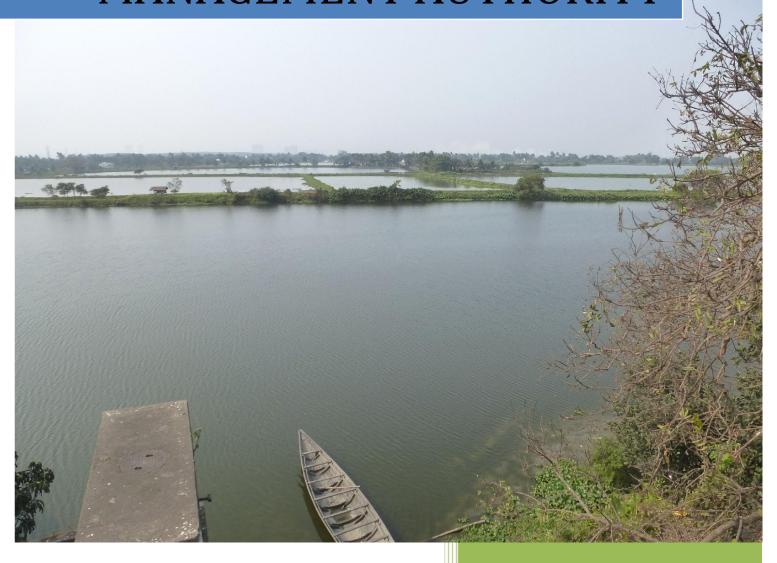
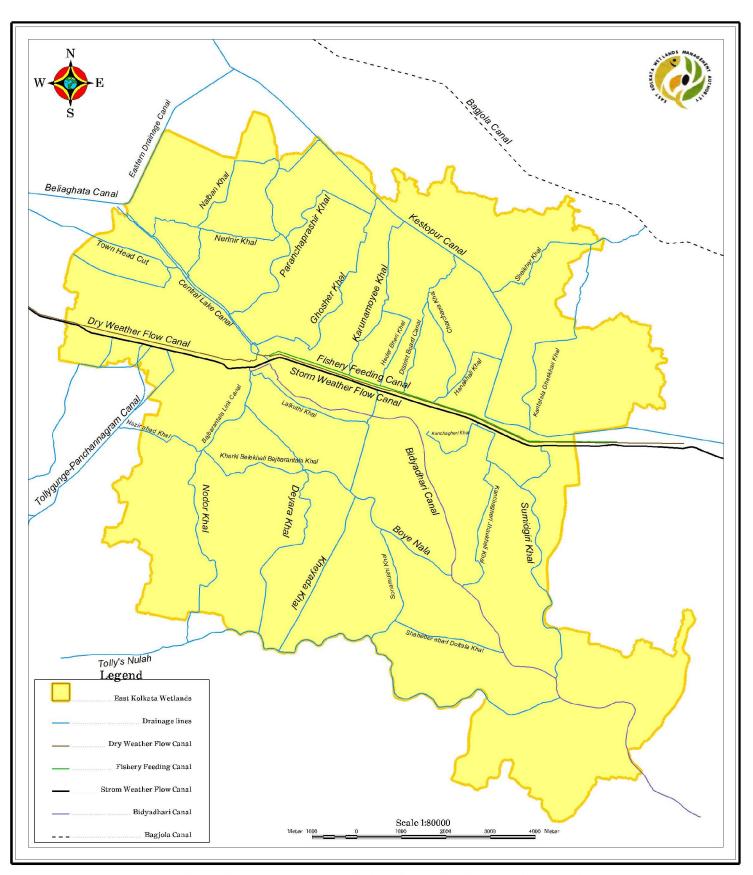


Annual Report 2017-18

EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY





Drainage network in and around the East Kolkata Wetlands



EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY

Annual Report 2017-18

Department of Environment Government of West Bengal 2018



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FRONT COVER AND BACK COVER

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1

The East Kolkata Wetlands

A large number of sewage fed water bodies located in the eastern part of Kolkata and extended across the districts of North 24 Parganas and South 24 Parganas are renowned as the East Kolkata Wetlands (EKW). The practice of sewage fed pisciculture makes the EKW famous as natural waste-recycling region. Besides water bodies, there are some agricultural area, productive farming area and urban/rural settlement area also. The main livelihood of this EKW is pisciculture, agriculture, garbage farming, and garbage scavenging. This multifunctional wetland ecosystem consists of an area of about 12500 hectares.

Before 1930, the main source of water for pisciculture was tidal water of Bidyadhari river. With the silting up of the river Bidyadhari, the entire area became a derelict marsh. There was a desperate need for an alternate source of water for thriving the pisciculture in the wetlands. Since Kolkata is sloped towards east, the city sewage was introduced through drainage system. Gradually with diversion of city sewage and with silting up of the river, the character of the wetlands have changed into sewage fed wetlands. With innovative enterprise of local people utilizes the city sewerage rear fishes and produces a considerable portion of fishes for the city.

The sewerage goes to the wetland gets purified with the help of solar energy and creates food for the fishes by the growth of planktons. Thus, the EKW recycles sewage water for efficient nutrient recovery, provides fresh fish to the market of Kolkata and employs thousands of rural people. This wise use has earned its recognition as a Ramsar site in the year 2002.



The East Kolkata Wetlands Management Authority

The East Kolkata Wetlands Management Authority has been constituted under section 3 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 for conservation and management of the EKW and for matters connected therewith and incidental thereto.

2.1 Composition of the EKWMA

The East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017 was notified by the State Government vide no. 304-L dated 17.03.2017 where the East Kolkata Wetlands Management Authority (EKWMA) was reconstituted. According to the Section 2(2) of the East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017 the EKWMA is consisting of the following members:-

(i)	Minister-in-Charge, Department of Environment, Government of West Bengal	Chairperson
(ii)	Chief Secretary to the Government of West Bengal (GoWB)	Member
(iii)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Environment, GoWB	Member Secretary
(iv)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Land and Land Reforms and Refugee Relief and Rehabilitation, GoWB	Member
(v)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Fisheries, GoWB	Member
(vi)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Forests, GoWB	Member
(vii)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Panchayats and Rural Development, GoWB	Member
(viii)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Irrigation and Waterways, GoWB	Member
(ix)	Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Tourism Department	Member
(x)	Four experts nominated by the State Government, each in the areas of wetland ecology, hydrology, fisheries and socio-economics.	Members



The East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017 is at **Annexure I**.

The Department of Environment, Govt. of West Bengal vide its notification no. EN/1199/EKW-05/2016 (Pt-1) dated 12.06.2017 nominated the following four Experts Members in exercise of section 2(2)(x) of the East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017:-

1.	Expert Member in the area of wetland ecology	Dr. Dhrubajyoti Ghosh
2.	Expert Member in the area of hydrology	Dr. Kalyan Rudra
3.	Expert Member in the area of fisheries	Managing Director, WBSFDC
4.	Expert Member in the area of socio economics	Smt. Baisakhi Banerjee

Copy of the said notification dated 12.06.2017 is at **Annexure II**.

The jurisdiction of the EKW is under District 24 Parganas (South), District 24 Parganas (North), and Kolkata Municipal Corporation (KMC). The reconstituted EKWMA in its first meeting held on 14.07.2017 decided to include the following as permanent Invitee Members of EKWMA.

1.	Commissioner, Kolkata Municipal Corporation	Permanent Invitee Members
2.	District Magistrate, South 24 Parganas	Permanent Invitee Members
3.	District Magistrate, North 24 Parganas	Permanent Invitee Members

Subsequently, the Department of Environment, Govt. of West Bengal issued a notification vide no. 355/EN/T-II-2/008/20015 dated 18.08.2017. Copy of the said notification dated 18.08.2017 is at **Annexure III**.

2.2 Meeting of the Reconstituted EKWMA

During the period of the report, the EKWMA has had one meeting in the Chief Secretary's Conference Room, Nabanna. The meeting was chaired by Sri Sovan Chatterjee, Hon'ble Minister-in-Charge, Environment Department. The minutes of the meeting is given at **Annexure IV**.



State Wetlands Authority

Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India has notified the Wetlands (Conservation and Management) Rules, 2017 in supersession of the Wetlands (Conservation and Management) Rules, 2010 in exercise of the powers conferred by the Environment (Protection) Act, 1986 vide their notification no. GSR 1203(E) dated 26.09.2017. Copy of the said Rules, 2017 is at **Annexure V**.

These rules shall apply to the wetlands or wetlands complexes categorised as 'wetlands of international importance' under the Ramsar Convention and wetlands as notified by the Central Government, State government and Union Territory Administration. As the EKW is categorised as 'wetlands of international importance' under the Ramsar Convention, it is also guided by the Wetlands (Conservation and Management) Rules, 2017.

3.1 Composition of the State Wetlands Authority

Under Rule 5(1)of the said Rules, 2017 State Wetlands Authority has been constituted for each State. As the composition of the State Wetlands Authority thus constituted is similar to the composition of EKWMA, Environment Department, Govt. of West Bengal notify EKWMA to function as State Wetlands Authority for West Bengal. The notification of set up of State Wetlands Authority vide no. 2320/1C-07/2014 dated 30.10.2017 is at **Annexure VI**.

3.2 Meeting of the State Wetlands Authority

During the period of the report, the State Wetlands Authority met once in the Chief Secretary's Conference Room, Nabanna. The meeting was chaired by Sri Sovan Chatterjee, Hon'ble Minister-in-Charge, Environment Department. The minutes of the meeting is given at **Annexure VII**.



