

ITEM NO.6

COURT NO.13

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 304/2018

ANAND ARYA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 131361/2018 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 230/2001 (PIL-W)  
(I.A.NO.203606/2022 IN W.P.(C)NO.230/2001  
IA No. 203606/2022 - INTERVENTION APPLICATION)

W.P.(C) No. 302/2020 (PIL-W)  
(FOR impleading party ON IA 172736/2024  
FOR INTERVENTION/IMPLEADMENT ON IA 172736/2024  
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 172737/2024  
IA No. 172737/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 172736/2024 - INTERVENTION/IMPLEADMENT)

Date : 11-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

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Mr. Amartya Bhushan, Adv.  
Mr. Yojit Mehra, Adv.

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For Respondent(s) Ms. Aishwarya Bhati, A.S.G.  
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Mr. Saurabh Tripathi, Adv.

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Mr. A K Panda, Adv.  
Mr. Wasim Qadri, Sr. Adv.  
Mrs. Ruchi Kohli, Sr. Adv.  
Mr. Mukesh Kumar Maroria, AOR  
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Mr. Rohit Pandey, Adv.

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Mr. Prashant Bhagwati, Adv.  
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Mr. Vishwanathan Iyer, Adv.

Mr. Arman Sharma, Adv.  
Mrs. Shimpy Sharma, Adv.  
Ms. Pooja Sharma, Adv.  
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Mr. Parth Awasthi, Adv.  
Mr. Pashupathi Nath Razdan, AOR

Mr. V. N. Raghupathy, AOR

Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Sunny Choudhary, AOR  
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Ms. Rashmi Singhania, Adv.

Mr. Bharat Bagla, Adv.  
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Mr. Rohit Kumar, Adv.  
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Mr. Aryan Srivastava, Adv.  
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Mr. Rishi Sehgal, AOR  
Mr. Midhun Aggarwal, Adv.  
Ms. Vaishnavi, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

Prior to 2017, the figures given by ISRO regarding the number of wetlands in India having an area more than 2.25 Hectares was 2,01,503. The latest ISRO data, which is of the year 2021, shows that this figure has now increased to 2,31,195.

Now these figures have to be checked on ground. The Wetlands (Conservation and Management) Rules, 2017 (in short, "the Rules") and the guidelines issued thereunder prescribe that the next step after identification of such wetlands is what is called Ground truthing, which is the term given to the actual inspection of these wetlands by a team constituted by the State for that purpose. This step has, however, been neglected by almost all the States, except the State of Punjab to some extent. As regards demarcation of these wetlands all States have done almost nothing up till now.

We have been informed at the Bar that each State presently has a Wetland Authority. In fact, reading of Rule 5 suggests that the State Wetlands Authority has already been constituted. Rule 5, by which the State Wetland Authority as well as such Authorities in the Union Territories have been

constituted and the powers to these Authorities have been given, reads as under :-

**“Wetland Authorities – (1)** The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely ; -

XXXXX

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely -

XXXX

(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 UT 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 one year from the date of publication of these rules and upload the same on a dedicated web portal, to be developed by the Central Government for the said purpose; the inventory ought to be updated every ten years;*

*e) 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, ground water 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 to consider continuation and support to traditional uses of wetlands that are harmonized with ecological character;*
- l) Recommend mechanisms for maintenance of ecological character through promotional activities for land within the boundary of notified wetlands or wetlands complex have private tenancy rights,;*
- j) Identify mechanisms for convergence of implementation of the management plan with the existing State/UT level development plans and programmes;*
- k) Ensure enforcement of these rules and other relevant Acts, rules and regulations and on a half-yearly basis (June and December of each calendar year) inform the concerned State Government or UT Administration or Central Government on the status of such notified wetlands through a reporting mechanism;*
- l) Coordinate implementation of Integrated Management Plans based on wiseuse principle through various line departments and other concerned agencies;*



*m) Function as a nodal authority for all wetland - specific authorities within the State or UT Administration;*

