

**Minutes of 5<sup>th</sup> Meeting of West Bengal State Wetlands Authority (SWA) held at the Conference Hall of Chief Secretary to the Government of West Bengal at Nabanna on 16.08.2024.**

The list of attendees is attached.

The Hon'ble Minister of State (Independent Charge), Department of Environment chaired the meeting and welcomed all the attendees. The Chief Secretary, Govt. of West Bengal co-chaired the meeting. Principal Secretary, Department of Environment made a presentation on the following agenda items:

**AGENDA NO.1: Confirmation of the minutes of the earlier meeting of West Bengal State Wetlands Authority**

**Decision of the SWA:** Minutes of the 4th meeting of the SWA held on 31.10.2023 was confirmed.

**AGENDA NO. 2: Proposal for setting up of One Underground Reservoir, Two Over Head Reservoir and One Health Centre at Mouza Dhapa Manpur by Bidhannagar Municipal Corporation**

The members were informed about a proposal received from Bidhannagar Municipal Corporation for construction of one UGR (Underground Reservoir) with 1500 cum capacity & OHR (Over Head Reservoir) with 1200 cum capacity and one Health Centre in RS Dag No. 1051 of Dhapamanpur mouza (sareunisher bigha math) within Ward 36 of BMC and another OHR (Over Head Reservoir) with 550 cum capacity at RS Dag No. 1433 of Dhapamanpur mouza within same ward.

The project belongs to the surface water supply scheme under Amrut 2.0 program to deliver potable and adequately treated surface water to the common citizens of BMC Ward No. 28, 35 & 36. BMC submitted a vetted proposal in this regard. The estimated project cost is Rs. 6274.80 lakhs and Rs. 92.98 lakhs respectively.

The matter was earlier placed before the Technical Committee of State Wetlands Authority on 12.02.2024 wherein the Project Proponent had mentioned three Dag Nos. 928, 1051 and 1433 of Mouza Dhapamanpur as project site.

The Technical Committee requested BMC to provide supporting documents regarding ROR details and NOC from the recorded owner of the land. In this regard, BMC approached Urban Development and Municipal Affairs Department for land related records along with NOC of RS Dag Nos. 928 and 1051, Mouza Dhapamanpur for the proposed project site.

However, UD&MA Dept. informed that no land related records are available with them for the said plot.

As per ROR, the record of the RS Dag Nos. 928 & 1051 was not found, and RS Dag No. 1433 is recorded as danga and in the name of the West Bengal Communication Department. RS Dag Nos. 928, 1051 and 1433, Mouza Dhapamanpur is classified as Urban/Rural settlement area as per East Kolkata Wetlands (Conservation and Management) Act, 2006.

The matter was further discussed on 05.08.2024 by the Technical Committee, State Wetlands Authority and it was decided that as drinking water supply and health facility are basic amenities, the case may be taken up by the State Wetland Authority for consideration and if deemed fit may also consider to forward the same to the National Wetland Authority for their appropriate decision as per the rules and guidelines in this regard.

**Decision of the SWA:** The SWA unanimously decided and recommended that as drinking water supply and health facilities are basic amenities, the State Government may forward the proposal to the Central Government for omission of the prohibited activities as mentioned under Rule 4 of the Wetlands (Conservation & Management) Rules, 2017.

**AGENDA NO. 3: Proposal for setting up of Maa Medical College Hospital and Wellness Centre in East Kolkata Wetlands (EKW) :**

Deferred.

**AGENDA NO. 4: Proposal for Notification of Dankuni Wetland**

The Member Secretary, SWA briefed the Authority members about the Dankuni Wetland matter.

On or about 17 May 2016, in O.A. 65 (THC) of 2016/EZ (PUBLIC Vs UoI & Ors.), the court directed the District Magistrate and the Superintendent of Police, Hooghly, to ensure that no activities are carried on in any manner whatsoever to damage the wetland and also ensure that no person is permitted to reclaim/cover the wetland in the interregnum.

Thereafter, on 22 July 2021, the Hon'ble NGT, Principal Bench in the matter of Raja Muzaffar Bhat Vs the State Govt. of Jammu and Kashmir in O.A. 351/2019, asked the National Wetland Committee to direct all the States/ UTs to identify significant wetlands and to subject those wetlands to the principle of Rule 4 of Wetlands (Conservation and Management) Rules, 2017.

