

RIGHT TO HEALTHY ENVIRONMENT AND ROLE OF HUMAN VALUES IN UNDERSTANDING
ENVIRONMENT AND WETLAND PRESERVATION

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Abstract:

The conservation and protection of the Mother Nature is a cultural tradition for the people living in India. People show their respect and religious faith through conserving plants and animals and worship them considering the earth as Goddess. But gradually we witness negative effect of urbanization and unscientific use of natural resources in the name of economic growth. Considering the environmental degradation as a globally recognized problem, countries attempt to develop agreement by multiple governments and spread awareness to prevent damage on the environment and reduce and regulate unsustainable use of natural resources. India also declares right to healthy environment as a fundamental right and imposes duty on the Indian citizen to protect and improve the environment including forest, river, lake and wildlife by participating in different activities for reconstruction and reorganization of sustainable society. Enactment of laws for regulation and reduction of unsustainable use of natural resource could only be effective when public will be more conscious and aware of the legal provisions for the protection and conservation of environment. People must exercise their right to information and right to know the legal provisions for the environment protection. This article attempts to focus on global as well as national response in understanding environment and wetland protection. It also highlights the participation of different major groups such as women, youth, indigenous people or the local authority in implementing different provisions for the conservation of the environment and wetland protection. Apart, explain how media and NGOs play effective role in implementing different provisions for the conservation and improvement of natural resources and try to make awareness among different sections of the civil society.

Key words: Wetlands, environment, Civil Society, natural resources, public participation, right to healthy environment, awareness.

A. Introduction

Natural eco-system is formed with combination of both living and non-living organism and their interaction among the various components such as air, water, land, etc. affect in formation of a healthy

environment. People should conserve the mother Earth believing that Nature and their components are the creation of God. Being a fundamental right, healthy environment should be maintained by exercising both right to development and clean environment as an integral part of human rights. People are duty bound to work for protection and conservation of natural environment including forest, lake, river and wildlife and indirectly promote their participation in restructuring a sustainable society.¹

B. Global issues concerning environment and wetland protection

The most important initiative was taken by the United Nations Organisation (UNO) for the environmental protection and development in the Stockholm Conference on Human Environment and Development held in 1972. Representing from different corner of the world, discussed various issues related to development and environment. Highlighting the environmental problems as a global problem all the member nations try to solve them with coordination of all nations. A large number of NGOs were also participated in the Conference indicated the importance of 'Non-Governmental Organizations' for a consultative role of organizations apart from Government or member states.² The United Nations Conference on Environment and Development (UNCED) held in 1992 also recognized the importance of peoples' participation and NGOs in protection of environment. Civil society can play the role of complementing the work of state actors and intergovernmental organizations.³ The United Nations Human Settlements Programme states that urban governance is the combination of different strategies and management of multiple affairs of city engaging individuals or institutions, private or public either formal or informal arrangements and the social capital of citizen.⁴

Ramsar Convention 1971

This Convention is an international intergovernmental treaty which main object is to conservation of the wetlands. Under the Convention, wetlands has been defined as "areas of marsh, 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 tides, does not exceed six meters".⁵ The Convention also motivates all the contracting parties to work with active participation of the local

¹ The Constitution of India, Article 15A(g)

² The United Nations Charter, Chapter 10, Article 71.

³Leadership Council, Sustainable Development Solutions Network (2013): An Action Agenda for Sustainable Development; report to the UN Secretary General , *available at:* <http://www.un.org> (last visited on March 18, 2020)

⁴ United Nations Human Settlements Programme [UN HABITAT], Concept Paper, *The Global Campaign on Urban Governance*, 2nd Edition, HS/650/02E (March 2002).