5

Major Activities During 2017-18

4.1 Court Cases

4.1.1 WP 8456(W) of 2015: Ranjit Kumar Safui vs. State of West Bengal & Ors with CAN 4034 of 2017 with CAN 7824 of 2017.

Shri Ranjit Kumar Safui filed a writ petition before the Hon'ble High Court at Calcutta against illegal filling up of wetlands/water bodies under the banner of 'Prothoma Garden' seeking direction from the Hon'ble High Court on the respondent authorities to immediately take urgent steps to restore the wetlands to its original character and also protect the same and prevent any unauthorised use of the EKW.

The Hon'ble High Court finally in its order dated 21.11.2017 disposed of the writ petition by directing the authorities to act in terms of the East Kolkata Wetlands (Conversation and Management) Act, 2006 and restore the wetland to its former shape. In view of such direction being given, CAN No.4034 of 2017 and CAN No.7824 of 2017 were dismissed. Copy of the order dated 21.11.2017 is at **Annexure VIII**.

In accordance with directives and orders of Hon'ble High Court, action was initiated for demolition of illegal construction and restoration of the water body of the area with the help of the District Magistrate, South 24 Parganas, Sonarpur PS, Purba Jadavpur PS and Kolkata Municipal Corporation. Some photographs of restoration work are at **Inside Back Cover** of the report.



4.1.2 WP 27197(W) of 2016: Vaidic Dharma Sansthan Trust & Ors. vs. State of West Bengal & Ors.

The petitioners filed a writ petition before the Hon'ble High Court at Calcutta praying for direction upon the respondents to consider the application in prescribed Form 1 for land conversion from "Shali" to "Bastu" and construction of meditation cum yoga centre, and allied activities at RS Dag no. 73/89, Mouza Karimpur, P.S. Sonarpur submitted before the EKWMA.

The Hon'ble High Court in its order dated 06.07.2017, directed the EKWMA (Respondent No. 3) to consider the application submitted by the petitioners in accordance with law after giving the petitioner an opportunity of hearing within a period of eight weeks from the date of communication of the order.

In pursuance with the order dated 06.07.2017, the reconstituted EKWMA in its first meeting on 14.04.2017 authorised the Chief Technical Officer to conduct a hearing and accordingly the hearing was conducted on 18.08.2017.

Finally, a reasoned order vide no. 424-CTO/EN/399/2015-2016 dated 24.10.2017 was passed and communicated to the petitioners. Copy of that order is at **Annexure IX**.

4.1.2 Cases pending before the Hon'ble High Court at Calcutta and the National Green Tribunal, Eastern Zone Bench relating to EKW

The list of cases pending before the Hon'ble High Court of Calcutta and the National Green Tribunal, Eastern Zone Bench relating to East Kolkata Wetlands is given in **Annexure X**.



4.2 Management and Control of Water Bodies

The East Kolkata Wetlands (Conservation and Management) Act, 2006 empowers the EKWMA to make an order to stop, undo, prevent illegal conversion of wetlands for non-wetland purpose or any unauthorized development project or act in EKW and to restore any wetland converted for non-wetland purpose to its original character. However, there is no provision for taking over the management and control of such water bodies where such violation has occurred.

The West Bengal Inland Fisheries Act has provisions to take over management control and restore the water bodies which have been or are being illegally filled up. Department of Fisheries, Govt. of West Bengal in exercise of the power conferred by the Act has authorised the following authorities as competent authority under the Act vide its notification no. 1748-Fish/C-I/9R-03/2017 dated 20.07.2017 to take management control of such water bodies where such violation has occurred:

- (i) Municipal Commissioner/ Commissioner/ Executive Officer of Municipal Corporation/ Municipalities/ Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.

A copy of the notification is at **Annexure XI**.

During this period, eight cases were forwarded to the District Magistrate, South 24 Parganas and two cases were forwarded to the Commissioner, Kolkata Municipal Corporation under the said notification.



4.3 Field inspection and followed by enforcement of the Act/Rules

In order to enforce the Act/rules pertaining to the EKW and also to measure any unauthorized use of or act on the EKW 65 field inspection were conducted during the financial year 2017-2018. Based on field inspection reports, if necessary, show cause /stop work notice is served under section 11(1) of the East Kolkata Wetlands (Conservation and Management) Act, 2006. If required complaint in form of FIR against offenders/violators is lodged with the concerned police station. Table 1 shows the police station wise field inspection report submitted, show cause/ stop work notices issued and complaints registered during the financial year 2017-2018:

District	Police Station	Field inspection report submitted 2017-2018	Show cause/ stop work notices issued 2017-2018	FIR lodged
	Sonarpur	19	11	14
24 Parganas (South)	Kolkata Leather Complex	38	8	20
	Anandapur	3	1	1
	Pragati Maidan	2	0	2
24 Parganas (North)	South Bidhannagar	3	0	0
Total		65	20	37

Table 1: Police station wise field report followed by regulatory action

4.4 Right to Information

Right to Information Act (RTI) 2005 mandates timely response to citizen requests for government information. The basic object of the RTI Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make the democracy work for the people in real sense. Being a 'Public Authority', the EKWMA is committed towards maintaining accountability and transparency, and making the Right to Information Act, 2005 effectively operational. During this financial year, 41 cases under RTI Act, 2005 were received and subsequently replied.



4.5 Disposal of application for NOC to the EKWMA

During 2017-18, seven applications for change of character or mode of use of the land to the EKW in Form 1 under rule 8(1) of the East Kolkata Wetlands (Management and Conservation) Rules, 2006 were disposed of. Synoptic view of the applications is given in the following table:

Name of the applicant	Land details	Purpose of application	Decision
Nripen Mondal, Vill. Atghara, P.O. Dhalua, P.S. Sonarpur, Dist. South 24 Parganas		Land conversion from "Bil" to "Bastu" and construction of residential building	Rejected
Sangita Kar, Vill. Nazirabad, P.O. Uchhepota, PS Sonarpur, Dist. South 24 Parganas, Pin 700 150	LR Dag no. 17, Mouza Karimpur, JL No. 2, P.S. Sonarpur	Land conversion from "Shali" to "Bastu" and construction of building	Rejected
Moloy Dutta, 502, Dream Palace Apartment, New Baradwari, Sakchi, Jamsedpur, Pin 831001	LR Dag no. 143 and 186 of Mouza Atghara, JL No. 5, P.S. Sonarpur	Land conversion from "Bil" to "Bastu" and construction of residential building	Rejected
Mousumi Saha, Principal, National English School Educational Trust, AB-188, Salt Lake, Kolkata 700 064	R.S./L.R. Dag no. 908, 909 of Mouza Dharmatala Panchuria, JL no. 6, P.S. KLC		Rejected
P.K. Jana Roy, Secretary, B.K. Roy Foundation, 91/1, Southern Avenue, Kolkata 700029	RS / LR Dag no. 2, 3 of Mouza Kharki, JL no. 9, P.S. Sonarpur.		Rejected
Om Dayal Educational & Research Society, Room # 40, 3rd Floor, Queens Mansion, 12 Park Street, Kolkata 700 071	LR Dag no. 465-477 of mouza Bhagabanpur, JL no. 8, P.S. Sonarpur	Land conversion and construction of Senior Secondary School	Rejected
Dipak Kumar Mukherjee, Director, Leisure Country Club & Resorts (P) Ltd., 45/15/6, Vivekananda Sarani, Survey Park, Kolkata 700078	RS & LR Dag no. 601, Mouza Kulberia, JL no. 7, P.S. KLC.		Rejected

Table 2: Synoptic view of the applications disposed of during 2017-18



4.6 Amendment of the East Kolkata Wetlands (Conservation and Management) Rules, 2006

As per the decision taken during first meeting of the reconstituted EKWMA held on 14.07.2017, rule 12(1) of the East Kolkata Wetlands (Conservation and Management) Rules, 2006 has been amended by replacing the words "the Secretary, Department of Fisheries" with "the Chief Environment Officer, Department of Environment" vide notification no. 115/EKW-05/2016(Pt-1) dated 15.01.2018.

A copy of the notification is at **Annexure XII**.



Awareness Generation Activities

5.1 World Wetlands Day

World Wetlands Day is celebrated every year on 2nd February every year to commemorate the signing of international treaty 'Ramsar Convention on Wetlands' in 1971 for conservation of wetlands at the global level. The theme for World Wetlands Day, 2018 was "Wetlands for a Sustainable Urban Future".

The day was marked by organising drawing programme among students of Bamanghata High School and Kheadaha High School. Total 49 students participated in that event. That event was followed by an exposure visit to the East Kolkata Wetlands on 17.02.2018 where 41 students of different schools (La Martienre for Girls, Bamanghata High School and Kheadaha High School), teachers, and wetlands experts took part.

Some photographs of that event are at **Back Cover** of the report.

5.2 Educational trips to East Kolkata Wetlands

Students from different educational institutes have visited the East Kolkata Wetlands for educational purposes at different intervals. The following table presents the abstract.

Date	Purpose	Participants
July, 2017	Excursion/Educational field visit	Students of class XII of Biology of
	to the East Kolkata Wetlands	Modern English Academy
December,	Educational field visit to the East	Students of B.Sc. III Zoology
2017	Kolkata Wetlands	(Honours) of Netaji Nagar College for
		Women, Kolkata
February, 2018	Educational field visit to the East	Students of Bamanghata High
	Kolkata Wetlands	School, Kheadaha High School, La
		Martienre for Girls'
February, 2018	Educational field visit to the East	Students of class XI of the Ballygunj
	Kolkata Wetlands	Sikhsha Sadan School

Table 3: Abstract of educational trips to EKW



Finances

In terms of section 13 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 the EKWMA has to maintain proper accounts which are audited by the Accountant General, West Bengal.