*n) Issue necessary directions for the conservation and sustainable management of wetlands to the respective implementing agencies.*

*o) Undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and*

*p) Advise on any other matter suo-motu, or as referred by the State Government/UT Administration.*

*(5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.*

*(6) The Authority shall, within ninety days of publication of these rules, shall constitute -*

*(a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority and*

*(b) a grievance committee consisting of four members to provide a mechanism for hearing*

*and forwarding the grievances raised by public to the Authority;*

*(7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.*

*(8) The Authority shall meet at least thrice in a year.*

*(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.”*

It is clear now that the ground truthing and the demarcation of wetland boundary is the next step, which is to be undertaken by each of the State/UT Wetland Authorities in coordination with concerned nodal Department as provided under the Rules. It is a Statutory function which has been assigned to them under the Rules. We, therefore, direct each of the State/UT Wetland Authorities to complete ground truthing as well as the demarcation of wetland boundaries of each of the Wetland which have been identified for their State by Space Application Center Atlas (SAC Atlas), 2021.

For easy accessibility of this, each of the State/UT Wetland Authorities shall complete this work as expeditiously as possible, but definitely within a period of three months from today. Ms. Aishwarya Bhati, learned Additional Solicitor General, has assured this Court that they shall be doing the monitoring with each of the State and shall file a detailed affidavit before the

next date of listing.

Vide our order dated 03.04.2017 (in Writ Petition (C) No. 230 of 2001), this Court has passed certain directions regarding protection of Ramsar Convention Sites (of wetlands) to be monitored by each of the High Court concerned and 15 High Courts were given such a direction. The relevant portion of order dated 03.04.2017 is reproduced as under :-

*“We have put it to learned counsel for the petitioner that insofar as the Ramsar Convention sites are concerned, since they are matters of international heritage, it might be more appropriate if the concerned High Courts monitor the management of these sites at least till there is some visible improvement. Learned counsel for the petitioner says that he has no objection to this.*

*Under the circumstances, we direct the Registry of this Court to make photocopies of the affidavit filed by the Union of India by Dr. A. Duraisamy, Scientist 'F' and Member Secretary, Central Wetland Regulatory Authority and send it to the following High Courts: High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, Gauhati High Court, Gujarat High Court, Himachal Pradesh High Court, J&K High Court, Kerala High Court, Madhya Pradesh High*

*Court, Manipur High Court, Orissa High Court, Punjab and Haryana High Court, Rajasthan High Court, Madras High Court, Tripura High Court, Allahabad High Court and High Court at Calcutta. The affidavit be sent to the Registrar General of all the aforementioned High Courts within two weeks from today. A copy of all the orders passed by this Court from 10th September, 2014 till today shall also be sent to the concerned High Courts along with the affidavit. We request Hon'ble the Chief Justice of the concerned High Court to treat the affidavit as a suo motu public interest petition and, if necessary, appoint an amicus to assist the court so as to ensure that the Ramsar Convention sites within their jurisdiction are properly maintained. The affidavit by the Union of India should be filed within six weeks. List the matter on 12th July, 2017"*

Now, the latest figure shows that these Ramsar sites have increased from 26 to 85, including 59 additional sites (cited below) falling under 5 other additional High Courts i.e. Patna, Bombay, Karnataka, Gauhati (Aizawl Bench as well) and Uttarakhand. The list of updated RAMSAR sites has been given to this Court, which is reproduced as under:-

