



Wetland, New, Monitor

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TRENDING TOPICS IN THIS ISSUE:

- 1. Reports on Fishing Cat**
- 2. Report on Wetlands Threat**
- 3. Brief News on East Kolkata Wetlands**
- 4. News on Wetlands Act**

News brief on Fishing Cat, Wetlands Threat, East Kolkata Wetlands, Wetland Act

Report on Fishing Cat

Habitat loss and poaching threaten the endangered fishing cat with extinction in India. The elusive and endangered fishing cat, almost twice the size of a house cat, is under significant threat of local extinction in India and Sri Lanka, a US-based Indian biologist has warned. This species is believed to be almost extinct in Indonesia. Ashwin Naidu, president of Fishing Cat Conservancy reported that several small projects and studies in the recent past, especially in India and Sri Lanka, have shown that fishing cats are now restricted to small, isolated, fragmented populations that are under significant threat of local extinction.



Endangered Fishing Cat

Source: The Hindu Dt.: September 08, 2017

The fishing cats, a wetland-adapted species, are found in over 11 countries in South and Southeast Asia, from Pakistan to Indonesia. But it's one of the least studied wild cat species globally. Naidu, currently working in coastal south India on community-based conservation of



this species, said like other wild cat species, the primary threats to the fishing cat survival are aquaculture, agriculture, hunting, poaching and retaliatory killing by livestock owners. Many mangroves where the fishing cats live are quickly being lost to deforestation and aquaculture. According to Naidu, human demands have reduced and fragmented wetlands and coastal mangroves that these cats need to survive. Aquaculture is probably the biggest threat to this species since it is responsible for anywhere between 50-80 per cent of the lost mangrove forest cover throughout South and Southeast Asia.

Wetlands along the major river systems leading down to their estuaries and mangroves — the Ganges, the Yamuna and the Brahmaputra rivers leading up to the Sundarbans; the Mahanadi and the Brahmani river deltas in Orissa; and the Godavari and Krishna river deltas in Andhra Pradesh are the cats' habitat. Surprisingly, no one knows about or has estimated the number of fishing cats which prey primarily on fish and crustaceans in the wild. Naidu stated that studies are needed to estimate their numbers at the local, regional and global scales.

Source:

➤ <http://www.thehindu.com/todays-paper/tp-in-school/cat-in-peril/article19639437.ece>

Report on Wetlands Threat

A large stretch of mangrove has come under threat from slum dwellers and villagers who have been hacking the green cover inside the reserve forest area along Thane creek from Vitawa to Airoli skirting through Patni road to use them as firewood. The mangrove cell of the region is said to be short staffed to monitor the large scale of mangrove destruction. If the illegal axing of mangrove continues, local residents and green campaigners fear that the lack of protection would kill the wetlands. Forest officials seem to be helpless on how to prevent the menace as the creek line is stated to be vast. Residents allege that the mangrove patch near sector 19 and 20 of Airoli has been targeted by the slum dwellers. Anil Bhujbal, a public reported that the forest department has remained mere spectators. New slums have cropped up on unclaimed government land which is a stone's throw away from the mangrove stretch.



Mangrove cell of the region – staffed to monitor the large scale of mangrove destruction

Source: The Times of India Dt.: October 24, 2017

An activist Santosh Patil stated that the tall claims of the government of preserving the environment while developing the cities have fallen flat. There is nothing new about villagers preferring to use wood for cooking over gas stoves. With slum pockets increasing by the day, mangroves have been a soft target for slum dwellers. The 30km stretch of mangroves is also easily accessible and the forest department has failed to take measures to prevent the miscreants from entering the area. Security guards have not been deployed in the area. Forest range officer Mayur Bothe said that there is a discussions going on with NMMC to clear the slums which have been destroying the mangrove cover.

Dumping of debris along Talaja creek, Roadpali, miscreants has been systematically encroaching a wetland stretch opposite to the Navi Mumbai police headquarters. An illegal concrete platform, measuring around 40 ft x 25 ft, has come up adjacent to an illegal jetty which, too, was revamped and extended recently with concrete steps after killing the mangroves in the area. Residents and green campaigners are apprehensive about further destruction of mangroves and grabbing of wetland. An activist Mr. Rajesh Poojari said that after the debris mafia dumped trash along this creek shore, land grabbers would be trained to set up shops illegally on this



wetland. He added that why the authorities are keeping quiet when rampant encroachment is taking place.

