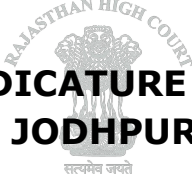


RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR



IN RE:

**Protection, Conservation and Notification of Wetlands in
the State of Rajasthan and Preservation of Biodiversity,
Groundwater Recharge and Ecological Sustainability**



**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
(VACATION JUDGE)**

**HON'BLE MS. JUSTICE REKHA BORANA
(VACATION JUDGE)**

Order

01/06/2026

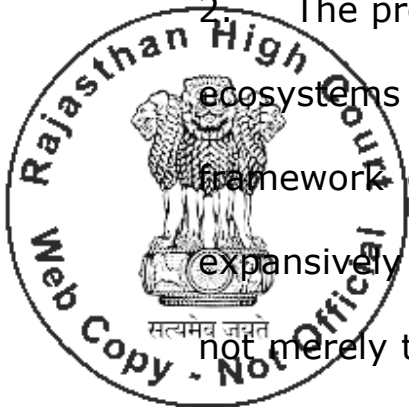
UNESCO, while describing the objectives and significance of the Ramsar Convention, has observed that wetlands are among the world's most productive environments and constitute cradles of biological diversity that provide water and habitat upon which countless species of plants and animals depend for survival.

1. Wetlands constitute one of nature's most vital ecological assets. Often described as the "kidneys of the landscape", wetlands perform indispensable functions including groundwater recharge, flood moderation, water purification, carbon sequestration, climate regulation and preservation of biodiversity. They provide habitat to innumerable species of flora and fauna, sustain migratory bird populations and serve as natural buffers against environmental degradation. In arid and semi-arid regions such as Rajasthan, wetlands assume even greater significance as

critical components of ecological security and sustainable development. The continued degradation, pollution, encroachment and disappearance of wetlands not only threatens biodiversity and ecological balance but also undermines water security, climate resilience and the quality of life of present and future generations.

2. The protection and preservation of such ecologically sensitive ecosystems is firmly embedded within the constitutional framework of India. Article 21 of the Constitution of India, as expansively interpreted by the Hon'ble Supreme Court, guarantees not merely the right to survival but the right to live with dignity in a healthy and wholesome environment. Wetlands, by sustaining biodiversity, maintaining ecological balance, recharging groundwater resources and supporting environmental sustainability, constitute an integral component of the environmental conditions necessary for the meaningful enjoyment of the right to life.

2.1. Article 48A of the Constitution further casts an obligation upon the State to protect and improve the environment and to safeguard forests, lakes, rivers and wildlife of the country. Wetlands, being a confluence of these ecological resources and serving as critical habitats for aquatic life, migratory birds and diverse ecosystems, fall squarely within the protective ambit of the constitutional duty imposed upon the State. Any neglect in their identification, notification, conservation or restoration directly raises concerns regarding the discharge of constitutional



obligations by the authorities entrusted with environmental governance.

2.2. Article 51A(g) correspondingly recognizes the protection and improvement of the natural environment, including lakes, rivers and wildlife, as a fundamental duty of every citizen. The constitutional vision thus contemplates a collective responsibility shared by public authorities and citizens alike to preserve ecological resources for the benefit of present and future generations.



The significance of wetlands has also been recognized under the statutory and international environmental framework governing conservation of natural resources. The Wetlands (Conservation and Management) Rules, 2017, framed under the provisions of the Environment (Protection) Act, 1986, envisage identification, notification, conservation and wise use of wetlands through a scientific and regulatory mechanism. The Rules contemplate preparation of comprehensive inventories, delineation of boundaries, identification of zones of influence, regulation of prohibited and regulated activities and formulation of integrated management plans for ensuring long-term ecological sustainability of wetlands. The Rules further envisage the constitution and functioning of State Wetland Authorities for monitoring, conservation and management of wetlands and for ensuring compliance with the objectives underlying the statutory framework.

