Management) Rules, 2017

August 3, 2020

- Recently the Ministry of Environment, Forest and Climate Change (MoEF&CC) has notified Wetlands (Conservation and Management) Rules, 2017 under the provisions of the Environment (Protection) Act, 1986 as a regulatory framework for conservation and management of wetlands in India.

## What is a wetland?

- A wetland is a land area that is saturated with water, either permanently or seasonally, and it takes on the characteristics of a distinct ecosystem.

## Applicability of the rules

- The provisions of **Wetlands Rules apply to:**
- Wetlands designated by the Government of India to the List of **Wetlands of International Importance under the provisions of the Convention on Wetlands (Ramsar Convention)**.
- **Wetlands notified under the rules by the Central Government, State Government and UT Administration.**
- All wetlands, irrespective of their location, size, ownership, biodiversity, or ecosystem services values, can be notified under the Wetlands Rules, **except:**
  - River channels
  - Paddy fields
  - Human-made water bodies specifically constructed for drinking water purposes
  - Human-made water bodies specifically constructed

- for aquaculture purposes
- Human-made water bodies specifically constructed for salt production purposes
- Human-made water bodies specifically constructed for recreation purposes
- Human-made water bodies specifically constructed for irrigation purposes
- Wetlands falling within areas covered under the Indian Forest Act, 1927; Forest (Conservation) Act, 1980; State Forest Acts
- Wetlands falling within areas covered under the Wildlife (Protection) Act, 1972
- Wetlands falling within areas covered under the Coastal Regulation Zone Notification, 2011
- **Human-made wetlands are defined as** wetlands that are planned, designed and operated to meet a specific purpose (such as providing water for irrigation, producing fish through culture operations, producing salt, recreation, preventing salinity intrusion, flood control etc.).

### **Wetland Authorities**

- As per Rule 5 of Wetlands Rules, 2017 the Wetlands Authorities within States and UTs are deemed as constituted with the following members:
- Minister In-charge of the Department of Environment/Forests of the State Government or Minister In charge of the Department handling wetlands – Chairperson;(Administrator or Chief Secretary of the UT – Chairperson in the case of UT)
- Chief Secretary of the State or Additional Chief Secretary equivalent – Vice-Chairperson
- It has around 13 Ex-officio members, one expert and one Member secretary

### **Powers and functions of the authority**

- The Authority shall exercise the following powers and perform the following functions:
- **Prepare a list of all wetlands** of the State or UT within three months from the date of publication of these rules
- Prepare a list of wetlands to be notified, within six months from the date of publication of these Rules, taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts
- **Recommend identified wetlands**, based on their Brief Documents, **for regulation under these rules**
- Prepare a comprehensive **digital inventory of all wetlands** within one year from the date of publication of these rules and upload the same on a **dedicated web portal**, to be developed by the Central Government for the said purpose; the inventory ought to be updated every ten years
- Develop a **comprehensive list of activities, to be regulated and permitted** within the notified wetlands and their zone of influence
- Recommend additions, if any, to the list of prohibited activities for specific wetlands
- **Define strategies for conservation and wise use of wetlands** within their jurisdiction
- **Review Integrated Management Plan** for each of the notified wetlands (including transboundary wetlands in coordination with Central Government), and within these plans to consider continuation and support to traditional uses of wetlands that are harmonized with ecological character
- **Recommend mechanisms for maintenance of ecological character** through promotional activities for land within the boundary of notified wetlands or wetlands complex have private tenancy rights
- Identify **mechanisms for convergence of implementation of the management plan** with the existing State/UT level development plans and programmes
- **Ensure enforcement of these rules and other relevant**

**Acts, rules and regulations and on a half-yearly basis (June and December of each calendar year)** inform the concerned State Government or UT Administration or Central Government on the status of such notified wetlands through a reporting mechanism

- **Coordinate implementation of Integrated Management Plans** based on the wise use principle through various line departments and other concerned agencies
- Function as **nodal authority for all wetland-specific authorities** within the State or UT Administration
- Issue necessary directions for the conservation and sustainable management of wetlands to the respective implementing agencies.
- Undertake measures for enhancing **awareness within stakeholders and local communities** on values and functions of wetlands; and
- Advise on any other matter **suo-motu**, or as referred by the State Government/UT Administration.

### **Prohibited activities in a notified wetland**

**The following activities are prohibited within notified wetlands:**

- Conversion for non-wetland uses including **encroachment** of any kind
- **Setting up of any industry** and expansion of existing industries
- **Manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016;** hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms/Genetically Engineered Organisms or Cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008;

electronic waste covered under the E-Waste (Management) Rules, 2016

- **Solid waste** dumping
- Discharge of **untreated wastes and effluents from industries**, cities, towns, villages and other human settlements
- Any **construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level** observed in the past ten years calculated from the date of commencement of these rules; and poaching