Source:

- <https://timesofindia.indiatimes.com/city/navi-mumbai/slum-dwellers-hacking-wetlands-along-creek/articleshow/61190731.cms>
- <https://timesofindia.indiatimes.com/city/navi-mumbai/platform-comes-up-on-roadpali-wetland/articleshow/61311829.cms>

Brief News on East Kolkata Wetlands

The Asian Development Bank (ADB) has categorically denied that it is funding any project in the East Kolkata Wetlands (EKW), a site that is internationally protected under the Ramsar Convention. It has further revealed that at least one project in the EKW – an eco park with a bird sanctuary has been proposed by the state environment department. Immediately after taking over the reins of the East Kolkata Wetlands Management Authority (EKWMA), mayor and environment minister Sovon Chatterjee had announced a clutch of projects in the EKW, including a flyover that would cut through the ecologically fragile zone and trample several waterbodies, and an eco park with a bird sanctuary inspired by the Jurong Bird Park of Singapore at the edge of the wetland along the EM Bypass. He had further claimed that the sites had been surveyed and project reports prepared though none of it has been placed in the public domain yet.

In reply to a query by ecologist Dhrubajyoti Ghosh, ADB country director (India Resident Mission) Kenichi Yokoyama reported that ADB is not funding any works in the EKW. The Kolkata Municipal Corporation (KMC), the executing agency for the project, is supporting the state environment department to update a study for the wetland park using the services of project consultants. The ADB official has sent copies of the letter to the Ramsar Bureau, the ministry of environment, forest and climate change as well as the state environment department and KMC.



As an EKWMA member, Ghosh had raised objections to the projects when they were proposed at a meeting chaired by Chatterjee. But his comments were expunged from the minutes of the meeting. He had thereafter resigned. The crying need is to save the ecosystem from immediate threats. Everyday buildings are being constructed within EKW with unmatched rapidity. Land is being sold to tempted buyers. Other environment activists have pointed out that beyond the Ramsar Bureau, the EKW enjoys the legal protection. In 1992, the Calcutta high court had in a landmark judgment ordered protection of the wetland following a public interest litigation filed by the NGO, Public. The wetland also enjoys protection under the Central Wetland Act.

Source:

- <https://timesofindia.indiatimes.com/city/kolkata/not-funding-any-project-in-wetland-adb/articleshow/61313360.cms>

News on Wetlands Act

Seeking to protect over 2 lakh wetlands across the country, the Centre has come out with rules to identify and manage these ecologically fragile areas which play an important role in flood control, groundwater recharge, preserving plant varieties, supporting migratory birds and protecting coastlines. The new rules, notified by the environment ministry on 26th September 2017, decentralise wetlands management by giving states powers to not only identify and notify wetlands within their jurisdictions but also keep a watch on prohibited activities. It also indirectly widens the ambit of permitted activities by inserting the 'wise use' principle, giving powers to state-level wetland authorities to decide what can be allowed in larger interest.

The notification says, "The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority." Though it lists prohibited activities, the 'wise use' principle may invite criticism from environmentalists who had earlier objected to it when the ministry put out the draft rules in public domain in March 2016. Many conservationists had then pointed out that the 'wise use' principle would lead to arbitrary decisions on the basis of selective understanding of critical issues around the ecologically fragile



areas. The ministry, in its gazette notification, however, noted that the "suggestions and objections" received in response to the draft rules were considered in consultation with state governments and UT administrations.

The prohibited activities under the new rules include any kind of encroachment, setting up of any industry, expansion of existing industries, solid waste dumping, discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements, poaching and any construction of a permanent nature except for boat jetties within 50 metres from the mean high flood level observed in the past 10 years. The Centre's role under the Wetlands (Conservation and Management) Rules, 2017, will be restricted to monitoring its implementation by states/UTs, recommending trans-boundary wetlands for notification and reviewing integrated management of selected wetlands under the Ramsar Convention — an international arrangement to preserve identified wetlands.