2.4. The importance of wetlands has also received international recognition through the Convention on Wetlands of International Importance especially as Waterfowl Habitat, commonly known as the Ramsar Convention, to which India is a contracting party.

Wetlands constitute indispensable ecological systems supporting biodiversity, migratory bird habitats, groundwater recharge, flood mitigation, climate resilience and environmental sustainability.

Their conservation is therefore not merely a matter of environmental policy but a significant component of sustainable development and ecological governance.



2.5. The protection of wetlands is also founded upon the well-recognized Public Trust Doctrine, which postulates that natural resources of vital public importance are held by the State in trust for the benefit of the people and future generations. Wetlands, by virtue of their ecological significance and environmental functions, constitute resources that cannot be permitted to suffer degradation, pollution, encroachment or destruction owing to administrative inaction or unsustainable exploitation.

2.6. The principles of sustainable development, precautionary approach and inter-generational equity further require that ecological resources such as wetlands be conserved and managed in a manner that preserves their environmental functions for present and future generations. The loss of wetlands is often irreversible and may result in long-term ecological consequences affecting biodiversity, groundwater recharge, water security and climate resilience.

2.7. The issue of identification, notification and conservation of wetlands has also engaged the attention of the Hon'ble Supreme Court in ***Ravindra Sinha & Ors. vs Union of India & Ors. W.P. (Civil) No. 463/2026*** concerning implementation of the statutory framework governing wetlands across the country. The emphasis has consistently remained upon scientific identification, preparation of inventories, notification of ecologically significant wetlands and effective implementation of conservation measures so as to ensure that these critical ecosystems continue to perform their environmental and ecological functions.



2.8. The failure to identify, notify, conserve and protect wetlands in accordance with the applicable statutory framework may result in irreversible ecological consequences, including loss of biodiversity, depletion of groundwater resources, increased vulnerability to droughts and floods, deterioration of water quality and destruction of habitats essential for wildlife and migratory species. Such consequences assume particular significance in a water-stressed State such as Rajasthan, where wetlands perform a critical role in maintaining ecological balance and environmental security.

3. It is in this backdrop that this Court is constrained to take serious note of the issues concerning the identification, notification, conservation and management of wetlands in the State of Rajasthan, which have been brought to the notice of this Court through newspaper reports published in Rajasthan Patrika highlighting the deteriorating condition of wetlands, the

inadequate implementation of the statutory framework governing wetland conservation and the ecological consequences arising from pollution, encroachment and degradation of such environmentally sensitive ecosystems.

3.1. The newspaper report published in Rajasthan Patrika under the headline "प्रदेश के वेटलैंड्स पर संकट" highlights that Rajasthan possesses approximately 46,748 wetland units spread over a substantial geographical area, yet only a small fraction thereof has reported to have been notified for statutory protection under the Wetlands (Conservation and Management) Rules, 2017. The report further indicates that several wetlands across the State are facing threats arising from pollution, encroachments, discharge of sewage and waste water, shrinking water spread areas and inadequate conservation measures.



3.2. The report further highlights that despite the ecological significance of wetlands in maintaining biodiversity, supporting migratory bird populations, facilitating groundwater recharge and strengthening climate resilience, substantial gaps continue to exist in the identification, notification, monitoring and effective management of wetlands within the State. The material placed before this Court further indicates that a number of ecologically sensitive wetlands are facing increasing anthropogenic pressures, thereby threatening their long-term sustainability and environmental functions.

3.3. The report also refers to concerns regarding degradation of wetlands in various parts of Rajasthan, including wetlands of

ecological and ornithological significance, and highlights issues relating to sewage inflow, dumping of solid waste, reduction of catchment areas and shrinking wetland ecosystems. The report further indicates that such degradation may adversely affect biodiversity, migratory bird habitats, groundwater recharge mechanisms and ecological balance.



