

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 5 of
2025**

=====
SUO MOTU

Versus

STATE OF GUJARAT & ORS.
=====

Appearance:

MR HAMESH C NAIDU(5335) for the Applicant(s) No. 1

MS MAITHILI MEHTA, AGP for the Opponent(s) No. 1,2

KSHITIJ M AMIN(7572) for the Opponent(s) No. 3
=====

CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE D.N. RAY**Date : 30/01/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. The present public interest litigation has been registered *suo motu* on the directions issued by the Apex Court in the matter of maintenance of Wetlands in the State of Gujarat as per the Wetlands (Conservation and Management) Rules, 2017.
2. Taking note of the various directions issued by the Apex Court in the judgment and order dated 11.12.2024 after registration of the present petition, by order dated 29.01.2025, we have requested Mr. Gautam M. Joshi, learned Senior advocate assisted by Mr. Hamesh C. Naidu, learned advocate appearing for the High Court to

make a personal visit to the Wetlands in the State, which they graciously volunteered.

3. Two site visit reports pertaining to Wetlands, viz. Nalsarovar and Thol Wildlife Sanctuary in District Ahmedabad and Nadabet Wetland located in the Rann of Kachchh, District Banaskantha in the State of Gujarat have been placed before us whereafter a detailed order dated 12.12.2025 has been passed taking note of the concerns raised in the reports in the matter of maintenance of the said Wetlands. It was noted therein that there are some sites which are under the direct supervision and management of the Forest Environment Department of the State. Both the Wetlands, viz. Nalsarovar and Thol hold the status of Ramsar site of international importance. The Secretary of the concerned department was directed to make an inquiry into the assertions of violation of the Rules for management of the Wetlands and the issue pertaining to dumping of plastic waste at the Thol site.
4. In response to the order dated 12.12.2025, an affidavit dated 29.01.2026 of the Principal Chief Conservator of Forest, Wildlife, i.e. respondent no.2 has been filed today in the Court, which is taken on record.
5. With regard to the maintenance and management of the Nalsarovar Bird Sanctuary on the observations in the report that due to excessive inflow of the Narmada water into the adjoining area, the natural drying process of

Nalsarovar Wetland is adversely impacted, it is submitted that as the Nalsarovar Wetland is a low-lying area, excess water is occasionally drained into Nalsarovar. The Saurashtra Branch Canal water escape located at Bhaskarpura supplies water to the Gujarat Water Supply and Sewage Board for drinking and irrigation purposes and at the same time, the escape water flows into Nalsarovar Wetland. Excess rainfall also contributes to an increase in the water level in the lake.

6. It is contended that the said issue has been taken up with the Sardar Sarovar Narmada Nigam Ltd. over a long period through various communications and has also been taken up by the Task Force Committee constituted pursuant to the order dated 18.07.2019 passed by this Court in Writ Petition PIL No. 187 of 2017. Recently, in a meeting held with the Task Force on 17.10.2025, the field visit reports were prepared for further remedial action.
7. The salinity analysis of the water of Nalsarovar is regularly being carried out by the GEER Foundation which is carrying out the task to monitor the water quality. It is contended that as a result of continuous monitoring and regulatory measures, flamingos have started visiting the Nalsarovar Bird Sanctuary.
8. Considering the above noted statements made in a guarded manner in paragraph '4' of the affidavit of the

Principal Chief Conservator of Forests, Wildlife, who has not disclosed fully as to what was the outcome of the communications with the Sardar Sarovar Narmada Nigam Ltd. and what remedial actions have been taken in the field visit reports prepared after the meeting dated 17.10.2025 of the Task Force, we are of the view that the Chief Secretary of the State is required to constitute a High Level Monitoring Committee for monitoring the Wetlands in the State, which are declared as Ramsar sites. Such Committee shall consist of senior officers of the Forest Department; Sardar Sarovar Narmada Nigam Ltd., wherever necessary; Fisheries Department, wherever necessary; any other Senior officer of the concerned department of the State and the local administrative office including the Senior officer of GEER Foundation.