Decentralisation of wetlands management is seen as the ministry's effort to sync environmental policies with the government's ease of doing business norms which are aimed at cutting delays in green clearances for development activities and supporting livelihood issues. The new rules replace the Wetlands (Conservation and Management) Rules, 2010, which had a provision for a super body - Central Wetlands Authority - to decide on all activities relating to wetlands. The new rules, on the other hand, make the provision of respective state-level wetland authorities with the Centre having a limited role through a national wetlands committee, headed by the Union environment secretary as its chairperson. Under the new rules, the states are now required to identify and notify all the wetlands within a period of one year.

Though the country's space agency ISRO had in 2011 mapped over two lakhs of wetlands across the country, the centre has, so far, notified only 115 wetlands and 63 lakes in 24 states and 2 UTs for conservation and management. Prominent among those are the wetlands which are included in the list under Ramsar Convention. The list includes Chilika lake areas (Odisha), Wular lake (J&K), Renuka (Himachal Pradesh), Sambhar lake (Rajasthan), Deepor Beel (Assam), East Kolkata wetlands (West Bengal), Nal Sarovar (Gujarat) and Bhoj wetland (Madhya Pradesh) among others.



The Centre has notified a new set of rules for preservation of wetlands under which the states will have to identify water bodies to be brought under this category by March 2018. The Wetlands (Conservation and Management) Rules, 2017, notified on September 26, shall replace the earlier set of guidelines which came into effect in 2010. However, under the 2010 rules, not a single water body was notified as a wetland over and above the ones already recognised as such by the Centre and the Ramsar Convention, defeating its purpose in a way.

The Ramsar Convention, which dates back to 1971, is an intergovernmental treaty aimed at the "conservation and wise use of wetlands". India became one of its signatories in 1982. According to an Environment Ministry notification, wetlands are vital parts of the hydrological cycle. These 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 and aquifer recharge. With rapid urbanisation, it has also become a highly contentious subject with wetlands being encroached across the country by land sharks, leading to depleting ground water levels and floods in urban areas. The new rules seek to shield these sensitive ecosystems from encroachments of any kind, hazardous industrial effluents and discharges from human settlements, solid waste dumping.

A National Wetlands Committee, which will monitor the implementation of the guidelines, and State/Union Territory Wetland Authorities have been created under the rules. The 2010 rules had envisaged the creation of a Central Wetlands Regulatory Authority. The authorities at the state or Union territory level have been tasked with listing all wetlands in their territories within three months and prepare a list of wetlands to be notified, within six months, among other functions, including developing a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence. The authorities, both at the Centre and state level, will have officials from the environment, tourism, water resources and rural and urban development ministries and departments as well as members of the pollution control boards among others. The issue of wetlands came to the fore more recently after objections were raised to organising of the World Culture Festival by the Art of Living (AoL) on the Yamuna floodplains in 2016. The AOL had questioned the use of the term wetland in describing the Yamuna floodplains since it is not notified as one. According to a study of the



Space Application Centre, wetlands cover some 10 million hectares, or a little over three per cent of the country's geographical area.

The Union ministry of environment and forests no longer considers salt pans to be "wetlands", a move that could open up these eco-sensitive tracts in Mumbai for development. Builders have been eying the over 5,300 acres of salt pans in Mumbai for several years while the state government is keen to exploit them for affordable housing. Environmentalists and civic activists have warned that salt pans are the last remaining open spaces in the city; they act as natural buffers during heavy rains and prevent flooding. Besides, they are contiguous to the marshy areas near estuaries and creeks which sustain the region's bio-diversity and are classified as wildlife sanctuaries. The ministry has tweaked the Wetland Rules, 2017, and deleted salt pans from the definition of 'wetland'.

D Stalin, Director of the NGO Vanashakti, said in one stroke the Centre has opened up the possibility of further erosion in the city's open spaces, especially along the eastern coast. Most of the salt pans are situated in Vikhroli, Ghatkopar, Bhandup, Mulund in the eastern suburbs and some in Mira Road, Dahisar and Vasai-Naigaon in the western suburbs. He added that the salt pans are in the inter-tidal areas so it is very strange that the ministry should exclude them. Sources said the decision was taken in consultation with all coastal states which have large areas under salt pans and were keen to develop them.