⁵ The Ramsar Convention, Resolution XII.2, para 19 *available at:* https://www.ramsar.org/sites/default/files/documents/library/indigenous_peoples_local_communities_wetlands_e.pdf (last visited on October 20, 2020)

communities as well as indigenous peoples for conservation and management of wetlands.⁶ Every year we celebrate World Environment Day on 2nd February to raise awareness about the importance of wetlands in our ecosystem. Though the convention skips from defining the term 'wise use', but take it as a central theme which encourage people to work in the context of sustainable development.

C. National rules on Wetland protection

The 42nd amendment of the Constitution imposed a duty to every citizen to work for the protection and improvement of natural environment.⁷ Without peoples' participation and co-operation implementation of the environmental laws are not possible. NGOs can be said a recognized form of peoples' participation where a group of people involve for the protection of environment. Constitutional provisions open up the scope of civil societies to participate in matters of environmental governance and to intervene in environment degrading problems. We can't separate environment from human beings, because we are mostly dependable on environment for human welfare.

Wetlands (conservation and management) rules, 2017

Though there is no particular legislation for the conservation and management of wetlands in India, but a number of legal instruments are available which indirectly deals with the protection of the wetlands or having relevance to wetland habitat regulation. The Indian Parliament has enacted the Environmental (Protection) Act, 1986 for the better improvement of our natural resources and the central government is further entrusted with rule making power. Using this power the government had issued the rules relating to wetland conservation and management which are further amended in 2017 and prohibited a range of activities in wetlands like setting up and expansion of industries, waste dumping and discharge of effluents.⁸ The Ministry of Environment has directed to set up authority to define strategies for conservation and wise use of wetlands. Apart, the authority was also directed to undertake appropriate measures to restore the wetlands environment and to enhance awareness among the stakeholders and local communities for better understanding of the importance of wetlands.⁹

⁶ Ibid.

⁷ The Constitution of India, art 15 A (g)

⁸ The Wetlands (conservation and management) rules, 2010

⁹ Staff Reporter, 'Centre notifies new Wetland Conservation Rules, asks states, UTs to set up authority' *The Economic Times* (8 Jan. 2020) available at: <https://economictimes.indiatimes.com/news/environment/centre-notifies-new-wetland-conservation-rules-asks-states-uts-to-set-up-authority/articleshow/73161225.cms?from=mdr> (last visited on October 20, 2020)

The Water (Prevention and Control of Pollution) Act, 1974 also spoke about the mandatory function of the Central and State Water Pollution Board to organize program for the awareness of mass media relating to environment protection. Highlighting the prevention and treatment of water pollution, the Boards can issue guidelines to collect, compile and disseminate information relating to water pollution. Apart, they should organize training program for the personnel handling water pollution and related problems.¹⁰ The Board has to submit an annual report mentioning environmental awareness, public participation, environmental training and research along with report on training course, seminars and workshops organized and attended within the year.¹¹ It is the duty of the Government to furnish information to the concerned authorities in case of discharge of environmental pollution which excess the prescribed standard or any accidental work, then the person in charge of that place is obliged to inform about the fact of such occurrence or apprehension of such occurrence in future.¹²

D. Right to healthy Environment and right to know

Considering the importance of a healthy environment, the Stockholm Declaration established a foundation for linking human rights, health and environmental protection. Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.¹³ The Bruntland report also recognized the importance of right to be informed or peoples' participation by arguing that in developing projects need enquiry of environmental impact assessments. Some project needs public approval after considering environmental impact assessment. When people access to government information, it enables the citizens and the NGOs to exercise their role meaningfully.¹⁴ Specially, environmental issues can be tackled if the local communities be consulted before reaching any decision. The Rio Declaration on Environment and Development also formulated the same link but largely in procedural terms, declaring that access to information, public participation and access to effective judicial and administrative proceedings, including redress and remedy, should be guaranteed because with the participation of all concerned citizens environmental issues can be handled effectively.¹⁵ States are also equally responsible to take specific measures and inform the public about environmental risks including health risk from any other specific activities.