4. The newspaper reports referred to hereinabove, when read jointly, *prima facie* disclose that the issue is not confined merely to the degradation of a few individual wetlands, but reflects a larger and continuing concern relating to the identification, notification, protection, conservation and scientific management of wetlands across the State of Rajasthan. The material placed before this Court indicates apparent deficiencies in implementation of the statutory framework governing wetlands, inadequate protection of ecologically sensitive ecosystems and increasing anthropogenic pressures arising from pollution, encroachment, unregulated urbanization and alteration of natural hydrological regimes.

4.1. The salient features emerging from the newspaper reports, inter alia, reveal the following:

- (a) Rajasthan reportedly possesses approximately 46,748 wetland units spread across different regions of the State, constituting a significant ecological and hydrological resource.
- (b) Despite the existence of a large number of wetlands, only a limited number have reportedly been notified under the

Wetlands (Conservation and Management) Rules, 2017, raising concerns regarding implementation of the statutory framework governing wetland conservation.

(c) The reports indicate that several wetlands across the State are facing threats from pollution, encroachments, discharge of sewage and waste water, dumping of solid waste, land-use changes and shrinking water spread areas.

(d) The material placed before this Court suggests that inadequate identification, notification, monitoring, conservation and restoration measures may be contributing to the continued degradation of wetland ecosystems.

(e) The reports indicate that degradation of wetlands adversely affects groundwater recharge, water retention capacity, water security, climate resilience and overall ecological sustainability, particularly in a water-stressed State such as Rajasthan.

(f) The reports further indicate that wetlands serve as critical habitats for migratory birds and diverse flora and fauna, and that deterioration of such ecosystems poses a threat to biodiversity and ecological balance.

(g) The issues highlighted in the newspaper reports *prima facie* disclose concerns relating to preservation of ecologically sensitive ecosystems, implementation of statutory obligations under the Wetlands Rules, 2017, and discharge of constitutional duties by authorities entrusted with environmental governance.



5. *Prima facie*, the issues emerging from the newspaper reports involve substantial questions concerning protection of the environment, conservation of biodiversity, preservation of ecologically sensitive ecosystems and discharge of constitutional and statutory obligations by the authorities entrusted with environmental governance. The issues requiring consideration by

this Court broadly relate to:

(i) The identification, inventory preparation, mapping and notification of wetlands within the State of Rajasthan in accordance with the Wetlands (Conservation and Management) Rules, 2017;

(ii) the present status, ecological condition and conservation measures pertaining to notified wetlands, Ramsar Sites and other ecologically significant wetland ecosystems situated within the State;

(iii) the adequacy and effectiveness of measures undertaken for prevention of encroachments, pollution, sewage discharge, dumping of waste material and other activities adversely affecting wetland ecosystems;

(iv) the implementation and enforcement of the Wetlands (Conservation and Management) Rules, 2017 and other applicable environmental laws, policies and regulatory frameworks governing conservation and management of wetlands;

(v) the role and functioning of the State Wetland Authority and other authorities responsible for identification,



notification, monitoring, restoration and management of wetlands within the State;

(vi) the impact of degradation of wetlands upon biodiversity conservation, migratory bird habitats, groundwater recharge, water security, ecological balance and climate resilience; and

(vii) the formulation and implementation of short-term, medium-term and long-term measures necessary for protection, restoration and sustainable management of wetlands in Rajasthan.



6. This Court is of the considered opinion that the issues highlighted in the newspaper reports require immediate attention and a coordinated response from the concerned authorities, particularly with regard to identification and notification of wetlands, effective implementation of the statutory framework governing their conservation and management, prevention of encroachments and pollution, restoration of degraded wetland ecosystems, protection of biodiversity and adoption of appropriate measures for preparation of inventories, delineation of boundaries, maintenance of ecological character and formulation of management plans so as to safeguard wetlands against activities detrimental to their environmental functions and ecological integrity.

7. This Court is *prima facie* satisfied that:

(a) Wetlands constitute ecologically sensitive ecosystems of immense environmental, hydrological and biodiversity significance and perform critical functions relating to

groundwater recharge, flood moderation, climate regulation, water purification and maintenance of ecological balance.