9. The above noted list of officers to be included in the High Level Monitoring Committee is only suggestive and it is open for the Chief Secretary of the State to constitute a High Level Monitoring Committee by including the Secretary of the concerned department of the State Government as also the Forest Department and other Senior and local officials, whose presence for deliberations are needed to ensure effective monitoring and maintenance of the Wetlands in the State.
10. The High Level Committee shall hold its meeting soon after its constitution by the Chief Secretary of the State, to deliberate on the issue of flowing of escape water of

the canal, viz. Saurashtra Branch Canal located at Bhaskarpura into Nalsarovar Wetlands and also about managing the excess rainwater which contributes to an increase in the water level of the lake. An action plan to address both the issues is required to be prepared by the High Level Monitoring Committee and is to be placed before this Court along with the affidavit of the concerned Secretary or the officer of the Forest Department who would chair the meeting.

11. As regards the issue of illegal fishing in the Nalsarovar Wetland area, which is completely prohibited, the Task Force created under the order dated 18.07.2019 in the Writ Petition PIL No. 187 of 2017 is required to submit its report as to how and where checkpoints can be created in and around the Nalsarovar Wetlands to ensure curbing of illegal fishing in the lake and poaching of birds. The Task Force is required to identify the areas (in and around the lake) prone to such illegal activities and prepare an action plan to create checkpoints and continuous patrolling throughout the year as also rigorous patrolling during bird migrating season.
12. Also, there is a persistent threat to the natural environment of Nalsarovar Bird Sanctuary because of the visitors carrying food items and plastic bottles and plastic bags and throwing leftovers during boating for bird watching. The entry of food items, plastic bottles and plastic bags, disposables etc. shall be completely prohibited in and around the reserved area of the

Nalsarovar Bird Sanctuary. All activities pertaining to sale and consumption of food items shall be restricted to the designated areas outside the reserved area of the Nalsarovar Bird Sanctuary. There shall be complete ban in the entry of plastic bottles and plastic bags, all kinds of disposable items, etc. in and around the reserved area of the Nalsarovar Bird Sanctuary, which is an eco-sensitive zone.

13. Further, the boating activities carried out by the locals in the Nalsarovar lake during the bird migrating season or otherwise is to be regulated by the Forest Department in the same way as jeep safaris are being regulated in the Jungle Safaris in the State such as Gir Forest, giving preference to the existing boatmen so as to ensure local employment and engagement of the local community already engaged in the boating activities.
14. The management plan of the boating activities and the necessary action plan for completely prohibiting entry of food items, plastic bottles and plastic bags, all kinds of disposable etc. in and around the reserved area of Nalsarovar Wetland shall be prepared by the Task Force and submit before this Court on the next date fixed.
15. Insofar as the issue of providing sufficient support to the local community, traditionally engaged in fishing for their livelihood, inasmuch as, the fishing is prohibited in the Nalsarovar Wetland area, the process of development of new fishing ponds in the surrounding

village as discussed during the meeting of the Task Force dated 17.10.2025 shall be taken further and the progress made in that direction shall be placed before the court on the next date fixed.

16. The next issue is about management of plastic waste littered even outside the Nalsarovar Sanctuary area. The requirement is to cover all 14 villages surrounding Nalsarovar Wetland, in the eco-tourism zone and plastic ban as imposed by the notification of the State Government dated 22.05.2019, banning plastic completely in the eco-tourism and sanctuary area, shall be implemented effectively by creation of a force of the officer and staff of the Forest Department and local administration so that the entry of plastic/disposables is completely curbed.
17. A perusal of the notification dated 22.05.2019 issued by the Gujarat Government, Forest and Environment Department, shows that it is only provided therein that the plastics such as polythenes, plastic material, which are non-biodegradable are completely prohibited in the eco-tourism and sanctuary areas. However, the specific areas falling in the said category are not mentioned therein. It seems that there is a requirement to identify such areas by the High Level Monitoring Committee, which are posing threat to the eco-sensitive zone or the eco-tourism and sanctuary areas in the State specifically for effective monitoring and maintenance of the Wetlands in the State, so as to issue a proper notification

prescribing the particular area and the extent thereof, which would fall within the purview of the ban of plastics and placing responsibility upon the local bodies/Authorities/officials to ensure that such prohibition is implemented fully and effectively.