¹⁰ The Water (Prevention and Control of Pollution) Act, 1974, Section 17

¹¹ The Water (Prevention and Control of Pollution) Rules, 1975

¹² The Environment (Protection) Rules, 1986, Rule 12

¹³ The Stockholm Declaration, 1972 Principle 1

¹⁴ Benimadhab Chatterjee, *Environmental Laws: Implementation Problems and Perspectives*, 227 (Deep & Deep Publication pvt. Ltd., New Delhi 2003)

¹⁵ The Rio Declaration on Environment and Development, Principle 10

Natural resources such as air, water and land are more important than money and economic infrastructure. Expanding the scope of Article 21, the Apex court also declared that right to clean and healthy environment is our fundamental right and state is duty-bound to provide it.¹⁶

Again, the Supreme Court of India also observed that Central Government should direct all the educational institutions throughout India to teach at least for one hour in a week lessons relating to the protection and improvement of the natural environment including forests, lakes, rivers and wildlife in the first ten classes. Government should get text books on such subjects and distribute them to educational institutions free of cost.¹⁷

E. Concept of Civil Society

The concept of 'civil society' is defined as a group of individuals, organizations, or institutions having some principles of work for the common good of society for which these groups or institutions or organizations operate. People generally come together to work for the interests they hold in common without having profit or political power. They only work for the advancement of something they care enough to take collective action. Though the term 'civil society' is mostly confined to NGOs, but it refers to other non- state associations as well which try to bring nexus between the individual's desires with the state's policies. Since the Vedic period, India practicing the active participation of civil society in the concepts of *Sabha* and *Samitis* and decision- making processes.¹⁸ Civil society can be classified into different groups having diverse principles. The Agenda 21 of UNCED distinguished nine Major Groups with common but differentiated responsibilities in implementing the water and sustainable development agenda. These are -1) Woman, 2) Children and Youth, 3) Indigenous People and their Communities, 4) NGOs, 5) Local Authorities, 6) Workers and their Trade Unions, 7) Business & Industry, 8) the Scientific and Technological Community, and 9) Farmers. Agenda 21 focused on increasing strength of these Major Groups for effective partnerships to make sustainable development a reality on water resource management.¹⁹ Among them more focus is given on the

¹⁶ *Subhash Kumar v. State of Bihar* (AIR 1991 SC 420/1991 (1) SCC 598

¹⁷ *M. C. Mehta v. Union of India*, Writ Petition No. 3727, 1985

¹⁸ Dr. Nafees Ahmad, 'The Role of Civil Society Institutions in Environmental Governance in India: Post- Colonial Context and Human Rights challenges in the Environmental Justice,' *International Journal of Legal Studies and Research*, available at: <https://www.ssrn.com> (last visited on March 17, 2020)

¹⁹ 'United Nations Conference on Environment and Development; Rio de Janeiro, Brasil, 1992. Section III Strengthening the Role of Major Groups,' available at: <http://www.un.org> (visited on March 18, 2020)

Four paragraph in the document deal with the subject of the environment. Among them, paragraph 227 provides: "The environmental impact of policies, programmes and projects on women's health and activities, including their sources of employment and income, should be assessed and the negative effects eliminated" (United Nations, 1985).

roles of Women, Youth and Indigenous People and the NGOs, addressing specific interest or themes mostly as a professional occupation.