Abstract of receipts and expenditure, and Budget Estimate of EKWMA for the period of 2017-2018 are given at Table 4 and Table 5 respectively.

Financial Year	Name of Head	Opening Balance (Rs.)	Receipts (Rs.)	Expenditure (Rs.)	Closing Balance (Rs.)
	3435-03-102-SP- 002-V-31-01	0.00	31,46,364.00	31,46,364.00	0.00
	3435-03-102-SP-	31,93,013.00	15,00,000.00	46,93,013.00	0.00
	002-V-31-02				
2017-	3435-03-102-SP-	0.00	53,25,000.00	0.00	53,25,000.00
2018	001-V-31-02		,,		
	3435-03-003-SP-	0.00	17,48,168.00	17,48,168.00	0.00
	002-V-31-02		, , , , , , , , ,	, , , , , , , , ,	
	3435-03-003-SP-	0.00	49,00,462.00	49,00,462.00	0.00
	003-V-31-02				

Table 4: Abstract of receipts and expenditure of EKWMA for 2017-18

Financial Year	Name of Head	Budget Estimate (Rs.)
2017-2018	3435-03-102-SP-002-V-31-01	60,00,000.00
2017-2010	3435-03-102-SP-002-V-31-02	20,00,000.00

Table 5: Budget for 2017-18



Annexure I

Registered No. WB/SC-247

Kolkata

No. WB(Part-III)/2017/SAR-14





Guzette

Extraordinary Published by Authority

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PHALGUNA 26]

FRIDAY, MARCH 17, 2017

[SAKA 1938

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL LAW DEPARTMENT

Legislative

NOTIFICATION

No. 304-L.—17th March, 2017.—The fllowing Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act V of 2017

THE EAST KOLKATA WETLANDS (CONSERVATION AND MANAGEMENT) (AMENDMENT) ACT, 2017.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*, *Extraordinary*, of the 17th March, 2017.]

An Act to amend the East Kolkata Wetlands (Conservation and Management) Act, 2006.

Whereas it is expedient to amend the East Kolkata Wetlands (Conservation and Management) Act, 2006, for the purpose and in the manner hereinafter appearing;

West Ben. Act VII of 2006.

It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

- 1. (1) This Act may be called the East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.



THE KOLKATA GAZETTE, EXTRAORDINARY, MARCH 17, 2017

[PART III

The East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017.

(Section 2.)

Amendment of section 3 of West Ben. Act VII of 2006.

- 2. For sub-section (2) of section 3 of the East Kolkata Wetlands (Conservation and Management) Act, 2006, the following sub-section shall be substituted:—
 - "(2) The Authority shall consist of the following Members:-
 - (i) Minister-in-Charge, Department of Environment, Government of West Bengal,

Chairperson;

(ii) the Chief Secretary to the Government of West Bengal,

Member;

 (iii) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Environment, Government of West Bengal,

Member-Secretary;

(iv) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Land and Land Reforms and Refugee Relief and Rehabilitation, Government of West Bengal,

Member;

 (v) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Fisheries, Government of West Bengal,

Member;

(vi) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Forests, Government of West Bengal,

Member;

(vii) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of *Panchayats* and Rural Development,

Member;

(viii) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Irrigation and Waterways,

Member;

 (ix) the Additional Chief Secretary or the Principal Secretary or the Secretary, as the case may be, Department of Tourism,

Member;

 (x) four experts to be nominated by the State Government each in the areas of wetland ecology, hydrology, fisheries and socio-economics,

Members.".

By order of the Governor,

MADHUMATI MITRA, Secy. to the Govt. of West Bengal, Law Department.

Published by Law Department, Government of West Bengal and Printed at Saraswaty Press Ltd. (Government of West Bengal Enterprise), Kolkata 700 056.



Annexure II

Government of West Bengal Department of Environment

PraniSampad Bhawan, 5th Floor, LB-2, Sect-III, Saltlake City, Kolkata-106.

NOTIFICATION

No. EN/1199 /EKW-05/2016(Pt-1)

Kolkata, the 12th June, 2017

WHEREAS the East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017 was passed on 17th March, 2017 where the East Kolkata Wetlands Management Authority was re-constituted.

AND WHEREAS according to Section 2(2)(x) of the East Kolkata Wetlands (Conservation and Management) (Amendment) Act, 2017 four experts are required to be nominated by the State Government each in the areas of wetland ecology, hydrology, fisheries and socio-economics.

Now, therefore, the Governor is pleased to nominate four expert members as follows:-

1. Wetland Ecology

- Dr. Dhrubajyoti Ghosh

2. Hydrology

- Dr. Kalyan Rudra

3. Fisheries

- Managing Director, West Bengal, State

Fisheries Development Corporation.

4. Socio Economics

- Smt. Baisakhi Banerjee.

By order of the Governor,

Principal Secretary, Govt. of West Bengal.



Annexure III

Government of West Bengal Department of Environment

Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106

No: 355 /EN/T-II-2/008/2005 Date: 18 /08/2017

Notification

As per the decision of the 1st meeting of reconstituted East Kolkata Wetlands Management Authority (EKWMA) held on 14th July, 2017,

- 1. Commissioner, Kolkata Municipal Corporation,
- 2. District Magistrate, South 24 Parganas
- 3. District Magistrate, North 24 Parganas

are inducted to the East Kolkata Wetlands Management Authority as permanent Invitee Members.

By Order of the Governor

Principal Secretary, Environment Department

& Member Secretary, EKWMA

No: 355(3) /EN/T-II-2/008/2005

Date: 18 /08/2017

Copy forwarded for information and taking necessary action to:

- 1. Commissioner, Kolkata Municipal Corporation,
- 2. District Magistrate, South 24 Parganas
- 3. District Magistrate, North 24 Parganas

Principal Secretary, Environment Department & Member Secretary, EKWMA



Annexure IV

Minutes of the first meeting of the reconstituted East Kolkata Wetlands Management Authority (EKWMA) held on 14th July, 2017 in the Chief Secretary's Conference Room, Nabanna

Members present:

- 1. Shri Sovan Chatterjee, Hon'ble Minister-in-Charge, Environment Department Chairman
- 2. Shri Malay Kumar De, Chief Secretary, Member
- 3. Shri Sunil Kr. Gupta, Principal Secretary, Fisheries Department member
- 4. Shri Atri Bhattacharyya, Principal Secretary, Tourism Department Member
- 5. Shri Manoj Pant, Principal Secretary, Land & Land Reforms Department Member
- 6. Dr. Kalyan Rudra, Expert Member
- 7. Dr. Dhrubajyoti Ghosh, Expert Member
- Shri Soumyajit Das, Managing Director, West Bengal State Fisheries Development Corporation Expert Member
- 9. Smt. Baisakhi Banerjee, Expert Member
- 10. Shri Arnab Roy, Principal Secretary, Environment Department Member Secretary

Other Participant Present

- 1. Shri Debasis Sen, CMD, HIDCO
- 2. Shri Khalil Ahmed, Municipal Commissioner, KMC
- 3. Md. G. A. Ansari, Project Director, KEIIP
- 4. Shri Kousik Chattopadhyay, Secretary, Irrigation & Waterways Department
- 5. Shri Sandipan Mukherjee, Chief Technical Officer, EKWMA

Principal Secretary, Department of Forests and Principal Secretary, Irrigation & Waterways Department could not attend the meeting because of prior commitments.

Agenda No. 1.Reconstituted East Kolkata Wetlands Management Authority

At the outset Principal Secretary Environment Department & Member Secretary, East Kolkata Wetland Management Authority, welcomed participants to the first meeting of the reconstituted East Kolkata Wetlands Management Authority and briefed on the background and functions of EKWMA.

Agenda No. 2 Report on Workshop on East Kolkata Wetlands held on 2-3 March, 2017

The members were informed that a workshop on EKWMA was held in Kolkata on 2nd and 3rd March, 2017. The objective of the workshop was to review the present status of the wetland, to evolve wise use plan and to strengthen conservation measures. Members were also informed that Dr. Lew Young, Senior Advisor for Asia-Oceania, Ramsar Secretariat was present in the workshop. Dr. Young emphasized on the preparation of Management Plan/ Wise Use Plan for EKWMA.

All members agreed to the proposal.

Agenda No. 3 Proposal for preparation of Wise Use Plan of East Kolkata Wetlands

The authority discussed and approved the preparation of Wise Use and Management Plan for East Kolkata Wetlands (EKW). It was proposed that a steering committee would supervise preparation of Wise Use and Management Plan. An agency well versed in preparation of similar plans would be engaged and would work under supervision of the steering committee. The agency should have experience of work in wetlands. The Steering Committee would comprise the following members:-

- 1. Principal Secretary, Environment Department Chairman
- 2. Dr. Kalyan Rudra Member
- 3. Dr. Dhrubajyoti Ghosh Member
- 4. Managing Director, WBSFDC Member
- 5. Shri Rajendra Jakher, APD, State Project Management Unit ICZM Member
- 6. Shri Sandipan Mukherjee, CTO, EKWMA Member Secretary

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The Chairman, EKWMA advised inclusion of Municipal Commissioner of Kolkata Municipal Corporation in the Committee.

The Authority approved the proposal and composition of steering committee with the inclusion of Municipal Commissioner of Kolkata Municipal Corporation.

Agenda No. 4 Proposal on East Kolkata Wetland Park.