Further, on 9 May 2022, the Hon'ble NGT, Special Bench in O.A. 65 (THC) of 2016/EZ (PUBLIC Vs UoI & Ors.), passed a direction for protection of the wetlands/ water bodies/



flood plains in the entire State of West Bengal. It instructed that the compliance of its direction may be overseen by a committee headed by the Chief Secretary, West Bengal with State PCB, State Wetlands Authority, nominee of National Wetlands Authority and Regional officer CPCB as members.

In the meeting of the Committee constituted by Hon'ble NGT, held on 3<sup>rd</sup> June 2022, it was decided to constitute a Technical Committee, under the Chairmanship of Dr. Kalyan Rudra, Chairman, WBPCB to formulate the State Action Plan for protection of water bodies / wetlands situated in the State.

Subsequently, on 25th August 2022, in the 1<sup>st</sup> meeting of the constituted Technical Committee, the Fisheries Department assigned work of geo-tagging of wetlands as they already have the database of approx. 20 lacs water bodies of the State. The work on preparation of brief documents of 246 wetlands having an area of 10 ha and above was already assigned to Kalyani University. Institute of Environmental Studies and Wetland Management (IESWM) had already prepared the brief documents for 23 wetlands of the State having an area of 400 ha and above.

Further, on 5th September 2022, in the 2nd meeting of the constituted Technical Committee, it was decided that work of demarcation of wetlands and their zone of influences, their Geo-mapping will be done by the Fisheries Department as it has high resolution world view imageries for the State. This task was to be started with the districts of Hooghly, North 24-Parganas and Alipurduar in the first place with priority to the Hooghly Districts in compliance with the order of Hon'ble National Green Tribunal dated 09.05.2022.

Subsequently, on 5th January 2023, in the review meeting of the progress of brief document preparation and Geo-mapping of wetlands of Hooghly District, the Fisheries Department was requested to prepare a GIS map pointing out land classifications along with a mouza wise and plot wise detail giving actual classification vis-à-vis the four categories on the basis of satellite imageries of 2022.

Thereafter, in the review meeting held on 8th May 2023 on the matter of Dankuni wetland in Hooghly District, it was observed that as per RoR, majority of land in Mollarber and Panchghara Mouza is classified as Shali or Suna. It is also found from the RoR that majority of the land of these two Mouzas is under private ownership (Raiyati). As per Wetland Atlas, these mouzas are not included in the list of wetlands in Hooghly District. Considering the definition of wetland and the fact mentioned above, it was decided that Mollarber and Panchghara Mouzas do not qualify to be considered as water bodies.

Subsequently, on 7th July 2023, the Fisheries Data Centre presented the land use map of Mollarber and Panchghara Mouzas. As per the said land use, an area of approximate 118 ha in Mouza Mollarber, JL no. 22, Panchghara, JL no. 80, Joykrishnapur, JL no. 69 and Jhakari, JL no. 103, Block Sreerampur-Uttarpara, Chanditala-II, Singur of Hooghly District was found waterlogged for a considerable amount of time even after de-siltation of the Dankuni canal.

Total water area is approx. 72.387 ha and buffer area (zone of influence) is 45.65 ha. Out of the 118 ha, approx. 67.369 ha lies in Mollarber and Panchghara Mouzas of which only 5.018 ha is recorded as water body (i.e. nala, beel or Doba) in RoR. The Technical Committee of the SWA suggested to conserve the said water body.

Thereafter, on 16th October 2023, the Department of Environment, Government of West Bengal, proposed certain plots of land measuring 118 hectares comprised in Mouza Panchghara, Mouza Mollarber, Mouza Jaykrishnapur and Mouza Jhakari, in District Hooghly to be notified as 'Wetlands' vide Draft Notification being No. 2466/EN/4E-174/2023-2024, in exercise of powers conferred under Rule 7 of Wetland (Conservation & Management) Rules, 2017 and called for objections / suggestions on the proposals contained therein.

Subsequently, on 31st October 2023, in the 4<sup>th</sup> meeting of SWA, the SWA was informed that the draft Notification of Dankuni wetland had been published.