F. Women's civil society

Women have significant involvement in water resources development, management and sustainable use due to its strong tradition of building social networks. Women's organizations and networks are organized at local, national and international level and in a diversity of peer groups ranging from professional background, religious or political affiliation, ethnicity or nationality, to thematic face and interest groups. Women are responsible for water management and conservation of resources for their families. They can play the leading role in exploring water resources as well as protecting forest resources. Women are very close to the nature and contributor to environmental rehabilitation and conservation. **The Third United Nations Women's Conference in Nairobi in 1985 can be called one of the first international forums which made explicit the linkages between sustainable development and women's involvement and empowerment as well as gender equality and equity. In the Nairobi Forward Looking Strategies, the importance of women's involvement on environment was considered and these issues in turn were linked with development concerned.** The United Nations Fourth World Conference on Women in Beijing in 1995 also identified environment as one of the critical areas for women. The Beijing Platform for Action, on women and the environment also asserted the role of women in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management. All over the world, water is generally collected and managed by women. So, their empowerment is a basic requirement for effective wetland and water management. The mission of Ramsar Convention is conservation and wise use of wetlands throughout the world and its Strategic Plan (2016- 2024) also have relevancy for the achievement Sustainable Development Goals; including Goal 5 i.e. Gender Equality and Goal 6 i.e. water.²⁰ Some principles for enhancing women's participation in wetland and water management are as follows:

- **Recognition:** it is very important to recognize women's role in the management and safeguarding of wetland and water resources by the stakeholders.
- **Participation:** women's participation in wetland and water governance structure should be encouraged in all levels.

²⁰ 'Women's Role in Managing Wetlands,' available at: <http://www.ramsr.org/news/womens-roles-in-managing-wetlands>, (visited on April 9, 2020).

- Mainstreaming gender issues: in order to implement the Sustainable Development Goal 5 on Gender Equality and Goal 6 on water, gender issues should be systematically included in wetland, water and cross-sectoral policies and plans.
- Economic, social and cultural benefits: women's wetland based livelihood having economic, social or cultural value must be recognized and government should invest for better conservation of wetlands to restore such benefits or services for future generations, such as freshwater.
- Adapting solutions to local contexts: after understanding the women's role in wetlands conservation in local cultural context, enhancement of their full participation should be encouraged for successful implementation of appropriate solutions.

G. Youth's civil society

Agenda 21 of UNCED, lays primarily in youth's active role as an important part of today's civil society. To have a clean environment and other relevant basic rights such as access to clean water and pollution free air is undeniable, and has an influence on the realization of other rights including the right to education. Moreover, being future generation of today's world, they have developed the interest on conservation and protection of environment and natural resources. Youth are like back bone of the nation. Youth participation starts from home itself. They learn their first lesson of environment protection and resource conservation from home. It is the responsibility of the parents/family to develop good habits in children and teach them sustainable use of resources. They can make youth organizations to work together by adopting environment friendly practices for conservation of wetlands or water resources. They can change the future of the society with their positive works or encourage the other members of the society to work together for conservation of our resources. The United Nations Environment Programme also recognizes the efforts of youth organizations. Government should encourage the youth organization for their initiative and support them by providing better opportunities for employment. The support of local youth organization will definitely help in achieving the Sustainable Development Goals including water resource management. In the 13th Conference of Parties of the Ramsar Convention held in 2018, Youth Engagement Thematic Group of the Ramsar Culture Network discussed about the development of youth's participation by engaging young professionals in the Ramsar Convention's processes- Youth Engaged in Wetlands.²¹ The team of young professionals is now working with a vision of wetland conservation and effective policy making process for a better future of wetlands. The World Wetland Network also supports the team work for implementation of the resolution and involvement of youth in policy making and implementation of the Convention.

²¹ 'Report of Youth Engaged in Wetlands at Ramsar COP 13,' available at: <http://www.ramsar.org> (last visited on April 9, 2020).

H. Indigenous People

Water is an essential part of natural resource which also prerequisite for indigenous peoples' welfare both at economic, social and cultural level. From the very begging, indigenous people are living in harmony with their natural environment. They have some unique knowledge and understanding which can be practiced for sustainable management of natural resources. But, they are often excluded from consultation and decision making processes.

