

5. No Wetland Status for Artificial Lakes – Environment

The Supreme Court of India ruled that man-made lakes such as *Nagpur's Futala Lake* do not qualify as wetlands under the *Wetlands (Conservation and Management) Rules, 2017*.

Futala Lake, Nagpur – Overview

Location and Size – Situated in Nagpur, Maharashtra, covering approximately 60 acres. One of the city's oldest and most iconic lakes, attracting tourists and serving as a cultural hub.

Historical Origin – Constructed in the 18th century by the Bhonsle kings of Nagpur. Initially served as a water reservoir for domestic and irrigation purposes.

Current Significance – Serves as a recreational space, cultural landmark, and urban waterbody. Supports local biodiversity including aquatic flora, fish, and migratory birds.

Legal and Environmental Significance

1. Wetlands (Conservation and Management) Rules, 2017

Legal Basis – Notified under the Environment (Protection) Act, 1986, replacing the 2010 Rules.

Objective – Ensure conservation, wise use, and sustainable management of India's wetlands. Promote decentralized governance and scientific planning.

Definition of Wetlands – Areas of marsh, fen, peatland, or water (natural or artificial, permanent or temporary).

Exclusions – Paddy fields and man-made tanks for drinking water or aquaculture.

Prohibited Activities –

1. Reclamation or encroachment.
2. Industrial or construction activities that degrade the wetland.
3. Discharge of untreated waste, effluents, or solid waste.
4. Permanent constructions, unless for conservation or community benefit.

Regulatory Bodies –

National Wetland Committee (NWC) – Advises on policy and coordinates at the national level.

State Wetland Authority (SWA) – Headed by Chief Minister or Environment Minister; responsible for identification, notification, and management at the state level.

Management Measures –

Wetland Identification & Notification – States must prepare a list based on ecological importance.

Integrated Management Plan (IMP) – Each notified wetland must have a plan balancing conservation, livelihood, and ecological health.

International Alignment – Rules are consistent with Ramsar Convention (1971) principles, which India ratified to ensure wise use and protection of wetlands.

Judicial Recognition of Futala Lake

Artificial Waterbodies and Wetlands Definition – The Supreme Court has clarified that man-made lakes such as Futala Lake are not statutorily considered wetlands under the 2017 Rules. Reason – The Rules' definition primarily covers natural waterbodies, excluding artificial reservoirs made for irrigation, drinking water, or other utilitarian purposes.

Public Trust Doctrine (PTD) Expansion

Doctrine Overview – Evolved in *M.C. Mehta v. Kamal Nath* (1997). States that natural resources are held by the State in trust for the public, to ensure sustainable use for present and future generations.

Application to Futala Lake – Even though artificial, Futala Lake holds ecological, cultural, and recreational significance. SC held that the State has a trustee obligation to protect and maintain such waterbodies for public benefit.

Right to a Healthy Environment (Article 21)

Legal Basis – Article 21 of the Indian Constitution guarantees Right to Life, interpreted to include Right to a Healthy Environment.

Precedents – *Subhash Kumar v. State of Bihar* (1991) – Right to clean water and air is part of life. A.P.

Pollution Control Board v. Prof. M.V. Nayudu (1999) – Environmental protection integral to Right to Life.

SC Observation – Governments must protect ecological integrity of urban waterbodies like Futala Lake. Urban development must coexist with ecological conservation, ensuring sustainable development.

Principles Highlighted by the Court

Ecological Balance – Artificial waterbodies must be preserved to maintain biodiversity, microclimate, and urban ecological services.

Sustainable Development Principle – Urban projects can only proceed if they do not compromise ecological integrity. Precautionary principle applies to avoid environmental degradation.

Co-existence of Development and Conservation – Emphasises the need for green infrastructure, urban lakes, and wetland conservation alongside city planning.

Implications for Urban Environmental Governance

Policy Implications – Encourages integration of Public Trust Doctrine in urban planning. Artificial lakes, though not legally wetlands, must be protected, maintained, and monitored.

Community and Livelihood Linkage – Lakes provide recreation, fisheries, and cultural spaces. Conservation contributes to tourism, local livelihoods, and ecosystem services.

Urban Biodiversity – Urban waterbodies like Futala Lake are important habitats for birds, aquatic species, and native flora. Loss or degradation affects urban ecological health.

Futala Lake in Context of Urban Wetland Management

Historical & Cultural Significance – Over 200 years old; constructed during Bhonsle reign. Serves as a cultural landmark in Nagpur, hosting festivals and social events.

Current Challenges – Pollution from solid waste and untreated sewage. Encroachment and infrastructural pressures from urban expansion. Need for integrated management and ecological restoration.

Conservation Strategies – Restoration using ecological engineering, native plant reintroduction, and pollution control. Inclusion in urban environmental plans to ensure long-term sustainability.

Conclusion

The case of Futala Lake highlights the broader legal and environmental principle that artificial waterbodies in urban areas hold ecological, social, and cultural value. Supreme Court's observation expands the Public Trust Doctrine to include artificial lakes, reinforcing citizens' Right to a Healthy Environment under Article 21. Ensuring ecological conservation alongside urban development is critical for sustainable cities, biodiversity protection, and citizen well-being. Futala Lake represents a model for integrating heritage, urban planning, and environmental jurisprudence, emphasizing that sustainable urban ecosystems are a constitutional mandate.

Source – <https://www.scconline.com/blog/post/2025/10/09/sc-futala-lake-not-a-wetland-construction-allowed/amp/>