It was informed that in 2007, the then Kolkata Environment Improvement Project (KEIP) had prepared a DPR by engaging an agency from UK for an East Kolkata Wetlands Park which would be a centre where visitors, students and academicians could learn about East Kolkata Wetlands (EKW). East Kolkata Wetlands Management Authority (EKWMA) had actively participated in the formulation of the DPR. The Kolkata Environmental Improvement Investment Programme (KEIIP) has been asked by EKWMA to develop and recast the earlier DPR so that the Centre for showcasing EKW can take shape. KEIIP gave a presentation on the conceptual plan of the proposal. It was informed that the earlier proposal was under review for preparation of a realistic estimate. The East Kolkata Wetlands Park is planned over land belonging to Kolkata Municipal Corporation. They informed that a fresh DPR will be prepared and agency for preparation of the DPR has already been identified.

The Authority approved the conceptual plan presented by KEIIP and asked them to talk to stakeholders to incorporate other suggestions. Thereafter the Authority would take up the matter for final approval and implementation.

Agenda No. 5 Proposal from KMC on Agro-Interpretation Park (Krishi Beethi) and Eco-Cultural Park (Krishi Vatika) by KMC

The Kolkata Municipal Corporation had submitted a proposal to the East Kolkata Wetland Management Authority for establishment of an Agro Interpretation Park (Krishi Bithi) and Eco Cultural Park (Krishi Vatika) with the objective of utilizing part of productive farming land under KMC within area of EKW. Representative of KMC gave a presentation on their proposal. They explained that the proposal aims at improving the environmental conditions of the area with restoration of water bodies present in the area and also proposes to create income generating avenues for the local farmers and fishermen. The Authority approved the proposal in principle subject to submission of Form- I and DPR.

Agenda No. 6: Proposal for construction of elevated corridor connecting EM Bypass and New town by HIDCO.

HIDCO has submitted a proposal for construction of an elevated corridor through eight water bodies of EKW for easing traffic from EM By pass to Kolkata Airport. Chairman –cum-Managing Director, HIDCO submitted that although there is no provision of EIA in the Central Government circular no. S.O. 1533(E) dated 14th November, 2006 for construction of elevated corridors, they had prepared one EIA report and an Environment Management Plan (EMP) from Jadavpur University. EKWMA officials informed that some discrepancies noted in the Form-I submitted by HIDCO needs to be rectified.

After discussion, Chairman, Chief Secretary and other members of EKW decided that due to public interest involved the Authority approves the project in principle. However, environmental safeguards needs to be observed by the project implementing authority and the safeguards and conditions similar to that given to Metro Railways will be communicated by EKWMA to HIDCO when the final proposal and Form-I rectifying the deficiencies is submitted. Compensatory water body equivalent to that affected by the project would be needed to be created.

Agenda No. 7: Issues relating to Meghnad Saha Institute of Technology

The Authority was informed that Meghnad Saha Institute of Technology has already constructed their building on piece of land in EKW which is classified as 'Beel' in the land records but urban / rural settlement area in the EKW Schedule. The construction was started prior to EKW notification. The previous EKWMA had held a hearing in the matter following which the Institute had purchased equivalent land

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within EKW for developing a compensatory water body. Chief Secretary stated that creation of compensatory water body for the entire extent of wetland diverted should be taken up on a site which is just outside the existing boundary of EKW and is contiguous to it. Representatives of Meghnad Saha Institute of Technology agreed to identify such land for creating compensatory water body. The matter will be reviewed after receiving response from them. Chief Secretary also stated that East Kolkata Wetlands (Conservation & Management) Act, 2006 needs to be amended to the extent to accommodate such changes for creation of waterbody etc. outside the EKW. Water body so created will be subsequently included within EKW by appropriate notification by the Government.

The Authority approved the suggestion of the Chief Secretary and proposal for amendment of the Act accordingly.

Agenda 8: Applications received in Form I for change of character or mode of use of the land in EKW under rule 8(1) of the EKW (C&M) Rules, 2006.

National English School Educational Trust - The applications are currently pending with the Authority for conversion of wetland from shall to bastu. The project proponent has already demarcated the boundary with wall and several concrete pillars were constructed. Since this is a shall land its conversion without prior permission from EKW is not permitted under the existing Acts & Rules. The Authority decided to reject the conversion since conversion of agricultural land for private purpose is not permissible.

The second case pertains to Vedic Dharma Sansthan – wherein shall land has been converted to bastu and construction of a building has already been taken up and completed without any sanction of the Authority. The Hon'ble High Court in W.P. No. 27197(W) of 2016 has ordered EKW to give opportunity of hearing to the PP.

The Authority in compliance of the Hon'ble High Court direction decided that a hearing will be conducted and that CTO will conduct the hearing.

Agenda No. 9: Proposal for sufficient number of signboards around EKW area for awareness of members of public

The proposal to spread awareness about EKW land through appropriate signage was unanimously approved by the Authority. Principal Secretary, Tourism Department stated that they could contribute in identifying the agency and designing the campaign material. KMC, District Magistrates North 24 Parganas & South 24 Parganas will identify the sites for putting up the signage.

Agenda No. 10: Review of sweeping Order vide No. CTO/EN/2131(186)/11 dated 09.12.2011 by EKWMA prohibiting NOC

In the 17th meeting of the EKWMA held on 28.09.2011, it had been resolved that

- No new No Objection Certificate (NOC) for conversion of land shall be granted by the Authority
- 2. All NOCs granted so far shall be revoked.

Accordingly, the order noted above(CTO/EN/2131(186)/11 dated 09.12.2011) had been issued by the Authority

The Authority reviewed the issue and decided to revoke the sweeping order from date since it contradicted some provisions of the Act & Rules. It was decided that EKWMA would act strictly as per provisions of the Act and Rules.

Agenda No. 11: Proposal for invoking provisions of Inland Fisheries Act 1984, and its subsequent amendments for taking over management of water bodies where there are attempts for conversion

The proposal of declaring all District Magistrates as authorized officer under Inland Fisheries Act 1984 has been moved by the Environment Department. Principal Secretary, Fisheries Department stated that they have already taken up the matter and accordant action will be taken depending on the decision of the

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Authority. The EKWMA concurred with the proposal of declaring all District Magistrates as authorized officer under Inland Fisheries Act.

Agenda No. 12: Review of existing area and land use with EKW and statutory changes required if any

The Authority decided that this matter should be addressed in the Wise Use and Management Plan for EKW.

Agenda No. 13: Areas of conflict with Wetlands (Conservation and Management) Rules, 2010 of the then MoEF and decision thereof.

The Authority decided that this matter may be taken up with the Government of India since implementing the provisions of the Central Rules in toto would lead to drying up of the East Kolkata Wetlands, loss of the unique features of EKW and hardship to citizens residing within EKW.

Agenda No. 14: Operation of fund of Authority - Proposal for amendment in EKW (C&M) Rules, 2006.

The proposal to amend the Rules of EKW, 2006 by replacing the Secretary, Fisheries Department with the Chief Environment Officer, Department of Environment was unanimously approved by the Authority.

Agenda No. 15: Separate Audit Report of 2014-15 on the Accounts of EKWMA

The audit report was placed before the Authority and the Authority approved it.

Agenda No. 16: Proposal for permanent Invitee Members

The jurisdiction of EKW is under District 24 Parganas (South), District 24 Parganas (North), and KMC. It was proposed that the Commissioner, Kolkata Municipal Corporation, District Magistrate, South 24 Parganas, and District Magistrate, North 24 Parganas may be inducted as permanent Invitee Members.

The proposal was approved by the Authority.

The meeting ended with vote of thanks to and from the chair.

Sd/-

(Sovan Chatterjee)

Chairman, East Kolkata Wetlands Management Authority

&

Minister-in-Charge, Environment Department

No. 29 7(1)-EN/T-II-2/008/2005 (Link 5)

Date: 21 /07/2017

Copy forwarded for information to :-

- 1. Shrì Malay Kumar De, Chief Secretary, Govt. of West Bengal
- 2. Shri Saurav Kumar Das, Additional Chief Secretary, Panchayat & Rural Development Department
- 3. Shri Naveen Prakash, Additional Chief Secretary, Irrigation & Waterways Department
- 4. Shri Chandan Sinha, Principal Secretary, Forest Department
- 5. Shri Sunil Kumar Gupta, Principal Secretary, Fisheries Department
- 6. Shri Atri Bhattacharyya, Principal Secretary, Tourism Department
- 7. Shri Manoj Pant, Principal Secretary, Land & Land Reforms Department
- 8. Dr. Kalyan Rudra, Chairman, West Bengal Pollution Control Board Expert Member
- 9. Dr. Dhrubajyoti Ghosh, Expert Member
- Shri Soumyajit Das, Managing Director, West Bengal State Fisheries Development Corporation Expert Member

11. Smt. Baisakhi Banerjee, Expert Member

(Arnab Roy)

Member Secretary, East Kolkata Wetlands Management Authority

Principal Secretary, Department of Environment

4



Annexure V

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



असाधारण

EXTRAORDINARY

भाग II-खण्ड 3-उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(अ).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग हैं, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मनोरंजक, सामाजिक और सांस्कृतिक कार्यकलापों का समर्थन करते हुए जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुन:भरण, सूक्ष्म जलवायु का विनियमन, दृश्यभूमि के सौन्दर्य बौध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, अधिकतर आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बिह:स्राव का निस्सारण, ठोस अपिशष्टों का निपटान), जल विज्ञान संबंधी परिवर्तन (जल अपनयन और अंतर्वाह तथा बिहवाह परिवर्तन) के माध्यम से भूमि सुधार और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है;

और, संविधान के अनुच्छेद 51क के खंड (छ) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण को संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उससे जुड़े मामले भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवा को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिससे उनकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंध में सहायक हो;