Thereafter, on 4 March 2024, a public hearing was held, wherein concerned stakeholders including the local residents, placed their views, observations and objections before the representative of the State Wetlands Authority and raised the following issues:

- a. Most of the land in the proposed Dankuni Wetland is classified as Shali or Suna i.e. agricultural land. As per the definition of wetland given in Rule 2(1)(g) of the Wetland (Conservation & Management) Rules, 2017, paddy fields are not included in the wetland category.
- b. The joint committee constituted as per the direction given in the matter O.A. No. 65/THC/2016/EZ, in its meeting held on 08.05.2023, had decided that the Mouza Mollarber and Panchghara do not meet the criteria to be considered as a water body.
- c. In the National Wetland Atlas of 2010, the Mouza Mollarber and Panchghara have not been listed as wetlands within the Hooghly district in West Bengal.
- d. Most of the land is privately owned and those present during the public hearing raised objections for notifying their land as wetlands.

Subsequently, on 31 July 2024, the objection of the local farmers of Dankuni area was received through Hon'ble Minister-in-Charge, Dept. of Environment. In their prayer the following is stated:

- a. It is stated that they are the owners of an area admeasuring 8.21 acres comprising multiple plots in Mouza Mollarber, JL no. 22, Panchghara, JL no. 80, Joykrishnapur, JL no. 69 and Jhakari, JL no. 103, under Hooghly District which falls within the proposed Dankuni Wetland as per the draft Notification.
- b. The said land has always been used by them and their ancestors for cultivation and agricultural purposes. Accordingly, the majority of the plots has been classified as either 'Shali' or 'Suna' in the Record of Rights.
- c. They have implored that the subject land represents their entire wealth that has been nurtured over the years and any restriction/ regulation additionally imposed on the subject land will have significant adverse impact on them.



d. They have prayed that the subject land should not be designated as 'Wetlands' and to remove the same from the Draft Notification.

In view of the aforementioned representation, the Department of Environment, West Bengal Pollution Control Board, sought an opinion from the Ld. Government Pleader, State of West Bengal in relation to the same, and on 9 August 2024, Ld. Government Pleader, State of West Bengal opined the following:

*“A wetland can only be a designated wetland under the Ramsar Protocol or the National Wetland Atlas of 2010. Other than these the only definition of wetland would be under the Wetland (Conservation and Management) Rules, 2017 [hereinafter referred to as the “said Rules”]. According to Rule 2(g), wetland has been provided a specific definition. To become a wetland, the following requirements are mandatory:*

- (i) The area should be of marsh, fen, peatland or water;*
- (ii) However, lands in the nature of paddy fields or human made water bodies / tanks do not fall within the definition of wetland.*

*In the case at hand, it is an admitted position that most of the lands are recorded as Sali /Suna. There is only an area of 5.018 hectares which is recorded as a water body.*

*From an inspection, it appears that the areas which are mentioned as Sali / Suna are being used for cultivation and agricultural purposes.*

*According to me, considering the definition of wetland and these lands are not designated wetland under the Ramsar Protocol or under the National Wetland Atlas, the areas of land which have been designated as water bodies may be treated as a wetland subject to its fulfilling other requirements under the said rules. However, the Sali / Suna land would not fall within the definition of wetland since the definition clearly excludes paddy fields and/or human made water bodies / tanks used for aquaculture, salt production, recreation and irrigation purposes.*

*Hence, I am of the opinion that the lands which are evidently being used for agricultural purposes and/or paddy fields ought not to be included or designated as wetland.”*

Regarding the final Notification to be made within a period not exceeding 240 days from the date of draft Notification, Ld. Government Pleader, State of West Bengal has opined that, “*I am of the view that the final notification can be made after a period of 240 days.*”

Dr. Kalyan Rudra, Chairman, West Bengal Pollution Control Board (WBPCB) & Chairman, Technical Committee, WBSWA and Chairman, Technical Committee for formulation of State Action Plan in compliance with the Order of Hon'ble NGT in O.A. 65 (THC) of 2016/EZ dated 09.05.2022 informed the Authority members that only the water area of Dankuni Wetland is a significant habitat of our State Animal i.e. Fishing Cat, which is an endangered species. He stressed that this area should be preserved.


**Decision of the SWA:** The work on identification of significant wetlands shall continue in the entire State on priority basis. All District Magistrates shall be asked to ensure that the character of the water bodies are not altered except under the provisions of existing rules and regulations. As a large number of people/ farmers were getting affected in Mollarber, Panchghara, Jakhari and Joykrishnapur Mouzas of Hooghly Distict and in view of the aforesaid facts, opinions and discussions, it appears that:


- a. Out of 118 ha area of land in Mouza Panchghara, Mouza Mollarber, Mouza Joykrishnapur and Mouza Jakhari, District Hooghly, there is only a non-contiguous area of 5.018 hectares (spread over various locations) which is recorded as water body in the Record of Rights and the balance area is recorded as "shali" / "suna" in the Record of Rights and is evidently being used for agricultural and related purposes by local residents;
- b. Lands in the nature of paddy field or human made water bodies / tanks do not fall within the definition of wetland;
- c. The proposed Dankuni Wetland is not a designated wetland under the Ramsar Protocol or under the National Wetland Atlas;
- d. Declaration of areas as wetlands that are evidently being used for agricultural and related purposes by local residents and being the major source of their livelihood, will restrict the usage of such land; and
- e. Further, to protect, regulate and preserve the non-contiguous area of 5.018 hectares, which is recorded as water body, the State has sufficient legal framework such as West Bengal Inland Fisheries Act, 1984, West Bengal Town and Country (Planning and Development) Act, 1979, Water (Prevention and Control of Pollution) Act, 1974 and West Bengal Land Reforms Act, 1955.

Thus, in light of the above, the SWA has unanimously decided that:

1. The District Administration shall continue with the process of identification of significant wetlands and it would be ensured that the character of the water bodies are not altered except under the provisions of existing rules and regulations.
2. No area comprising Mouza Panchghara, Mouza Mollarber, Mouza Joykrishnapur and Mouza Jakhari, in District Hooghly, should be treated or designated as 'Wetlands'. Further, considering the eco-system services and biodiversity values associated with approximately 5.018 ha area of land which is recorded as waterbody in the Record of Rights, it is decided that the same should be preserved as per the extant laws and no change of character of such recorded water bodies will be permitted, except in accordance with extant laws.

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

  
Chief Secretary to the Govt. of W.B.  
& Vice-chairperson, SWA.

  
Hon'ble Minister of State (Independent Charge),  
Environment Department &  
Chairperson, SWA



List of the members were present in the meeting of the State Wetlands Authority (SWA) held at the Conference Hall of Chief Secretary to the Government of West Bengal at Nabanna on 16.08.2024 at 5:30pm:

1. Smt. Chandrima Bhattacharya, Hon'ble Minister of State (Independent Charge), Environment Department, the Government of West Bengal and Chairperson, SWA & EKWMA.
2. Shri B.P. Gopalika, Chief Secretary to the Government of West Bengal and Vice Chairperson, SWA & Member EKWMA.
3. Dr. Subrata Gupta, Additional Chief Secretary, Department of Science & Technology and Bio-technology, Member, SWA.
4. Shri Manoj Kumar Agarwal, Additional Chief Secretary, Department of Forests and Member, SWA & EKWMA.
5. Dr. Manoj Pant, Additional Chief Secretary, Department of Finance and Member, SWA.
6. Shri Prabhat Kumar Mishra, Additional Chief Secretary, Department of Water Resources Investigation and Development & Department of Irrigation & Waterways and Member, SWA & EKWMA.
7. Dr. Kalyan Rudra, Chairman, West Bengal Pollution Control Board (WBPCB) & Chairman, Technical Committee, SWA and Expert Member, EKWMA.
8. Dr. Rajesh Kumar, Principal Secretary, Department of Environment and Member Secretary, WBPCB, SWA & EKWMA.
9. Shri Debol Roy, PCCF, Wildlife and Chief Wildlife Warden, West Bengal & Member, SWA.
10. Md. Ghulam Ali Ansari, Secretary, Department of Urban Development and Municipal Affairs and Member, SWA.
11. Shri Sharad Kumar Dwivedi, District Magistrate, North 24-Parganas - Permanent Invitee, EKWMA
12. Dr. P. Ulaganathan, Secretary, Department of Panchayat and Rural Development - Member, SWA and EKWMA.
13. Shri Sumit Gupta, District Magistrate, South 24-Parganas - Permanent Invitee, EKWMA
14. Shri Sujay Sarkar, Commissioner, Bidhannagar Municipal Corporation
15. Shri Dhaval Jain, Commissioner, Kolkata Municipal Corporation & Permanent Invitee, EKWMA.
16. Shri Dharmdeo Rai, IFS, Chief Environment Officer, Department of Environment and Member, SWA
17. Smt. Tripti Sah, IFS, Member Secretary, West Bengal Biodiversity Board and Member, SWA & Chief Technical Officer, EKWMA.
18. Prof. Gupinath Bhandari, Expert Member, SWA.
19. Dr. Saptarshi Biswas, Expert Member, EKWMA.
20. Dr. Debarati Das, Expert Member, EKWMA.

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