The Ramsar Convention is also recognized the integration of the socio- economic and cultural-spiritual values of wetland as well as importance of traditional knowledge of indigenous people in sustainable management and wise use of wetlands. The Convention has a committed to the full and effective participation of indigenous peoples and local communities in wetland management.²² The term 'indigenous people' is officially use in the Convention, in line with UN standard since the adoption of the UN Declaration on the Rights of Indigenous People. The 13th Meeting of the Conference of the Parties in 2018 mainly focuses on effective participation of indigenous people, particularly addressing their needs and interests. The Ramsar Strategic Plan 2016- 2024 has included three important goals i.e. traditional knowledge, innovation and practices of indigenous people. Para 19 and 20 of Resolution XII.2, the COP encourages parties to promote, recognize and strengthen active participation of indigenous people and local communities for conservation and integrated wetland management.²³ Recognizing the wise and customary use of wetlands, the indigenous people and local communities can play active role in conserving wetland resources. Contracting parties are encouraged to create opportunities and space for the representation of the local communities in management structures in different levels. For protection of wetlands, recognition and promotion of customary laws and traditional rights in relation to wetlands are equally important.

I. Role of NGOs

The main task of the NGOs related to environment is to promote environmental education and awareness among the people by organizing workshops, seminar, etc. especially training programme should be organized for students. By preparing documentary films relating to different topics on environment protection

²² Gonzalo Oviedo & Mariam Kenza Ali, 'The relationship of indigenous peoples and local communities with wetlands,' *available at: <http://www.ramsar.org>* (last visited on March 29, 2020).

²³ *Ibid.*

like using sanitary protection, health and hygiene, pollution control, wildlife protection, preservation of natural resources, application of new environment friendly technology, etc. for public awareness.²⁴

Environmental NGOs are also working to meet the challenges of environmental degradation by organizing awareness campaign. Such NGOs are registered, not-for profit, but to serve a public interest working independently from governments. They generally recruit and engage volunteers for their activities. Though they work independently, but receive support from the government and non-profit corporations. Such collaboration of these supportive groups has led to an increased efficiency in NGOs.

The legal status of these NGOs varies and depending upon laws and regulations practicing in each countries. They are not subjected to international laws, as states are. But there are some exceptions. For example, Wetlands International is subject to Ramsar Convention, 1971 as its main treaty. NGOs have huge human resources that can be engaged in conservation of bio- diversity of wetlands. Some of such NGOs are International Union for Conservation of Nature (IUCN), Wetlands International (WI), Malaysian Nature Society (MNS), etc.²⁵

Relevant International NGOs for wetlands are as follows:

➤ The International Union for Conservation of Nature (IUCN)

IUCN helps the world by supporting scientific research, managing field projects to find out solution for environment and development related challenges. It is regarded as the world's largest and oldest global environmental network having a large number of volunteer scientists and experts from all over the world. They try to bring together governments, NGOs, the United Nations, International Conventions and companies and work for development of better policies, laws for conservation of wetlands.²⁶ More than 1,200 government and non-governmental member organizations collectively work for the implementation of international environmental conventions, policies and laws such as biodiversity, Climate Change, Conservation, Cultural Heritage, Ecosystems, Education, and Environment etc.²⁷ IUCN's work is guided by different programmes globally organized by the member parties at the IUCN World Conservation Congress in every four years.

➤ The World Wetland Network (WWN)

²⁴ *Supra* Note 13 at 221

²⁵ Irini Ibrahim and Norazlina Abdul Aziz, 'The Roles of International NGOs in the Conservation of Bio-Diversity of Wetlands,' *Sciverse Science Direct*, available at: <http://www.sciencedirect.com> (last visited on March 29, 2020)

²⁶ *Ibid.*

²⁷ International Union for Conservation of Nature, <http://www.en.unesco.org/partnership/non-governmental-organizations/international-union-conservation-nature>. (last visited on 20 April, 2020).

WWN is a global network of over 2000 wetland NGOs that raises awareness of the role of local people in wetland conservation, supports their active involvement and builds their capacity to deliver effective wetland conservation. It fulfilled the need for NGOs to maintain interaction with each other at and between Ramsar meetings and helps with information exchange, sharing their experiences in tackling specific wetland issues. WWN enables all NGOs to arrive at Ramsar meetings and participate more effectively that support in conservation activities, making a positive contribution to delivery of the Ramsar Convention.²⁸ NGOs generally play the role of reminder to the Government of their Ramsar obligations. The WWN committee also offers some recommendations for Ramsar consideration.²⁹ Such as

- Recognize that NGOs are continuously working with a long term perspective for Ramsar rather than Government Representatives;
- Develop the structural guidelines to engage civil society for Ramsar parties as well as National Focal Points;
- To engage more NGOs and civil society organizations in the decision- making process in country, regional and international levels, expansion for the International Organisation Partners status must be explored;
- Inviting NGOs and civil society to participate into reporting on the state of wetlands and the Ramsar wetland nomination process;
- Priorities should be given in funding for NGOs and civil society organizations with full support for their initiatives in wetland conservation.

➤ Wetlands International (WI)

WI is basically responsible for exploring all kinds of activities for the conservation of wetland species including waterbirds and fish.³⁰ The volunteers annually monitor millions of waterbirds roaming nearby wetlands and analyze the information to provide overviews of numbers of birds. They also work to give necessary support after checking their condition through monitoring programmes. WI is trying to make aware the local people about the benefit of wetlands as well as carries out research to analyse the importance of wetlands in water management. WI would advise the government to bridge the gap between wetland management and water resource management.

²⁸M.Prideaux, C. Rostron, and L. Duff, 'Ramsar and Wetland NGOs: A report of the World Wetland Network for CoP 12, 2015, London: World Wetland Network', <http://www.ramsar.org> (last visited on March 20, 2020).

²⁹ Ramsar and Wetland NGOs, <http://www.worldwetnet.org>. (last visited on 20 April, 2020).d

³⁰ Wetland International, <http://www.wetlands.org> (last visited on 12 March, 2020).

Apart from these international NGOs, more than 64 environmental organizations based in India, directly or indirectly are working for the nature conservation, natural resource management, conservation of wetlands, biodiversity and climate change, etc. These NGOs are working with the cooperation of government for better implementation of the existing laws and policies. They also work to create awareness about problems and propose sustainable solutions. Some of them are as follows:

- Nature Club Surat, South Gujarat, India;
- Central Asian Flyway (for conservation of water birds and wetlands);
- Environment Conservation Group, Coimbatore, India;
- Vanashakti, Mumbai; and
- Aaranyak, Assam; etc.

Here I have mentioned only a few environmental organizations that are working in their respective states for the conservation of nature along with wetland conservation and conservation of resources available in the wetlands.

J. Role of Media

Media can play an active role in the conservation of natural resources as well as sustainable use of wetlands. Media can be used as a means of communicating technical information to the society at large. It is important for effective public support in conveying information for conservation of wetlands. At present, visual media becomes more effective for people that can make it more accessible to learn about wetland related topic. Today people prefer to explore videos than a journal article. Especially, young generation is more attracted to use visual media as an easiest teaching tool to convey the importance of wetland principles.

In today's society where more than 30 % of world's population are using social media, can be an active participator to discuss global as well as local issues. It is a platform where people are connected with each other beyond local or social boundaries. Government agencies, political leaders and bureaucrats are also preferred to use social media as a tool of communication with the general public to express their views. By using social media, people can protest or build pressure on the government against any irregularities whether international or nation or local issues having public importance. Like all other programmes, social media also play the role of spreading awareness and sharing knowledge on conservation of biodiversity, sustainable use of natural resources and equitable sharing of benefit among the general public for better policy making decisions and their effective implementation. Sharing each other's experience and challenges or success

stories relating to wetland conservation as well as biodiversity conservation can inspire general public to participate in such activities.

K. Public participation in environment decision- making

Participation of general public in decision- making process ensuring access to relevant information and consultation is accepted as a positive approach as it appears to improve transparency, accountability and implementation of policy making. People having special knowledge on technical or scientific advices can argue through participation if there is any possible difficulty on environment or health regulation arises out of any economic development. International legal instruments also recognized the importance of public participation and specific needs to institutionalize a regulatory framework by which general public can be allowed to effective participation in decision- making regarding protection of the environment and conservation of natural resources. Rio Declaration also recognized the appropriate access to information, the opportunity to participate in decision- making process and effective access to judicial and administrative proceedings for environmental issues towards realization of sustainable development through better connections between the governed and those who govern.³¹

The Environmental Impact Assessment (EIA) procedure is now became the central theme of public decision- making in granting environmental clearance conducting through various executive notifications under the Environmental (Protection) Act, 1986. To regulate water pollution, construction of factories using hazardous substances, handling of hazardous chemicals or wastes, de- notification of a wildlife sanctuary or national park as well as diversion of forest of non- forest purposes, etc. requirement of permission from public agencies is provided under a number of statutes in India. Environmental clearance in accordance with the procedure specified in the EIA notification becomes mandatory before construction of new project or expansion of existing project in operation.³²

The guidelines issued for the conservation of wetlands further explaining that notified wetlands must be managed on the basis of wise- use approach because they are impacted by unsustainable use of resources by human activities.³³ Recognizing wise- use approach as a restriction on some activities nearby wetland areas is emphasized for wetland conservation. As per guidelines, civil society must follow the wise- use principle in using ecosystems on a sustainable basis. If human intervention leads to adverse effect in ecosystem

³¹ The Rio Declaration on Environment and Development 1992, Principle 10

³² Naveen Thayyil, 'Public Participation in Environmental Clearance in India: Prospects for Democratic Decision- Making,' 56, *Journal of the Indian Law Institute*, 472

³³ Mayank Aggarwal, 'India's guidelines on wetlands will allow states to decide what counts as prohibited activities', *available at*: <http://www.scroll.in/article/indias-guidelines-on-wetlands> (last visited on April 20, 2020).

components, or degrading the water quality that resulted decline in wetlands resources like fish and aquatic plants, then it cannot be considered as 'wise- use' of wetlands. Expanding the list of prohibited activities within notified wetlands such the setting up of any industry or expansion of existing industry, improper disposal of construction and demolition waste or solid waste, discharge of untreated wastes and effluents from industries, cities and other human settlement, the 2017 rules try to protect the ecological character of wetlands.

L. India's Guidelines on Wetlands Conservation

The Ministry of Environment of the Government of India has come out with some guidelines in support of state governments to implement the various rules provided under the Wetlands (Conservation and Management) Rules, 2017 for the conservation and management of wetlands in the country. Such guidelines are basically for the states in preparing a list of wetlands; identifying wetlands for notification under the Wetlands Rules of 2017; delineating wetlands, wetlands complexes and zone of influence; making list of activities to be prohibited and permitted; organizing an integrated management plan for wetlands having unique characteristics. The guidelines make it clarify that wetlands can be notified under these Rules of 2017 irrespective of their location, size, ownership, biodiversity, or ecosystem services values, etc. But the wetlands falling within areas covered under the Indian Forest Act, 1927, Forest (Conservation) Act, 1980, Wildlife (Protection) Act, 1972 and the Coastal Regulation Zone Notification, 2011 are excluded from Wetlands Rules of 2017.³⁴ Apart from, the Indian Space Research Organisation has brought out national and state level wetland inventory atlases by using Indian remote sensing satellites during 2006- 2011.

The ministry has also directed that each state and Union Territory will have to set up an authority that will define strategies for conservation and wise use of wetlands within their jurisdiction.³⁵ The guidelines for states also prescribe for allocation of funds as well as human resources to ensure smooth functioning of the state level authorities in conducting various activities. States should use appropriately the financial assistance provided by the central government under the National Plan for Conservation of Aquatic Eco-systems.

M. Supreme Court's Guidelines on Wetland Conservation

The Indian judiciary, the custodian of constitution, has given the right to adopt some effective remedial measures to protect the environment. By introducing the Public Interest Litigation (PIL), Indian legal system has brought a remarkable development for redress of public grievances arising out of the environment pollution. The PILs got constitutional sanction in the 42nd Constitutional Amendment Act 1974. The PIL encouraged the affected individuals, public minded individual, environmentally conscious individual, groups

³⁴ *Ibid.*

³⁵ 'Centre notifies new Wetland Conservation Rules, asks states, UTs to set up authority', *Economic Times*, (India, 8 Jan, 2020)

or NGOs to approach to seek redress before the court and conserve the natural resources. Under Article 32 and 226 of the Constitution of India, the Supreme Court and High Courts can entertain environmental petitions. By interpreting the Article 21, judiciary has expanded the meaning of the term 'life' including 'right to a healthy environment' and 'pollution free environment'.

In *Subhash Kumar v. State of Bihar and Ors.*³⁶ The apex court has decided that 'right to life is a fundamental right under Article 21 of the Constitution which includes the right of enjoyment of pollution free water and air for full enjoyment of life'. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water and air which may be detrimental to the quality of life.' The court has also given effect to other fundamental rights and has held that people violating these rights by disturbing environment for which they can be awarded damages for restoration of ecological balance as well as for the victims who have suffered due to such disturbance.³⁷ In another case,³⁸ the court comes to the conclusion that wetlands have a significant role in the development of the society both from the environmental as well as economical perspectives. In solving the ecological problems, the court generally follows the opinion of the environmentalists for better application of the principles of sustainable development.

In 2017 also Supreme Court had directed the Central Government to frame a policy to protect wetlands across India which were identified through satellite imagery by ISRO and asked the states to provide details. As per that direction, the Centre had formed a comprehensive scheme of National Plan for Conservation of Aquatic Eco- systems (NPCA) for conservation and restoration of a number of wetlands.³⁹

N. Conclusion

The present study is to analyse the role of civil society including NGOs and major groups of the society in conservation of wetlands. The government and the judiciary also provide some guidelines for the same. In order to maintain ecological balance, immediate restoration of degraded wetlands is needed. Appropriate measures for their conservation are possible only with effective participatory processes as well as systematic community education. Analyzing the negative impact of the development process, it is suggested that civilization cannot be coping with the negative ecological tendencies that are bringing 'ecological disaster' in the world. To cope with such disasters, people should maintain a healthy relationship with nature

³⁶ AIR 1991 SC 420

³⁷ *M. C. Mehta v. Kamal Nath & Others* (2000) 6 SCC 213

³⁸ *People United for Better Living in Calcutta v. State of West Bengal* AIR 1993 Cal 215

³⁹ Amit Anand Choudhary, 'Supreme Court directs Centre to preserve over 2 lakh wetlands,' *Times of India*, Feb 9, 2017, available at: <http://www.timeofindia.com> (last visited on April 15, 2020),

and balancing economic growth. Unplanned urbanization and a growing population have created many problems in conservation of wetland resources. To counter the threats on wetlands, management of wetlands has to be an integrated approach including appropriate planning, execution and monitoring. Both Central and State Pollution Control Boards have given the primary authority to prevent and control water pollution. Person must obtained the consent of the State Pollution Control Board which likely to discharge sewage and trade effluents before establishment of any industry.⁴⁰ Violation of any condition which causes any pollution may lead to withdrawal of the consent or penal consequences. Besides these, spreading awareness among the students of schools, colleges as well as among the general public help in conservation of wetland resources and develop in understanding the importance of water bodies.



⁴⁰ The Water (prevention and control of pollution) Act, 1974, Section 25