और, भारत, आर्द्रभूमि संबंधी रामसर अभिसमय का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और बुद्धिमतापूर्ण उपयोग के लिए प्रतिबद्ध है।

5864 GI/2017 (1)



[भाग II—खण्ड 3(i)] भारत का राजपत्र : असाधारण 7

- (4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अनधिक का नहीं होगा।
- (5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।
- 7. **राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.**—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिज्ञात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—
- (क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन:
- (ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;
- (ग) पारिस्थितिक-स्वरूप का विवरण;
- (घ) पूर्वत: विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;
- (ड.) आर्द्रभृमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;
- (च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सुची; और
- (छ) विनियमों के प्रवर्तन की रीति;
- (2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।
- (3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अविध के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।
- (4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।
 - (ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिशें करेगी।
 - (ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।
- (5) (क) केंद्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सजन करेगी।
 - (ख) केंद्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएस(डब्ल्यू) पार्ट.V] डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;



THE GAZETTE OF INDIA: EXTRAORDINARY

[PART II—SEC. 3(i)]

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including *inter-alia*, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors;

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wetlands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with subsection (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

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 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, 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, 2017.
- (2) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Environment (Protection) Act, 1986;
 - (b) "Authority" means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;



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- "Committee" means the National Wetlands Committee referred to in rule 6;
- "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
- "integrated management plan" means a document which describes strategies and actions for achieving (e) wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
- "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971; (f)
- "wetland" means an area of marsh, fen, peatland 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, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
- "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
- (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
- "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.
- Applicability of rules.—These rules shall apply to the following wetlands or wetlands complexes, namely:—
 - (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
 - (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

- Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.
 - The following activities shall be prohibited within the wetlands, namely,-
 - (i) conversion for non-wetland uses including encroachment of any kind;
 - (ii) setting up of any industry and expansion of existing industries;
 - (iii) 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 Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms 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;
 - (iv) solid waste dumping;
 - (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements:
 - (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and.
 - (vii) poaching.



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Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

- 5. **Wetlands Authorities.—**(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—
 - Minister In-charge of the Department of Environment/Forests of the State Government or Minister Incharge of the Department handling wetlands - Chairperson;
 - (ii) Chief Secretary of the State or Additional Chief Secretary equivalent Vice Chairperson;
 - (iii) Secretary in-charge of the Department of Environment Member ex-officio;
 - (iv) Secretary in-charge of the Department of Forests Member ex-officio;
 - (v) Secretary in-charge of the Department of Urban Development Member ex-officio;
 - (vi) Secretary in-charge of the Department of Rural Development Member ex-officio;
 - (vii) Secretary in-charge of the Department of Water Resources Member ex-officio;
 - (viii) Secretary in-charge of the Department of Fisheries Member ex-officio;
 - (ix) Secretary in-charge of the Department of Irrigation and Flood Control Member ex-officio;
 - (x) Secretary in-charge of the Department of Tourism Member ex-officio;
 - (xi) Secretary in-charge of the Department of Revenue Member ex-officio;
 - (xii) Director, State Remote Sensing Centre Member ex-officio;
 - (xiii) Chief Wildlife Warden Member ex-officio;
 - (xiv) Member Secretary, State Biodiversity Board Member ex-officio;
 - (xv) Member Secretary, State Pollution Control Board Member ex-officio;
 - (xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change Member *ex-officio*;
 - (xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socioeconomics to be nominated by the State Government; and
 - (xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
 - (2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—
 - (i) Administrator or Chief Secretary of the Union Territory Chairperson;
 - (ii) Secretary in-charge of the Department of Environment Vice Chairperson;
 - (iii) Secretary in-charge of the Department of Forests Member ex-officio;
 - (iv) Secretary in-charge of the Department of Urban Development Member ex-officio;
 - (v) Secretary in-charge of the Department of Rural Development Member ex-officio;
 - (vi) Secretary in-charge of the Department of Water Resources Member ex-officio;
 - (vii) Secretary in-charge of the Department of Fisheries Member ex-officio;
 - (viii) Secretary in-charge of the Department of Irrigation and Flood Control Member ex-officio;
 - (ix) Secretary in-charge of the Department of Tourism Member ex-officio;
 - (x) Secretary in-charge of the Departments of Revenue Member ex-officio;
 - (xi) Director, Remote Sensing Centre Member ex-officio;
 - (xii) Member Secretary, Union Territory Pollution Control Committee Member ex-officio;



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- (xiii) Member Secretary, Biodiversity Board of the UT Member ex-officio;
- (xiv) Chief Wildlife Warden Member ex-officio;
- (xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment,
 Forest and Climate Change- Member ex-officio;
- (xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socioeconomics to be nominated by the Union Territory Administration; and
- (xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
- (3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.
- (4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:-
- (a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;
- (b) 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;
- (c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;
- (d) prepare a comprehensive digital inventory of all wetlands within a period of 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 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;
- (f) recommend additions, if any, to the list of prohibited activities for specific wetlands;
- (g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;
- (h) review integrated management plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans consider continuation and support to traditional uses of wetlands which are harmonized with ecological character;
- in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;
- identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;
- (k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;
- coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;
- function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;
- issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;



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- (o) 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/Union Territory (p) Administration.
- The concerned Department of the State Government or Union Territory shall provide all necessary (5)support and act as nodal Department and Secretariat to the Authority.
- The Authority shall, within ninety days of publication of these rules, shall constitute,— (6)
 - a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and
 - a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;
- The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.
- The Authority shall meet at least thrice in a year. (8)
- (9)The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.
- 6. Constitution of National Wetlands Committee.—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—
 - Secretary, Ministry of Environment, Forest and Climate Change, Government of India Chairperson; (i)
 - (ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;
 - (iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member ex-officio;
 - Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate (iv) Change - Member *ex-officio*;
 - (v) Joint Secretary, Ministry of Tourism, Government of India- Member ex-officio;
 - (vi) Joint Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member ex-officio;
 - (vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member exofficio;
 - (viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member exofficio;
 - (ix) Joint Secretary, Ministry of Urban Development, Government of India- Member ex-officio;
 - Joint Secretary, Ministry of Rural Development, Government of India- Member ex-officio; (x)
 - (xi) The Chairman, Central Pollution Control Board - Member ex-officio;
 - (xii) Director, Zoological Survey of India or Scientist F- Member ex-officio;
 - (xiii) Director, Botanical Survey of India or Scientist F- Member ex-officio;
 - (xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member ex-officio;
 - Member, Central Water Commission Member ex-officio; (XV)
 - (xvi) Adviser, Niti Aayog - Member ex-officio;
 - (xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;
 - (xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socioeconomics; and



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- (xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change Member Secretary.
- (2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.
- (3) The National Wetlands Committee shall perform the following functions, namely:-
 - (a) advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;
 - (b) evolve norms and guidelines for integrated management of wetlands based on wise use principle;
 - (c) monitor implementation of these rules by the Authority;
 - (d) advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;
 - (e) recommend designation of wetlands of international importance under Ramsar Convention;
 - (f) recommend trans-boundary wetlands for notification;
 - (g) review progress of integrated management of Ramsar sites and transboundary wetlands;
 - (h) advise on collaboration with international agencies on issues related to wetlands; and
 - (i) advise on any other matter *suo-moto*, or as referred by the Central Government.
- (4) The tenure of non-official members of the Committee shall not exceed three years.
- (5) The Committee shall meet at least once in every six months.

7. Delegation of powers and functions to the State Governments and Union Territory Administrations.—

- (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—
 - (a) demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;
 - (b) demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;
 - (c) ecological character description;
 - (d) account of pre-existing rights and privileges;
 - (e) list of site-specific activities to be permitted within the wetland and its zone of influence;
 - (f) list of site specific activities to be regulated within the wetland and its zone of influence; and
 - (g) modalities for enforcement of regulation;
- (2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.
- (3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.
- (4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).
 - (b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.
 - (c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.



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- (5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.
 - (b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

[F. No. J-22012/78/2003-CS (W) Pt. V] Dr. A. DURAISAMY, Scientist 'G'

ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2017.09.26 22:25:31 +05'30'



Annexure VI

GOVERNMENT OF WEST BENGAL DEPARTMENT OF ENVIRONMENT Prani Sampad Bhavan, 5th Floor, LB-2, Sector – III, Salt Lake Kolkata – 700 106

No. 2320/1C-07/2014

Date: 30/10/2017

NOTIFICATION

Whereas, the Ministry of Environment, Forest and Climate Change, Government of India, vide their notification no. GSR 1203(E) dated 26th September, 2017, has notified the Wetlands (Conservation and Management) Rules, 2017, and

Whereas, the State Wetlands Authority for each state has been constituted under Rule 5(1) of the said rules, and

Whereas, the composition of the State Wetlands Authority thus constituted is similar to the composition of East Kolkata Wetlands Management Authority, constituted by the State Government under notification no. 304-L dated 17th March, 2017.

Therefore, it is decided that the East Kolkata Wetlands Management Authority will also function as the State Wetlands Authority until further order.

Duties and functions of the State Wetlands Authority will be as specified under Rule 5(4) of the Wetlands (Conservation and Management) Rules, 2017.

By Order

(Arnab Ray)

Principal Secretary to the Government of West Bengal

No.2320/1C-07/2014/1(14)

Date: 30 /10/2017

Copy forwarded for information to :-

- The Chief Secretary to the Government of West Bengal
- The Additional Chief Secretary, Department of Panchayats and Rural Development, Government of West Bengal
- 3. The Principal Secretary, Department of Land and Land Reforms and Refugee, Relief and Rehabilitation, Government of West Bengal
- 4. The Principal Secretary, Department of Fisheries, Government of West Bengal
- 5. The Principal Secretary, Department of Forests, Government of West Bengal
- 6. The Principal Secretary, Department of Irrigation and Waterways, Government of West Bengal
- 7. The Principal Secretary, Department of Tourism, Government of West Bengal
- 8. The Chief Technical Officer, East Kolkata Wetlands Management Authority, Government of West Bengal
- 9. Dr. Dhrubajyoti Ghosh, Flat No. 3A, 370/11, N.S. Bose Road, Kolkata 700 047.
- 10. Dr. Kalyan Rudra, 453, Dum Dum Park, Flat IVA, Kolkata 700 055
- The Managing Director, West Bengal State Fisheries Development Corporation, Bikash Bhawan, 1st Floor, North Block, Bidhannagar, Kolkata – 700 091.
- 12. Smt. Baisakhi Banerjee, "Peerless Maurya Mansion", Flat 210, 2, Moore Avenue, Kolkata 700 040.
- Officer on Special Duty to hon'ble Minister-in-Charge, Department of Environment, Government of West Bengal.
- 14. Guard file.

Principal Secretary



Annexure VII

Minutes of the first meeting of the State Wetlands Authority held on 29th November, 2017 in the Chief Secretary's Conference Room, Nabanna

Members present:

1.	Shri Sovan Chatterjee, Hon'ble Minister-in-Charge, Environment Department	t - Chairperson
2.	Shri Malay Kumar De, Chief Secretary to Govt. of W.B.	- Member
3.	Shri Chandan Sinha, Principal Secretary, Forest Department	– Member
4.	Shri Manoj Pant, Principal Secretary, Land & Land Reforms Department	Member
5.	Dr. Ravi Inder Singh, Secretary, Fisheries Department	Member
6.	Dr. Kalyan Rudra	 Expert Member
7.	Shri Soumyajit Das, Managing Director, WBSFDC	 Expert Member
8.	Smt. Baisakhi Banerjee	-Expert Member
9.	Shri Arnab Roy, Principal Secretary, Environment Department	 Member Secretary

Other Participant Present

- 1. Shri Sandipan Mukherjee, Chief Technical Officer, EKWMA
- 2. Shri Paritosh Roy, Special Secretary, Panchayats and Rural Development Department
- 3. Shri Dibyendu Das, Joint Secretary, Panchayats and Rural Development Department
- 4. Shri Biplab Mukherjee, Deputy Secretary, Irrigation & Waterways Department

Agenda No. 1. The Central Government has notified the Wetlands (Conservation and Management) Rules, 2017 which have come into force

At the outset Principal Secretary, Environment Department, welcomed participants to the first meeting of the State Wetlands Authority and informed that the Ministry of Environment, Forest and Climate Change, Government of India, has notified the Wetlands (Conservation and Management) Rules, 2017, vide their notification no. GSR 1203 (E) dated 26th September, 2017. These rules shall apply to the wetlands categorised as 'Wetlands of International Importance' under the Ramsar Convention and wetlands as notified by the Central Government, State government and Union Territory Administration. At present the East Kolkata Wetlands is the only wetland of the State categorised as 'Wetlands of International Importance' under the Ramsar Convention.

Agenda No. 2. The State Government has notified that the EKWMA will also function as State Wetlands Authority

Principal Secretary, Environment Department informed that under Rule 5(1) of the Wetlands (Conservation and Management) Rules, 2017 the State Wetlands Authority has been constituted for each state. As the composition of the State Wetlands Authority constituted is similar to the composition of East Kolkata Wetlands Management Authority, State Government has notified the East Kolkata Wetlands Management Authority will also function as the State Wetlands Authority for the time being vide notification no. 2320/1C-07/2014 dated 30.10.2017.

Agenda No. 3. The powers and functions of State Wetlands Authority

Principal Secretary, Environment Department informed the power and functions of the State Wetlands Authority to the members as laid down in the Wetlands (Conservation and Management) Rules, 2017.

Agenda No. 4. Restrictions of activities in wetlands

The Authority was informed about the rule 4(2) of the Wetlands (Conservation and Management) Rules 2017 which prohibits the activities within the wetlands. The Authority discussed in length about the inflow of sewage in the East Kolkata Wetlands, disposal of solid waste in Dhapa and blanket restriction of construction of permanent nature within the East Kolkata Wetlands.



The Authority recommended that the State Government will send a proposal to the Central Government for omitting these three items, namely, inflow of sewage, solid waste disposal in Dhapa, contraction activities for residents or incorporating of specific exemption in respect to East Kolkata Wetlands since implementing the provisions of the Central Rules in toto would lead to drying up of the East Kolkata Wetlands, loss of the unique features of EKW and hardship to citizens residing within EKW.

Agenda No. 5. Recommendation for provisions for public works

The Wetlands (Conservation and Management) Rules, 2017 prohibits all construction works in the wetland area. However, the EKWMA has a large resident population, and a number of buildings existing on the bastu and within EKWMA. Due to prohibition of all construction works in wetland areas, it is not possible to take up any development works in public interest for the benefit of the resident population. Public works is needed for the benefit of the residents as well as for transportation needs of the surrounding area.

The State Wetlands Authority considered the proposal and recommended that State Government may be taken up with the Govt. of India as an omission under the rule 4 of the Wetland (Conservation and management Rules) 2017.

Agenda No. 6. Penal provisions in the Wetlands (Conservation and Management) Rules, 2017

The Wetlands (Conservation and Management) Rules, 2017 is made in exercise of the appropriate sections of the Environment (Protection) Act, 1986. Both of them do not lay down penal provisions in case of unauthorized filling up of water body. State Wetlands Authority decided to take up the matter to the Central Government for making appropriate amendments in the said Act, 1986 for provision for restoration of wetlands in case of unauthorized filling up of water body and creation of compensatory water bodies where emergent work is sanctioned.

Agenda No. 7. Preparation of Brief Documents

Authority decided that the Fisheries Department will prepare a list of wetlands with area of upto 20 ha in the first phase and a list of wetlands /waterbodies of historical importance or of tourism attractions within three months and submit to the state Wetlands Authority.

Agenda No. 8. Constitution of Technical Committee and Grievance Committee

It was proposed to constitute the Technical Committee to review the brief documents, Management Plans, and advise on any technical matter referred by the Wetland Authority with the following composition:

Principal Secretary, Environment Department - Chairman
Municipal Commissioner, KMC - Member
Dr. Dhrubajyoti Ghosh - Member
Dr. Kalyan Rudra - Member
Managing Director, WBSFDC - Member
Sri Rajendra Jakher, APD, SPMU, ICZM - Member

Sri Sandipan Mukherjee, CTO, EKMWA - Member Secretary

and the Grievance Committee to provide a mechanism for hearing and forwarding grievances raised by public to the Authority with the following composition:

Chief Technical Officer, EKWMA
Managing Director, WBSFDC
Smt. Baisakhi Banerjee , Socio economic expert
Environment Officer, Department of Environment

The Authority approved the proposal.



Agenda No. 9. Secretariat to the State Wetlands Authority

It is decided that the office of the EKWMA will provide secretariat service to the State Wetlands Authority.

Agenda No. 10. Construction of elevated corridor over East Kolkata Wetlands

The State Wetlands Authority recommended the proposal in public interest. It was decided the WBHIDCO may prepare a note in favour of the proposed elevated corridor and forward the same to the State Wetlands Authority. The State Government will send the proposal to the Central Government for its consideration.

Agenda No. 11. Miscellaneous

Two items are discussed with regard to the East Kolkata Wetlands and decided that

i) to prepare a consolidated report of extent of heavy metal present in fishes and vegetables grown in the East Kolkata Wetlands based on previous data and

ii) to periodically analyze the heavy metal content present in fishes and vegetables grown to EKW from any agency and to take measures based on the data.

The meeting ended with vote of thanks to and from the chair.

(Sovan Chatterjee)
Chairperson, State Wetlands Authority
&

Minister-in-Charge, Environment Department



Annexure VIII

1

W.P. No.8456 (W) of 2015 Ranjit Kumar Sapui

The State of West Bengal & Ors. with CAN No.4034 of 2017 and CAN No.7824 of 2017

Ms. Amrita Sinha

21.11.17

SL-06

Ct-13

(S.R.)

Ms. Madhurima Sarkar ... for the petitioner.

Mr. Kishore Dutta, Ld. A.G.

Mr. Pantu Deb Roy

Mr. Debashish Ghosh

Mr. Subrata Guha Biswas ... for the State.

Mr. Biswaroop Bhattacharya

Mr. Pratik Majumder

... for the respondent no.10.

Mr. Jay Saha, Sr. Adv.

Mr. Dipayan Kundu ... for the respondent no.11.

The petitioner complains that, the Sate is not taking steps to restore and preserve a wetland.

The respondent nos.10 and 11 are represented.

The State respondents are represented by the learned Advocate General.

There are two applications in the pending writ petition, which are taken up for consideration analogously. CAN No.4034 of 2017 is an application made by the petitioner for appropriate order. CAN No.7824 of 2017 is an application made by the respondent no.11 seeking modification of subsisting interim orders.

The fact that, the land in question comprises of wetland is not disputed between the parties. Learned senior advocate appearing for the respondent no.11 raises

the question of maintainability of the writ petition and the grant of relief in the writ petition. He submits referring to the various provisions of the East Kolkata Wetlands (Conversation and Management) Act, 2006 that, all the rigors of the provisions of such Act of 2006 being applicable to the land in question and without questioning the applicability of such Act to the land in question, there is a designated expert body to look into the issue of preservation, protection and conservation. The petitioner did not approach such designated body. Such designated body is empowered under Section 11 of the Act of 2006 to restore the land to its original nature and character. The process of restoration is laid down in the Act of 2006. The expert body will have to employ such process for the purpose of restoration, if required. He submits that, the nature and character of the land has changed naturally. The surrounding area of the land has changed its character. In the present context, the land in question cannot be considered to be a wetland any further in view of the change of the nature of the surrounding area. Moreover, his client did not do anything to change the nature and character of the land. He submits that, the writ petition is essentially one, which tries to settle civil disputes between the private parties. He submits that, the writ petitioner is a party to a suit for partition in which the writ petitioner had obtained orders of injunction. The writ petitioner has also claimed violation of such order of injunction. The petitioner had obtained an order of appointment of receiver over the suit property. It is in such factual context that, the writ petitioner had

approached the Writ Court without making his client as party respondent to the petition and had obtained orders from the Court. He submits that, the orders of the Civil Court are subsisting since 2006. He refers to the averments made in the writ petition, particularly, to paragraphs 6 to 8 thereof and submits that, the case of the writ petitioner has to be understood on the strength of the pleadings of the writ petition. He submits on instructions that, the respondent No. 11 is ready and willing to suffer an order of injunction in terms of prayer (a) of the writ petition. Any other action taken by the State authorities would be beyond the permissible limit of the Act of 2006. He submits that, there is a distinction between a wetland and a water body. He relies upon the definitions of the two words and submits that, the State cannot make a wetland a water body as sought to be done by employing men and machine.

He submits that, the right of the respondent no.11 with regard to an immovable property is a constitutional right and is recognised to be so. He relies upon (2007) 6 SCC 81 (Bharat Petroleum Corporation Ltd. v. Maddula Ratnavalli & Ors.) and (2007) 8 SCC 705 (Chairman, Indore Vikas Pradhikaran v. Pure Industrial Coke & Chemicals Ltd. & Ors.) in support of his contentions.

Learned advocate General appearing for the State authorities submits that, the Act of 2006 empowers the authority to restore a wetland to its former shape. In the present case, by virtue of the orders passed by the Court, the authorities have undertaken the process of restoration

of the water body. He submits that, the funds are inadequate for the purpose of meeting all the expenses of restoration. As and when further funds are made available, the process of restoration will continue. He draws the attention of the Court to the fact that, there is a building in the water body, which is required to be removed.

I have considered the rival contentions of the parties and the materials made available on record.

As noted above, the complaint is of conversion of a wetland. The land in question has been described as wetland and a water body interchangeable in the orders passed by the Court from time to time. However, the fact that, the land in question is governed under the provisions of the East Kolkata Wetlands (Conversation and Management) Act, 2006 is admitted amongst the parties. It is pointed out that, the wetland comprised in the writ petition lies in the jurisdiction of two police stations. The State has undertaken the work of restoration in one of the police stations while it has not done so in respect of the other.

The writ petitioner is a party to a suit for partition. There are subsisting orders of injunction restraining the parties from changing the nature and character of the property concerned. As a Writ Court, I am not concerned with the orders passed by the Civil Court, in the facts of the present case. The orders of the Civil Court does not relate to conservation work required under the Act of 2006. The State in its wisdom has found that, the land in

question is a wetland and requires restoration. It was asked to do so. It has proceeded to do so. There are subsisting orders of this Court directing the State to restore the land as a water body. Learned advocate General submits on instructions that, the State will continue the process of restoration subject to adequate funds being made available.

The contention of the respondent no.11 that, the writ petition is essentially one to settle the civil disputes between the private parties, in the facts of the presence case is not accepted.

Although, the petitioner is a party to the Civil Suit as noted above, the Civil Suit is one for partition and has nothing to do with the process of conversation of a land covered under the Act of 2006. The scope and ambit of the writ petition is protection, preservation and conservation of a wetland recognised to be so under the Act of 2006 by exercising power therein. In view of the above, it cannot be said that, the writ petition is not maintainable. However, it is clarified that, none of the observations made in this order will be construed to prejudice any of the rights and contentions of any of the parties in the pending suit.

The contentions of the respondent no.11 that, the State should not restore the water body and that, the expert body designated under the Act of 2006 should look into the same is concerned, I am afraid, I am not in a position to accept the same. The State is obliged to

implement the provisions of the Act of 2006. In the present case, the attention of the State was drawn to the situation prevailing in the land concerned. The State in its wisdom has proceeded to restore and conserve the land in question under the Act of 2006.

Change of nature and character of a wetland can happen either by way of natural causes or for manmade reasons. In either of the two scenarios, the Act of 2006 empowers the authorities to take corrective measures.

Right to property is recognised as a constitutional right. Such view is expressed in Pure Industrial Coke & Chemicals Ltd. & Ors. (supra) as well as Maddula Ratnvalli & Ors. (supra). In the present case, the right of the petitioner to the land per se is not being dealt with by the authorities. The property in question is sought to be conserved under the Act of 2006. The right of the private parties inter se amongst themselves with regard to the property in question will be decided in the pending suit or any other litigation that, the parties may litigate before an appropriate forum.

In such circumstances, W.P. No.8456 (W) of 2015 is disposed of by directing the authorities to act in terms of the Act of 2006 and restore the wetland to its former shape. In view of such direction being given, no further order need be passed in the application of the petitioner being CAN No.4034 of 2017. In view of the direction given herein and the disposal of the writ petition, no further relief can be granted to the respondent no.11 in CAN No.7824 of 2017. The same is dismissed.



Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Debangsu Basak, J.)



Annexure IX

Date: 24.10.2017

Government of West Bengal Department of Environment

East Kolkata Wetlands Management Authority
Pranisampad Bhavan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata – 700 106

Order

No. 424 -CTO/EN/399/2015-2016

Reasoned Order in pursuance with the Order dated 06.07.2017 passed by Hon'ble High Court, Calcutta in W.P. 27197 (W) of 2016 Vaidic Dharma Sansthan Trust & Ors.-Vs- State of West Bengal & Ors.

The Hon'ble High Court of Calcutta, in W.P. No. 27197 (W) of 2016, in its order dated 06.07.2017, directed the East Kolkata Wetlands Management Authority (Respondent No. 3) to consider the application in Form 1 submitted by the petitioners in accordance with law after giving the petitioner an opportunity of hearing within a period of eight weeks from the date of communication of the order.

In pursuance of the order of the Hon'ble High Court, Calcutta, the reconstituted East Kolkata Wetlands Management Authority (EKWMA) in its first meeting held on 14.04.2017 authorized the Chief technical Officer, EKWMA to conduct the hearing.

Accordingly, the Chief Technical Officer conducted the hearing on 18.08,2017. During the hearing considering the petition submitted by the petitioners as well as examining the same the following points were considered:

- Copy of 'Parcha' produced during the hearing in support of their claim of ownership of the land at Dag no. 73/89 (part) of Mouza Karimpur, J.L. No. 2, PS Sonarpur is not matched with the records obtained from the Directorate of Land Records and Surveys. They did not submit any record of rights in support of their ownership of the land in question as required under Form 1.
- In the case of "People United for Better Living in Calcutta vs. State of West Bengal" in hon'ble High Court of Calcutta, Justice Umesh Chandra Banerjee, had ordered in 1992 that: "there shall be an order of injunction restraining the State-Respondents from reclaiming any further wetland. There shall be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial in the area as indicated in the map annexed to the petition. The respondents are further directed to maintain the nature and character of the wetlands in their present form and stop all encroachments. The State respondents are further directed to take steps so as to stop private alienation, if required, by extending the statutory provisions in this regard." The application under consideration does not comply with said directive.



- Section 9 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 states that any
 person holding land within the East Kolkata Wetlands is required to maintain the character for which
 it was settled. In the instant case, the land is classified as "Sali" i.e. agriculture land.
- Section 10 of the said Act, 2006 lays down provision for granting of permission for change of
 character of land or mode of its use. However, section 10(5) of the said Act, 2006 states that "noting
 in this section shall empower the authority for change of character or mode of use of the land unless
 the change is for improvement of the local environment and its surroundings." Application for
 construction of a building within the East Kolkata Wetlands may not be for improvement of the local
 environment of its surroundings.
- In the instance case, the petitioners have violated of the Act, 2006 by taking up construction of building on Sali land within the East Kolkata Wetlands without permission from the EKWMA.
- The petitioners have taken up construction of building without obtaining permission from civic authorities also.

Considering the above points, the Chief Technical Officer, EKWMA was of the opinion that the intent of the petitioners was to take up the construction by violation of all rules and regulations; and their application in Form 1 which was submitted two years after starting the construction work, stand no merit for favourable consideration under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

In terms of Order dated 06.07.2017 of the Hon'ble High Court, Calcutta the Member Secretary, EKWMA has examined the matter elaborately and taken a decision to recommend that NOC or sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 may not be granted to the petitioner Vaidic Dharma Sansthan.

The Chairperson, EKWMA also has examined the matter and sent the proposed decision to all the members of the EKWMA for their consideration by circulation. After receiving consent of majority of members, the Chairperson, EKWMA decided that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 SHALL NOT BE GRANTED to the petitioners Vaidic Dharma Sansthan. The decision may be communicated to the petitioners with reasons as recorded.