Last month the ministry had called a meeting of stakeholders from across the country. Over 60,000 acres of salt pan land is owned by the Centre and they are spread over Gujarat, Karnataka, Tamil Nadu, West Bengal, Andhra Pradesh, Odisha, Maharashtra. While Maharashtra asked for water reservoirs not to be included under the definition of wetlands, the other states were vociferous and demanded that salt pan lands be excluded. State Environment Secretary Satish Gavai reported that salt pans have been excluded from the definition of wetlands, but added that development on them was a separate issue. He also said his department, in filing objections and suggestions, had not asked for exclusion of salt pans from wetlands. This would have been a shift from the state's earlier position in 2015 when Maharashtra government formally asked for transfer of salt pan lands in Mumbai and its suburbs to the state for creating affordable housing stock.



The Mumbai Metropolitan Region Development Authority (MMRDA) was appointed to prepare the plan. But in a report submitted in 2016, MMRDA said only 25 acres of the 5,379 acres under salt pans were developable. This finding was endorsed by a survey which said large swathes of salt pans are located in the midst of wetlands or covered with mangroves. In addition, some expanses are encroached by slums and buildings while others are under litigation and title disputes.

The new rules state: "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." It also says wetland rules will not apply to wetlands falling in areas covered under the Indian Forest Act, 1927, the Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts and the Coastal Regulation Zone Notification, 2011. Salt pans are covered under the coastal regulation zone (CRZ).

Stalin said salt pans in Mumbai have been wrongly classified as CRZ III without ground studies. The draft Coastal Zone Management Plan has corrected this and classified them as falling under the stringent CRZ I. However, its finalisation is delayed and this will only benefit developers. Salt pans are now vulnerable as the CRZ Notification, 2011 does not explicitly state that they cannot be reclaimed. However, a government official said it would not be easy to throw open salt pan lands for development given that these are inter-tidal areas and that there is title disputes. Besides, activist and architect PK Das, while mapping the city's open spaces, creeks, rivers etc. had shown how nearly 95% of the city is already concretised. The recent deluge should serve as a warning against promoting real estate development on salt pan lands. Intense rainfall is going to be annual phenomena and so also flooding. Citizens and activists will need to continually raise their voice against concretisation of salt pan lands.

Clause denies transfer of buildings constructed on wetland for 10 years. The state government has decided to scrap a clause that specified a lock-in period of 10 years for the sale of land containing a residential building that was built by filling paddy land or wetland.



According to sources, the rule that has been in force through a circular issued by the local self-government department on October 27, 2012, is likely to be cancelled by the government soon, on the basis of government's policy decision in this regard. The circular was issued by the LSG department after several complaints came up before it saying that permission is being denied to construct houses in the land that ended up being categorised as 'nilam' (wetland) in the revenue register even before the Kerala Conservation of Paddy Land and Wetland Act came into force in 2008.

While giving permission to construct the houses in such properties, the government had included the clause that ownership of the residential properties that received clearance should not be transferred at least for next 10 years. It is reliably learnt that chief minister Pinarayi Vijayan has sought the opinion of the revenue department regarding the proposed amendment. The revenue department has taken a strong exception and cited the 2012 circular as illegal, unconstitutional and unnecessary intrusion into the citizen's rights for enjoyment of his properties. The recommendations of the revenue department have been forwarded to the chief minister who is expected to give the final clearance for withdrawing the clause.

Meanwhile, environmentalists cite that even the circular issued by the LSG is invalid. Advocate and environmentalist Harish Vasudevan reported that the existing circular has no legal standing and the government should have made suitable amendments in the relevant act to add the lock-in period. Provision of lock-in period with regards to the land which received a conditional clearance helps prevent misuse of the permission. The lock-in period should in fact be increased from 10 to 15 or 20 years and there is no question of curtailing of fundamental rights in this regard. In 2013 and 2014, the government had made minor modifications to the circular, to exclude legal heirship and those acquiring the property in bank auction, respectively, from the ambit of 10-year lock-in period clause.

Source:

- <https://timesofindia.indiatimes.com/home/environment/flora-fauna/now-states-can-identify-and-manage-their-own-wetlands/articleshow/60863079.cms>



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