18. There may be a need for involving the local panchayats of the villages concerned, i.e. the local bodies in whose jurisdiction the areas in question fall. Meaning thereby, there is an imminent requirement to issue a notification putting up responsibility upon the local bodies/authorities within whose jurisdiction the surrounding areas in and around the Wetlands in the State of Gujarat fall, to ensure that the plastic ban is fully and effectively implemented in the Eco-sensitive zone/areas notified by the State. There is a need to sensitize local people about the natural treasure they possess so that they own the responsibility to keep their environment pollution free. Keeping one's surrounding environment clean and not to pollute is only a mindset. If local people are sensitized about its importance, they may act as a guard force in aid to the local body/administration.
19. As regards the management of legacy plastic waste and other waste generated in and around the area of Nalsarovar Bird Sanctuary, which is also posing a consistent threat to the sensitive environment of the sanctuary, the "local body" defined in Rule 3(w) of the Plastic Waste Management Rules, 2016 (in short as the

“Rules’ 2016”) shall be responsible. The Rules’ 2016 framed in exercise of powers conferred by Sections 3, 6 and 25 of the Environment (Protection) Act, 1986 by the Central Government, are applicable to every waste generator, local body, Gram Panchayat, manufacturer, importers [brand-owner, plastic waste processor (recycler, co-processor, etc.)] and producer.

20. The object of framing the Rules’ 2016 is to provide a regulatory framework for management of plastic waste generated in the country. In order to implement regulatory framework more effectively and to give thrust on plastic waste minimisation, source segregation, recycling, involving waste pickers, recyclers and waste processors in collection of plastic waste fraction either from households or any other sources of its generation or intermediate material recovery facility and adopt polluter’s pay principle for the sustainability of the waste management system, the Central Government reviewed the earlier Rules and in supersession of the previous Rules of 2011, the Plastic Waste Management Rules, 2016 have been framed and notified as on 18.03.2016.
21. Rules 5 and 6 of the Rules’ 2016 puts responsibility on every “local body” for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies in their respective jurisdiction. The ‘local body’ is responsible

for setting up, operationalisation and coordination of the waste management system and for performing the associated functions so as to ensure that the provisions of the Rules are adhered to; that no damage is caused to the environment during this process; creating awareness among all stakeholders about their responsibilities; engaging civil societies or groups working with waste pickers; and ensuring that open burning of plastic waste does not take place; etc.

22. The responsibilities of the Gram Panchayat both at the rural area and the District Panchayat for rural areas of the district, have been aligned in Rules 7 and 7-A, which provides that the Gram Panchayats are required to set up either on their own or by engaging an agency, to operationalise and coordinate for waste management in the rural area under their control and for performing the associated functions such as ensuring segregation, collection, storage, transportation, plastic waste and channelisation of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process, apart from other activities such as engaging civil societies or groups working with waste pickers, creating awareness among all stakeholders about their responsibility, etc.
23. The Panchayat at the District Level is responsible to assess the plastic waste management infrastructure available for collection, segregation and processing and

report to the State Pollution Control Board or Pollution Control Committee concerned by 30th June of each year and shall submit an annual report including the details of plastic waste management as prescribed in clause (i) to (v) of sub-rule (3) of Rule 7-A.