**“List of 85 Ramsar Sites**

	<b>State/UT</b>		<b>Wetland</b>	<b>Date of Designation</b>	<b>Area (hectares)</b>
1.	Andhra Pradesh (1)	<b>1.</b>	Kolleru Lake	19-08-2002	90100
2.	Assam (1)	<b>2.</b>	Deepor Beel	19-08-2002	4000
3.	Bihar (3)	<b>3.</b>	Kabartal Wetland	21-07-2020	2620
		<b>4.</b>	Nagi Bird Sanctuary	11-10-2023	206
		<b>5.</b>	Nakti Bird Sanctuary	11-10-2023	333
4.	Gujarat (4)	<b>6.</b>	Nalsarovar	24-09-2012	12000
		<b>7.</b>	Wadhvana Wetland	05-04-2021	630
		<b>8.</b>	Thol Lake Wildlife Sanctuary	05-04-2021	699
		<b>9.</b>	Khijadia Wildlife Sanctuary	13-04-2021	512
8.	Goa (1)	<b>10.</b>	Nanda Lake	08-06-2022	42
9.	Haryana (2)	<b>11.</b>	Sultanpur National Park	25-05-2021	143
		<b>12.</b>	Bhindawas Wildlife Sanctuary	25-05-2021	412
11.	Himachal Pradesh (3)	<b>13.</b>	Pong Dam Lake	19-08-2002	15662
		<b>14.</b>	Chandertal Wetland	08-11-2005	49
		<b>15.</b>	Renuka Wetland	08-11-2005	20
14.	Jammu and Kashmir (5)	<b>16.</b>	Wular Lake	23-03-1990	18900
		<b>17.</b>	Surinsar-Mansar Lakes	08-11-2005	350
		<b>18.</b>	Hokera Wetland	08-11-2005	1375
		<b>19.</b>	Hygam Wetland	08-06-	802

			Conservation Reserve	2022	
		<b>20.</b>	Shallbugh Wetland Conservation Reserve	08-06-2022	1675
19.	Karnataka (4)	<b>21.</b>	Ranganathittu Bird Sanctuary	15-02-2022	518
		<b>22.</b>	Ankasamudra Bird Conservation Reserve	10-03-2023	98.76
		<b>23.</b>	Aghanashini Estuary	14-02-2023	4801
		<b>24.</b>	Magadi Kere Conservation Reserve	14-02-2023	54.38
20.	Kerala (3)	<b>25.</b>	Asthamudi Wetland	19-08-2002	6140
		<b>26.</b>	Sasthamkotta Lake	19-08-2002	373
		<b>27.</b>	VembanadKol Wetland	19-08-2002	151250
23.	Ladakh (2)	<b>28.</b>	Tso Kar Wetland Complex	17-11-2020	9577
		<b>29.</b>	Tsomoriri Lake	19-08-2002	12000
25.	Madhya Pradesh (5)	<b>30.</b>	Bhoj Wetlands	19-08-2002	3201
		<b>31.</b>	Sirpur Wetland	07-01-2022	161
		<b>32.</b>	Sakhya Sagar	07-01-2022	248
		<b>33.</b>	Yashwant Sagar	07-01-2022	823
		<b>34.</b>	Tawa Reservoir	08-01-2024	20050
29.	Maharashtra (3)	<b>35.</b>	Nandur Madhameshwar	21-06-2019	1437
		<b>36.</b>	Lonar Lake	22-07-2020	427
		<b>37.</b>	Thane Creek	13-04-2022	6521
32.	Manipur (1)	<b>38.</b>	Loktak Lake	23-03-1990	26600
33.	Mizoram (1)	<b>39.</b>	Pala Wetland	31-08-2021	1850
34.	Odisha (6)	<b>40.</b>	Chilka Lake	01-10-1981	116500
		<b>41.</b>	Bhitarkanika Mangroves	19-08-2002	65000
		<b>42.</b>	Satkosia Gorge	12-10-2021	98197

		<b>43.</b>	Tampara Lake	12-10-2021	300
		<b>44.</b>	Hirakud Reservoir	12-10-2021	65400
		<b>45.</b>	Ansupa Lake	12-10-2021	231
40.	Punjab (6)	<b>46.</b>	Harike Lake	23-03-1990	4100
		<b>47.</b>	Kanjli Lake	22-01-2002	183
		<b>48.</b>	Ropar Lake	22-01-2002	1365
		<b>49.</b>	Beas Conservation Reserve	26-09-2019	6429
		<b>50.</b>	Keshopur - Miani Community Reserve	26-09-2019	344
		<b>51.</b>	Nangal Wildlife Sanctuary	26-09-2019	116
46.	Rajasthan (2)	<b>52.</b>	Keoladeo Ghana National Park	1-10-1981	2873
		<b>53.</b>	Sambhar Lake	23-03-1990	24000
48.	Tamil Nadu (18)	<b>54.</b>	Point Calimere Wildlife and Bird Sanctuary	19-08-2002	38500
		<b>55.</b>	Koonthankulam Bird Sanctuary	08-11-2021	72
		<b>56.</b>	Chitrangudi Bird Sanctuary	08-11-2021	260
		<b>57.</b>	Karikili Bird Sanctuary	08-04-2022	58
		<b>58.</b>	Pichavaram Mangrove	08/04/2022	1479
		<b>59.</b>	Pallikaranai Marsh Reserve Forest	08-04-2022	1248
		<b>60.</b>	Gulf of Mannar Marine Biosphere Reserve	08-04-2022	52672
		<b>61.</b>	Vembannur Wetland Complex	08-04-2022	20
		<b>62.</b>	Vellode Bird Sanctuary	08-04-2022	77
		<b>63.</b>	Udhayamarthandapuram Bird Sanctuary	08-04-2022	44
		<b>64.</b>	Vedanthangal Bird Sanctuary	08-04-2022	40
		<b>65.</b>	Suchindram Theroor Wetland Complex	08-04-2022	94
		<b>66.</b>	Vaduvur Bird Sanctuary	08-04-	113

				2022	
		<b>67.</b>	Kanjirankulam Bird Sanctuary	08-04-2022	97
		<b>68.</b>	Karaivetti Bird Sanctuary	24-05-2023	453.72
		<b>69.</b>	Longwood Shola Reserve Forest	24-05-2023	116.007
		<b>70.</b>	Nanjarayan Bird Sanctuary	16-01-2024	125.865
		<b>71.</b>	Kazhuvveli Bird Sanctuary	16-01-2024	5151.6
62.	Tripura (1)	<b>72.</b>	Rudrasagar Lake	08-11-2005	240
63.	Uttar Pradesh (10)	<b>73.</b>	Upper Ganga River	08-11-2005	26590
		<b>74.</b>	Nawabganj Bird Sanctuary	19-09-2019	225
		<b>75.</b>	Parvati Arga Bird Sanctuary	02-12-2019	722
		<b>76.</b>	Saman Bird Sanctuary	02-12-2019	526
		<b>77.</b>	Samaspur Bird Sanctuary	03-10-2019	799
		<b>78.</b>	Sandi Bird Sanctuary	26-09-2019	309
		<b>79.</b>	Sarsai NawarJheel	19-09-2019	161
		<b>80.</b>	Sur Sarovar	21-08-2020	431
		<b>81.</b>	Haiderpur Wetland	13-04-2021	6908
		<b>82.</b>	Bakhira Wildlife Sanctuary	29-06-2021	2894
73.	Uttarakhand (1)	<b>83.</b>	Asan Conservation Reserve	21-07-2020	444
74.	West Bengal (2)	<b>84.</b>	East Calcutta Wetlands	19-08-2002	12500
		<b>85.</b>	Sunderbans Wetland	30-01-2019	423000
<b>23 States &amp; UTs</b>		<b>85 Ramsar Sites</b>			<b>13,58,068.335</b>

The Registrar General of this Court is directed to send the complete list to all the High Courts, including the 5 High Courts which are mentioned above,



and the High Courts are requested to treat the affidavit as a Suo Moto Public Interest Litigation where an Amicus be appointed, if necessary, to assist the Court and ensure that the RAMSAR Sites within their jurisdiction are properly maintained. We say this only as a continuation of our order dated 03.04.2017.

List the matter again on 25.03.2025.

**(JAYANT KUMAR ARORA)**  
**ASST. REGISTRAR-CUM-PS**

**(RENU BALA GAMBHIR)**  
**COURT MASTER**