(b) The protection of wetlands is intrinsically linked to the right to a clean and healthy environment forming part of the fundamental right to life guaranteed under Article 21 of the Constitution of India.



(c) The State is under a constitutional obligation in terms of Article 48A of the Constitution of India to protect and improve the environment and to safeguard natural resources and ecosystems of ecological importance, including wetlands and associated habitats.

(d) Wetlands, by virtue of their ecological significance and public utility, are resources held by the State in trust for the benefit of the public under the well-recognized Public Trust Doctrine and therefore cannot be permitted to suffer degradation, pollution, encroachment or destruction.

(e) The material placed before this Court prima facie indicates concerns regarding effective implementation of the Wetlands (Conservation and Management) Rules, 2017, particularly in relation to identification, notification, monitoring and conservation of wetlands within the State.

(f) The newspaper reports further prima facie indicate that degradation of wetlands may adversely affect biodiversity conservation, migratory bird habitats, groundwater recharge, water security, ecological sustainability and climate resilience.

(g) The issues highlighted in the reports disclose concerns relating to encroachments, sewage discharge, dumping of waste material and other activities capable of altering or impairing the ecological character of wetlands.

(h) The material placed before this Court further prima facie indicates the necessity of a comprehensive assessment of the status of wetlands within the State, including their identification, notification, ecological condition, management framework and conservation requirements.



In view of the aforesaid circumstances, and considering the larger issues concerning protection of the environment, conservation of biodiversity, preservation of ecologically sensitive ecosystems and implementation of statutory obligations relating to wetlands, this Court is of the considered opinion that the issues disclosed herein warrant immediate judicial scrutiny and coordinated intervention in larger public interest. Accordingly, this Court deems it appropriate to invoke its suo motu jurisdiction in larger public interest so as to ensure effective protection, conservation and sustainable management of wetlands within the State of Rajasthan.

Let the matter be registered as a writ petition titled:

SUO MOTU : IN RE:

Protection, Conservation and Notification of Wetlands in the State of Rajasthan and Preservation of Biodiversity, Groundwater Recharge and Ecological Sustainability

1.State of Rajasthan through Chief Secretary, Government of Rajasthan, Jaipur (Raj.).

2.The Principal Secretary, Department of Environment, Government of Rajasthan, Jaipur (Raj.).

3.The Principal Secretary, Forest Department, Government of Rajasthan, Jaipur (Raj.).

4.The Principal Secretary, Urban Development & Housing Department, Government of Rajasthan, Jaipur (Raj.).

5.The Principal Secretary, Department of Local Self Government, Government of Rajasthan, Jaipur (Raj.).

6.The Principal Secretary, Water Resources Department, Government of Rajasthan, Jaipur (Raj.).

7.The Principal Secretary, Department of Ground Water, Government of Rajasthan, Jaipur (Raj.).

8.The Member Secretary, Rajasthan State Pollution Control Board, Jaipur (Raj.).

9.The Member Secretary, State Wetland Authority, Rajasthan, Jaipur (Raj.).

10.The Member Secretary, Rajasthan Biodiversity Board, Jaipur (Raj.).

11.The Principal Chief Conservator of Forests (Wildlife), Rajasthan, Jaipur (Raj.).



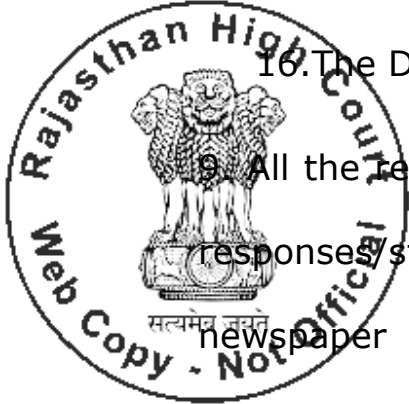
12.The Director, Department of Environment, Government of Rajasthan, Jaipur (Raj.).