24. The “prescribed authority” under Rule 12 is the Central Pollution Control Board, State Pollution Control Board and Pollution Control Committee in respect of a Union territory, being the authority for enforcement of the provisions of the Rules. Sub-rule (2) of Rule 12 provides that the Additional Chief Secretary or Principal Secretary or Secretary in charge of the department of the State Government or Union territory administration responsible for municipal administration, shall be the authority for enforcement of the provisions of the Rules relating to the waste management by the waste generator, restriction or prohibition on use of plastic carry bags, plastic sheets or like and items prohibited under Rule 4 of the Rules, 2016, in the urban areas of the State or Union territory.
25. Similarly, sub-rule (3) of Rule 12 provides that the concerned Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or a Union territory administration, responsible for Panchayati Raj Institutions, shall be the authority for enforcement of the provisions of these Rules relating to waste management by the waste generator, restriction or prohibition on use

of plastic carry bags, plastic sheets or like; and items prohibited under Rule 4 of the Rules, in the rural area of the State or Union territory.

26. Sub-rule (4) of Rule 12 further provides that the authorities mentioned in sub-rules (1), (2) and (3) shall take the assistance of the District Magistrate or the Deputy Commissioner and Executive Head of municipal body for urban areas or Chief Executive Officer of the District level panchayats or for rural areas, within the territorial limits of the jurisdiction of the concerned district, in respect of the enforcement of the provisions of the Rules.
27. Rule 16 of the Rules' 2016 provides for constituting a State level monitoring committee by the State Government or the Union territory administration for the purpose of effective monitoring of implementation of the Rules, constitution of which has been provided in the Rule itself. Sub-rule (2) of Rule 16 mandates the State Monitoring Committee to meet, at least, once in six months and to invite experts, if it considers necessary.
28. Rule 17 provides the mechanism for submission of online annual report in the prescribed Form-IV to the local body concerned by every person engaged in recycling or processing of plastic waste and also to the State Pollution Control Board or Pollution Control Committee concerned by 30th April of every year. It also mandates every Urban local body and Panchayat at the District

level to prepare and submit online annual report in Form-V to the Urban Development Department and to Rural Development Department, respectively, and also to the State Pollution Control Board or Pollution Control Committee concerned by 30th of June every year.

29. The State Pollution Control Board or Pollution Control Committee concerned are mandated to cause the report submitted by the Urban local body and Panchayat at District level, to be audited by itself or through a designated agency and the copy of the report of such audit and the annual report are required to be made available on the website of the State Pollution Control Board or the Pollution Control Committee concerned.
30. The State Pollution Control Board or the Pollution Control Committee is further mandated to prepare and submit online annual report in Form VI to the Central Pollution Control Board on the implementation of the Rules by 31st July of every year. The Central Pollution Control Board, in turn, is to prepare the consolidated annual report on the implementation of the Rules and submit it to the Central Government along with its recommendation on or before 31st August of every year.
31. Rule 18 of the Rules, 2016 provides for the environmental compensation to be levied based upon Polluter pays Principle, on persons who are guilty of non-compliance of the provisions of the Rules, as per the guidelines notified by the Central Pollution Control

Board.

32. Taking note of the above, in the facts and circumstances of the present case where it is admitted in the affidavit of the Principal Chief Conservator of Forest, Wildlife that violation of the ban on the use of plastic in the Nalsarovar Sanctuary region is an issue and Nalsarovar is covering a vast area surrounded by 14 villages, it is required by the “local body” defined in Rule 3 (w) of the Rules’ 2016, such as rural and district panchayat, local municipality or Corporation of the District in whose jurisdiction the said area falls and also Gujarat Pollution Control Board (GPCB), to ensure effective and complete implementation of the Rules’ 2016 in the local areas of their jurisdiction, surrounding the Nalsarovar Bird Sanctuary.
33. We may note at this stage that in **Amit Manibhai Panchal vs. State of Gujarat & Ors. [Writ Petition PIL No. 6 of 2023]**, where this Court is seized with the issue of plastic waste management under the Rules’ 2016, by the Local Municipalities and Corporation, it is brought on record with the affidavit of the Principal Secretary, Urban Development and Urban Housing Department, Gujarat that vide Resolution dated 02.12.2016, the State Government has duly constituted the State Level Monitoring Committee, which has been entrusted with the task of effective monitoring and implementation of Plastic Waste Management Rules, 2016.