Sd/-Chairperson East Kolkata Wetlands Management Authority

2



No. 424 -CTO/EN/399/2015-2016

Date: 24.10.2017

Copy forwarded for information to :-

- OSD to Minister-in-Charge, Environment Department and Chairperson, EKWMA
- 2. Chief Secretary, Govt. of West Bengal
- 3. Principal Secretary, Environment Department and Member Secretary, EKWMA
- 4. Additional Chief Secretary, Panchayat & Rural Development Department
- 5. Principal Secretary, Irrigation & Waterways Department
- 6. Principal Secretary, Forest Department
- 7. Secretary, Fisheries Department
- 8. Principal Secretary, Tourism Department
- 9. Principal Secretary, Land & Land Reforms Department
- 10. Dr. Kalyan Rudra, Chairman, WBPCB Expert Member in the area of Hydrology
- 11. Dr. Dhrubajyoti Ghosh, Expert Member in the area of Wetland Ecology
- 12. Managing Director, WBSFDC Expert Member in the area of Fisheries
- 13. Smt. Baisakhi Banerjee, Expert Member in the area of Socio Economics
- Ms. Shashi Nowlakha, Member, Vaidic Dharma Sansthan, Udita Saptami 706, 1050/1 Survey Park, Santoshpur, Kolkata 700075

18. Guard File

Doubley

Chief Technical Officer East Kolkata Wetlands Management Authority



Annexure X

List of Cases pending before the Hon'ble High Court at Calcutta & Hon'ble National Green, Tribunal, Eastern Zone Bench relating to EKW

SL	Case No and Year	Cause Title	Brief Particulars		
No					
	Hon'ble High Court at Calcutta				
1	CPAN 2189/2013 WP No 24410(W) of 2007	CPAN2189/2013: Sankari Mondal & Ors Vs Prof Binay Kanti Dutta & Ors. WP 24410(W)/2007: Subal Chandra Mondal- Vs-State of West Bengal & Ors.	Removal of illegal construction in Mouza Chowbaga in the EKW.		
2	C.R.R. No. 3430/2009, W.P. No. 349(W) of 2010	CRR 3430/2009: Souren Das Vs. State of WB & Others. WP 349(W)/2010: Shyamalesh Das Vs State of WB & Others	Petition for conversion of land use for housing		
3	CPAN No 428 of 2014. WP No 17841(W) of 2013.AST No 142 of 2013 with ASTA 84 of 2013.	Bikash Kumar Ray & Another-Vs-State of WB & Others	CPAN No 428: The EKWMA filed contempt petition for erection of a boundary wall of around 9 feet height without securing permission from EKWMA and also built permanent structure of two rooms inside the boundary wall.		
4	WP No. 3317(W) of 2015	Kalyan Bharti Foundation & Another Vs. The Chief Secretary & Others	The petitioner asked to quash the Reasoned Order dt. 26.03.2012 issued by the EKWMA to remove the illegal fencing.		
5	WP No. 11403(W) of 2015	Shyam Greenfield Developers Pvt Ltd &Another Vs. The Chief Secretary, Govt. of WB & Others	To set aside the reasoned order dt. 14.02.2014 issued by the EKWMA to remove the illegal fencing.		
6	WP No. 22198(W) of 2015	Vishal Water World Pvt. Ltd. Vs. EKWMA & Others	The petitioner wants to revoke the reasoned order dt. 22.04.2015 passed by the EKWMA and to make construction in place of existing waterbody.		
7	CRR No. 3413 of 2015	Sukti Lahiri Vs. State of West Bengal & Another	To quash all the orders passed by the ACJM, Baruipur with respect to Sonarpur P.S. Case no. 1327 of 2015 lodged on the basis of the complaint of the EKWMA for illegal construction of one-storey building.		
8	WP No 20355(W) of 2016	Jibendra Prasad Das-Vs-The State of WB &Ors	Petition was filed against the construction of Netaji Subhas Engineering College.		
9	WP No 20867(W) of 2016	Jibendra Prasad Das Vs. State of WB &Ors	Removal of construction in Techno India Public School		
10	CRR 3725 of 2016	Nitin Himmatsingka & Anr. Vs EKWMA &Ors.	Petitioner wants to quash the proceedings in the District Court lodged for unauthorized construction of boundary wall in the EKW.		
11	WP 12096(W) of 2017	Saroj Kumar Mondal Vs. State of WB & Ors.	Against filling up of a water body in Mouza Dhalenda.		
12	WP 19523(W) of 2017	Jibendra Prasad Das -Vs- State of West Bengal & Ors	To demolish the construction of Studio Satyam and to restore the land.		
13	WP 22810(W) of 2017	Jibendra Prasad Das -Vs- State of West Bengal & Ors	To demolish the construction in the land of Asharam Ashram and to restore the land.		
14	WP 22813(W) of 2017	Jibendra Prasad Das -Vs- State of West Bengal & Ors	To restore the water body in the land of Meghnad Saha Institute.		
15	WP No 25006(w) 2017	Jibendra Prasad Das -Vs- State of West Bengal & Ors	Against the construction in Netaji Subhas Enginering College and its medical unit.		
16	WP No 25416(w) 2017	Jibendra Prasad Das -Vs- State of West Bengal & Ors	Against the construction in Techno India Public School.		
17	WP 541 of 2017	PUBLIC Vs. Union of India & Ors.	Against granting permission to fly-over over the EKW.		
18	WPLRT 116 of 2017	The Institute of Computer Engineers (India) & Ors Vs. State of WB & Ors	For expeditious hearing of a petition with WBLRT.		
19	MAT 2058 of 2017 with CAN No. 11730 of 2017	Madhusudan Mondal Vs. The State of West Bengal & Others	Challenging the judgment of the single bench of the High Court in WP No. 8456(W) of 2015.		



SL No	Case No and Year	Cause Title	Brief Particulars				
	Hon'ble High Court at Calcutta						
20	MAT 2059 of 2017 with CAN No. 11732 of 2017	Motilal Mondal Vs. The State of West Bengal & Others	Challenging the judgment of the single bench of the High Court in WP No. 8456(W) of 2015.				
21	WP No. 14850(W) of 2017	M.K. Balakrishnan & Ors. Vs. Union of India & Ors	To refrain from converting wetlands and take measures to protect the wetlands.				
		Hon'ble National Green Tribunal, Eas	tern Zone Bench				
1	O.A. 18/2016	Bishnu PadaPakhira Vs. The Pollution Control Board of WB & Others	Unauthorized construction namely Urban Sabujayan in the EKW				
2	O.A. 25/2016	Sunit Kumar Mallick Chowdhury Vs. The State of WB	Filling up of a water body namely Ukil Bheri which is outside of the East Kolkata Wetlands				
3	O.A. 78/2016	Dhruba Das Gupta & Others Vs. MoEF&CC& Others	For protection of the EKW and for maintaining optimum level of wastewater flow into the EKW.				
4	O.A. 146/2017	Leisure Country Club & Resorts Pvt Ltd & Anr Vs. The Union of India & Ors.	Against the Notice issued by the EKWMA for restoration of the subject land to its original character and to restore the water bodies.				



Annexure XI

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I.T. Building (7" & 8th Floor),

31, G.N. Block, Sector-V, Salt Lake City, Kolkata - 700 091.

No. 1748-Fish/C-I/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

NOTIFICATION

In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984) as subsequently amended (hereinafter referred to as the said Act), and in supersession of all previous notifications in this regard, the Governor is hereby pleased to authorise the following authorities to be the competent authority under the said Act:

- Municipal Commissioner / Commissioner / Executive Officer of Municipal Corporation / Municipalities / Notified area authority within their respective jurisdiction.
- District Magistrate within their respective revenue districts except the municipal areas mentioned above.

By order of the Governor,

Sd/- S. K. GUPTA

Principal Secretary to the Govt. of West Bengal

No. 1748/1(54)-Fish/C-I/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

Copy forwarded for information to:

1)	The Ld. Land Reforms Commissioner, La Refugee Relief & Rehabilitation Departm	
24	The Principal Secretary, Environment De	partment.
3)	The District Magistrate	(All Districts).
4)	The Municipal Commissioner,(All Munic	Municipal Corporation ipal Corporation).
5)	The Chairman,(All notified area)
6)	The Executive Officer,	(All Municipalities).
7)	The Director of Fisheries, West Bengal.	
8)	The Deputy Director of Fisheries,	Zone.
9)	The Assistant Director of Fisheries,	- They

Joint Secretary to the Govt, of West Bengal



Annexure XII

Registered No. WB/SC-247

No. WB(Part-I)/2018/SAR-41





Gazette

Extraordinary Published by Authority

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TUESDAY, JANUARY 16, 2018

[SAKA 1939

PÀRT I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Environment Prani Sampad Bhawan, 5th Floor, LB-2, Sector III, Salt Lake City, Kolkata - 700 106

NOTIFICATION

No. 115/EKW-05/2016(Pt-1), dt. 15.01.2018.—In exercise of the power conferred by clause (a), (b), (d), (e), (f), (g) and (h) of sub-section (2) of section 23 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Ben. Act VII of 2006), the Governor is pleased hereby to make, with immediate effect, the following amendment in the East Kolkata Wetlands (Conservation and Management) Rules, 2006, issued with this Department notification No. EN/ 1766/T-II-2/006/2006, dated the 11th October, 2006 and published in the *Kolkata Gazette, Extraordinary*, Part I, dated the 11th October, 2006 (hereinafter referred to as the said rules):—

Amendment

In sub-rule (1) of rule 12 of the said rules, for the words "the Secretary, Department of Fisheries", substitute the words "the Chief Environment Officer, Department of Environment".

By order of the Governor,

ARNAB ROY
Principal Secretary to the Government of West Bengal.

Published by the Department of Environment, West Bengal and printed at Saraswaty Press Ltd. (Government of West Bengal Enterprise), Kolkata 700 056.



Restoration work within the East Kolkata Wetlands



Celebration of World Wetlands Day