13.The District Collector, Udaipur (Raj.).

14.The District Collector, Ajmer (Raj.).

15.The District Collector, Bharatpur (Raj.).

16.The District Collector, Phalodi (Raj.).



9. All the respondents are directed to file their respective detailed responses/status reports addressing the issues highlighted in the newspaper reports and the concerns noticed by this Court for consideration on the next date of hearing.

9.1. The newspaper reports referred to hereinabove and relied upon in the present proceedings shall be treated as part of the record and shall be specifically addressed by the concerned authorities in their respective responses.

10. Thus, this Court takes suo motu cognizance of the issues involved, as they directly affect environmental sustainability, biodiversity conservation, groundwater security and the constitutional mandate of protecting ecologically sensitive ecosystems. Accordingly, the following directions are issued:

(A) Issue notices to all the respondents.

(B) The respondents shall file detailed affidavits/status reports indicating the steps taken hitherto and the proposed future course of action, inter alia, covering the following aspects:

- District-wise inventory of wetlands identified within the State of Rajasthan, indicating their geographical extent, ecological significance, ownership status and present condition;
- Details of all wetlands notified under the Wetlands (Conservation and Management) Rules, 2017, along with the status of wetlands identified but not yet notified and reasons for such non-notification;
- Details regarding preparation of digital inventories, GIS mapping, boundary demarcation and maintenance of records pertaining to wetlands within the State;
- Status of Ramsar Sites situated within Rajasthan, including their ecological condition, biodiversity profile, management plans and conservation measures presently in force;
- Details regarding encroachments, illegal constructions, land-use changes and other activities affecting wetlands, together with action taken for removal of encroachments and restoration of affected areas;
- Details regarding discharge of sewage, untreated waste water, industrial effluents, municipal waste and other pollutants into wetlands, along with measures undertaken to prevent contamination and restore ecological health;



- Details regarding biodiversity assessments, migratory bird habitats, protected species and ecological monitoring undertaken in respect of major wetlands within the State;
- Details regarding constitution, functioning, meetings and decisions of the State Wetland Authority, including compliance with the Wetlands (Conservation and Management) Rules, 2017;
- Details regarding funds allocated and utilized for wetland conservation, restoration and management during the preceding five years;
- Details regarding restoration, rejuvenation and conservation projects undertaken in respect of degraded wetlands, along with timelines, financial outlays and present status of implementation;
- Details regarding coordination mechanisms between the State Wetland Authority, Rajasthan State Pollution Control Board, Forest Department, Urban Local Bodies and District Administrations for protection and management of wetlands;
- Details regarding public awareness initiatives, community participation programmes and stakeholder engagement mechanisms adopted for wetland conservation;



- Details regarding climate resilience measures, groundwater recharge initiatives and ecological restoration programmes linked with wetland conservation; and
- A comprehensive action plan indicating short-term, medium-term and long-term measures proposed for identification, notification, protection, restoration and sustainable management of wetlands throughout the State of Rajasthan.



(C) The State Government shall also place before this Court a consolidated report indicating the total number of wetlands identified within the State, the number of wetlands notified till date, the criteria adopted for notification and the proposed timeline for consideration of remaining wetlands requiring statutory protection.

(D) The State Government shall consult wetland ecologists, hydrologists, biodiversity experts, ornithologists, environmental scientists, representatives of academic and research institutions and such other experts as may be considered necessary for undertaking a comprehensive assessment of the status of wetlands within the State and for formulating appropriate measures for their identification, notification, conservation, restoration and sustainable management in accordance with the applicable statutory framework and established scientific principles.