34. We, therefore, provide that the State Level Monitoring Committee shall meet, as early as possible, to deliberate on the issue of management of plastic waste generated in and around the local areas/surrounding villages of Nalsarovar Wetland and to issue specific instructions to the local bodies/district authorities so as to ensure the effective implementation of the Rules' 2016.
35. The Prescribed authority, namely the GPCB, entrusted with the task for enforcement of the provisions of the Rules' 2016, is also required to take necessary action at its own end with the assistance of the District officers and executive heads of local bodies, so as to ensure the enforcement of the Rule within the territorial limits of their jurisdiction of the concerned District. It is the duty and responsibility of the GPCB to ensure that each and every local body, including the Rural Panchayats are equipped to operationalise and coordinate for waste management in the areas under their control and jurisdiction.
36. The assessment of plastic waste generated (including legacy waste) in the area(s) concerned is to be made by the GPCB in coordination with the heads of Rural and District Panchayats so as to make an assessment of the requirements of setting up of facilities by the Gram Panchayats on their own or by engaging an agency to perform the functions and responsibility placed upon them under Rule 7 and Rule 7-A of the Rules, 2016.

37. The concerned Additional Chief Secretaries in charge of the Municipal administration and for Panchayati raj institution shall coordinate with the GPCB and the District officials as also heads of such local bodies to ensure that the restriction on the use of plastic carry bags, etc. in the area in question, which is an eco-sensitive area, and is being promoted as Eco-tourism and sanctuary area, can be implemented to its fullest and the Waste management plan for the waste generated including the legacy waste is prepared in strict compliance of the Rules, 2016.
38. The action plan prepared by the State Level Monitoring Committee/GPCB/Additional Chief Secretary or Principal Secretary in charge of the Municipal administration and Panchayati raj institutions, shall be placed before the Court along with the affidavit of the officers of the concerned Committee/Authorities.
39. As regards Thol Sanctuary, the assertion in the affidavit of the Principal Chief Conservator of Forest, Wildlife qua the factories near the Thol area is that the GPCB has been regularly carrying out water sampling almost every month and the reports of GPCB reveal that no industry has been permitted to discharge treated or untreated effluent directly or indirectly in the Thol lake or any drain leading to Thol lake. The contention is that the review of the water quality data generated under the NWQM programme does not reveal any presence of industrial wastewater pollution. It is stated that fishing

in Thol lake is strictly prohibited as it is declared as a bird sanctuary and round the clock patrolling is being done and legal actions are taken against the officers under the Wildlife Protection Act, 1972.

40. It is also contended that qua both Nalsarovar and Thol, the Plastic Waste Management Project is being set up by the Wildlife Division, Sanand in collaboration with the local Non-Governmental Organisation and industries with a view to dispose of the plastic waste in the eco-sensitive zones of Nalsarovar Bird Sanctuary as well as Thol Wildlife Sanctuary. The said project has been sanctioned and established for the management of plastic waste both in Nalsarovar and Thol Wetlands.
41. Taking note of the above, we provide that GPCB shall carry out fresh inspection of the industries surrounding the Thol Sanctuary in coordination with the local body within whose jurisdiction or control the said industries fall and submit a report of any violation of environmental pollution norms by any of the industries. The GPCB is also required to carry out water sampling of the Thol lake and all the drains leading to Thol lake, to assess the quality of water and to reveal any presence of the industrial waste water or domestic sewage water into the lake or the water released into any of the drains leading to Thol lake. There is a requirement to study the drainage network in and around the Thol Bird Sanctuary.

42. To ensure that fishing activities remain strictly prohibited in the Thol Bird Sanctuary/Wetlands round the clock, the action plan prepared by the Forest Department under the supervision of Principal Chief Conservator of Forest, Wildlife, shall be placed before the Court.
43. To answer all the above issues, the personal affidavit of the Regional Officer, GPCB and the Principal Chief Conservator of Forest, Wildlife and the concerned Secretaries of the State, are to be filed on the next date fixed.

With the above, the matter is posted on 27.02.2026.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI