

Wetlands (Conservation and Management) Rules 2010

Welcome, but a lost opportunity: This cannot help protect the wetlands, Sir

On the occasion of the World Wetlands Day 2011, while we welcome the notification of Wetland (Conservation and Management) Rules 2010 by the Union Ministry of Environment and Forests on Dec 2, 2010, we would like to bring to the attention of the Minister and the Ministry that the Rules suffer from some basic flaws, due to which they would not be sufficient in protecting the wetlands.

Firstly, the definition of the Wetlands in the Rules does not include Rivers and floodplains. Rivers are included under wetlands under the Ramsar convention on Wetlands that India is signatory to. Exclusion of Rivers from the definition clearly is not helpful, since there is no protection for continued freshwater flow in rivers today from any law and these rules could have been an opportunity to provide such a protection.

The Rules do not provide for protecting wetlands which are important for **livelihoods and water security of dependent population**. Considering the large number of population depending on wetlands for livelihoods and domestic water supply, **this should have been one of the most important criteria** for protection and regulation. Indeed, in the Draft Wetland Rules, 2008, wetlands supplying water to class B cities as well as smaller wetlands supplying water to households and with socio cultural significance were qualified for protection. They have been surprisingly omitted from the 2010 Rules.

Most importantly, now the rules regulate only those wetlands which are more than 500 hectares in areas below 2500 meters. In reality, there are a number of smaller wetlands, talabs, jheels and tanks in rural and urban India which perform important socio ecological functions and are under severe threat by land-filling and reclamation. Many times, these wetlands and tanks are essential for the water security of the region. The 2010 Rules have totally neglected the management and conservation of these crucial smaller wetlands. Even in the section which mentions ecologically sensitive wetlands, no mention of water security or livelihood security has been made.

The Rules do not protect the traditional & community rights of fishing, water collection & farming, in practice for a long time and there is need to protect such uses from the protected wetlands.

The draft Draft Rules 2009 mentioned the constitution of Regulatory Authorities and Appraisal Committees at the Centre, State & District level. The District level committee had space for Zilla Parishad representative and a member of Grampanchayat. This was critical to maintain participation & ensure that local concerns are addressed. However, the 2010 Rules make no mention of the State and District level committees. In fact there is need to have a wetland level management committee for each protected wetland to begin with & at least 50% of the members of such committees must come from the local communities/ gramsabhas, community based organisations & non govt experts.

The Draft rules had a provision for community based organisations, research organisations, etc., to put up proposals for suggesting wetlands for protection. This provision has been removed. The authority to put up new wetlands for protection lies only with the State Government now.

The Central Wetland Regulation Authority finds no place for community representatives like representatives from the Fishing Associations, Farmers representatives, etc.

A detailed note on this issue (see: http://www.sandrp.in/rivers/Indias_wetlands_in_peril_Feb_2011.pdf) put together by SANDRP shows that many of the even Ramsar wetlands are in peril today due to upstream abstraction or alterations by dams. The Ministry has not been able to protect even Ramsar wetlands against such destruction, nor does the rules provide any explicit protection in this regard.

The wetland rules provide no clear guidelines as to when can the states decide to allow activities that are detrimental to wetlands? Through what process are the state govt take such decisions? Will all such recommendations be allowed? Without clear guidelines about this, the rules can become floodgates of destruction rather than protecting the wetlands.

It is well known that wetlands can play a very important role in the context of climate change and a move towards a more comprehensive and participatory conservation of the wetlands is indeed urgently required. The Wetlands Conservation Rules of 2010 are not going to be particularly helpful, though. The new rules fall short of even the objectives laid out for wetland protection in the Prime Minister's National Action Plan on Climate Change, which promised state & district level regulatory regime, but the new rules do not have that.

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