(E) As an interim measure, the State Government, the State Wetland Authority and all concerned authorities shall:

(i) undertake a State-wide survey of wetlands and place before this Court a district-wise status report indicating the number, location and present condition of wetlands within their respective jurisdictions;

(ii) ensure that no further encroachment, reclamation, dumping, filling, construction activity or alteration of the physical boundaries of identified wetlands is permitted without due process of law and strict compliance with the applicable statutory framework;

(iii) identify all major sources of sewage discharge, municipal waste, industrial effluents and other pollutants entering wetlands and place on record the remedial measures undertaken to prevent further contamination;

(iv) undertake inspection of major wetlands, including notified wetlands and Ramsar Sites situated within the State, and submit reports regarding their present ecological condition, biodiversity status, water quality and conservation requirements;

(v) ensure that no untreated sewage, municipal waste, industrial effluents, construction debris or other pollutants are discharged into wetlands or their catchment areas;



(vi) identify wetlands affected by encroachments, illegal constructions or unauthorized land-use changes and place before this Court details of action taken or proposed for restoration of such areas;

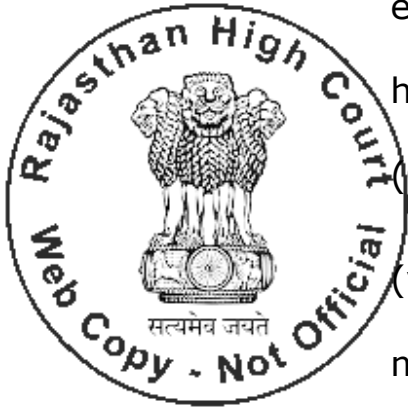
(vii) undertake assessment of wetlands which are of ecological, hydrological or biodiversity significance but have not yet been notified under the Wetlands (Conservation and Management) Rules, 2017;

(viii) ensure preservation and protection of habitats of migratory birds and other wildlife dependent upon wetland ecosystems and place on record the conservation measures presently in force;

(ix) undertake water quality assessment and ecological evaluation of major wetlands facing threats from pollution, sewage discharge or habitat degradation;

(x) ensure maintenance of status quo with regard to ecologically sensitive wetlands identified by the competent authorities until further orders of this Court, except where restoration and conservation measures are being undertaken in accordance with law;

(xi) submit details regarding implementation of management plans, conservation programmes and restoration projects undertaken in respect of Ramsar Sites and other significant wetlands within the State; and



(xii) place before this Court a time-bound roadmap indicating immediate, short-term and long-term measures proposed for protection, restoration and sustainable management of wetlands in Rajasthan.

(F) The Rajasthan State Pollution Control Board shall conduct water quality assessment and environmental impact evaluation of major wetlands identified as being affected by pollution, sewage discharge or waste dumping and submit a comprehensive report before this Court indicating contamination levels, environmental risks, remedial measures required and the action taken against violators.

(G) The Chief Secretary shall ensure circulation of this order to all District Collectors in the State and shall obtain district-wise information relating to wetlands through the respective District Administrations.

11. Mr. Rajesh Panwar, learned Senior Advocate & Additional Advocate General assisted by Mr. Ayush Gehlot; Mr. N.S. Rajpurohit, learned Additional Advocate General; Mr. Mahaveer Bishnoi, learned Additional Advocate General; Mr. Mahendra Bishnoi, learned Government Counsel and Mr. P.S. Chundawat learned Government Counsel, are directed to obtain instructions on behalf of all the respondents in their respective capacities and update this Court regarding the immediate measures undertaken by the authorities concerned.



12. Mr. Jubin Mehta (R/4/21), Mr. Divik Mathur (R/4597/22) and Mr. Harshvardhan Singh Rathore (R/5342/23), Advocates are appointed as learned Amicus Curiae to assist this Court in the present matter.

13. List the matter on **06.07.2026**.



14. The Registry is directed to register the present proceedings as a suo motu Public Interest Litigation under Article 226 of the Constitution of India and furnish copies of this order along with the newspaper reports to the learned Amicus Curiae as well as all the respondents for immediate compliance and necessary action.

(REKHA BORANA),VJ

(DR.PUSHPENDRA SINGH BHATI),VJ

Skant/-