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Ten Kilometres Everywhere: The Mining Buffer Around Wetland Reserves

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

[in linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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Ten Kilometres Everywhere: The Mining Buffer Around Wetland Reserves

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On August 4, 2026, a Bench of Chief Justice Surya Kant and Justices Joymalya Bagchi and V. Mohana, hearing an application in T.N. Godavarman Thirumulpad v. Union of India, clarified that its earlier direction restricting mining within a 10-km radius of the Asan Wetland Conservation Reserve in Uttarakhand applies to wetland conservation reserves across the country, not only to Asan.

WHAT WAS DIRECTED

ELEMENT	DETAIL
Case	T.N. Godavarman Thirumulpad v. Union of India , W.P. (C) No. 202 of 1995
Bench	CJI Surya Kant and Justices Joymalya Bagchi and V. Mohana
Clarification	The 10-km mining restriction applies to wetland conservation reserves nationwide , not only to Asan. Reporting refers consistently to wetland conservation reserves; whether community reserves are covered on the same terms is not established from the available accounts
Reasoning	Justice Bagchi observed that uniform ecological regulation should apply across contiguous Himalayan terrain
Direction	The Standing Committee of the National Board for Wild Life and the MoEFCC to determine within one month whether any Wetland Conservation Reserves exist in Himachal Pradesh
If none identified	Mining applications proceed under standard operating procedure
If reserves identified	The 10-km embargo applies uniformly
Within the buffer	Mining requires prior permission of the Standing Committee of the NBWL

THE CATEGORIES INVOLVED

Conservation reserves and community reserves are the two protected-area categories most candidates handle least confidently, and this order turns on them.

CATEGORY	INTRODUCED BY	CHARACTER
Conservation Reserve	Wild Life (Protection) Amendment Act, 2002 , inserting Sections 36A to 36D (Chapter IV-A)	Declared by a State Government over government-owned land , typically adjacent to a national park or sanctuary or linking protected areas, after consulting local communities
Community Reserve	Same amendment	Declared over private or community land where a community or an individual has volunteered to conserve wildlife

Both were created precisely because the National Park and Wildlife Sanctuary categories were too restrictive for landscapes where people live and work, and both are governed with community participation through a Conservation Reserve Management Committee or Community Reserve Management Committee. They are, in that sense, the closest thing in Indian statute to the Other Effective Area-based Conservation Measures now being discussed internationally.

Asan Conservation Reserve, at the confluence of the Asan and Yamuna rivers, became a **Ramsar site in 2020** and is **Uttarakhand's first**.

THE GODAVARMAN JURISDICTION

This order is only intelligible against the case it sits in.

T.N. Godavarman Thirumulpad v. Union of India, filed in **1995**, is the longest-running environmental proceeding in Indian judicial history and the principal example of **continuing mandamus**: rather than deciding a dispute and closing the file, the Court retained the matter and has issued directions continuously for three decades, monitoring compliance through applications like this one.

Its foundational holding, in **December 1996**, was that the word “forest” in the Forest (Conservation) Act, 1980 must be understood in its **dictionary sense**, covering all land recorded as forest in any government record irrespective of ownership or classification, not merely land notified as forest. That single interpretive move brought vast areas under the Act’s protection and is among the most consequential environmental rulings in India.

The Court also created the **Central Empowered Committee** within this proceeding to assist with monitoring, and the **compensatory afforestation** framework that eventually became the CAMPA legislation emerged from it.

THE ARGUMENT AGAINST A UNIFORM BUFFER

A blanket national radius has real costs, and a balanced answer states them.

It ignores site specificity. A 10-km radius takes no account of hydrology, topography, prevailing wind, the mineral being extracted, or the method of extraction. A wetland fed by a confined **aquifer** and one fed by surface runoff face entirely different risks from the same quarry at the same distance.

It falls unevenly on States. States dependent on riverbed sand and minor-mineral extraction face immediate revenue and construction-cost consequences, and constricted legal supply in a market with inelastic demand is the classic driver of **illegal sand mining**, which is worse for the river than regulated extraction.

It substitutes for a statutory instrument that already exists. The proper mechanism is a scientifically delineated, notified **Eco-Sensitive Zone** under **Section 3 of the Environment (Protection) Act, 1986**, with a site-specific extent and a zonal master plan.

WHY THE COURT DID IT ANYWAY

The counter is straightforward and it is the stronger half of the argument. **Eco-Sensitive Zone notification has been chronically delayed.** For many protected areas the zone remains un-notified or notified only in draft years after the process began, and in the interim there is no restriction at all.

Faced with a choice between an imperfect uniform buffer and no buffer, the Court chose the former. That is the standard structure of Indian environmental **judicial activism**: the judiciary supplies a crude, over-inclusive rule because the executive has not supplied a precise one, and the crudeness is a cost of the delay rather than a preference of the Court.

The most useful thing an answer can say is that **the remedy for a blunt judicial buffer is executive precision**, not judicial restraint. If site-specific ESZs were notified on time, the uniform radius would be unnecessary and would fall away.

UPSC RELEVANCE

GS Paper 3: Conservation, environmental pollution and degradation; **environmental impact assessment**; mineral resources.

GS Paper 2: Structure and functioning of the judiciary; **judicial review** and judicial activism; centre-state relations in environmental administration.

Prelims pointers:

- Case: ***T.N. Godavarman Thirumulpad v. Union of India***, W.P. (C) No. 202 of 1995; order of **4 August 2026** by CJI Surya Kant with Justices **Joymalya Bagchi** and **V. Mohana**.

- **Conservation Reserves and Community Reserves** were introduced by the **Wild Life (Protection) Amendment Act, 2002**, through **Sections 36A to 36D**. Conservation Reserves are declared over government land; Community Reserves over private or community land.
- **Asan Conservation Reserve**, at the Asan-Yamuna confluence, became a **Ramsar site in 2020** and is **Uttarakhand's first**.
- Permission for activity within the buffer lies with the **Standing Committee of the National Board for Wild Life**, chaired by the **Union Environment Minister**; the **NBWL itself is chaired by the Prime Minister**.
- **Eco-Sensitive Zones** are notified under **Section 3 of the Environment (Protection) Act, 1986**.
- The Godavarman case's 1996 holding gave "forest" its **dictionary meaning** under the Forest (Conservation) Act, 1980, and the case is the leading example of **continuing mandamus**. The **Central Empowered Committee** was created within it.
- India has **101 Ramsar sites**; **Tamil Nadu** has the highest number among States.

UPSC RELEVANCE

4 August 2026, in T.N. Godavarman Thirumulpad v. Union of India, W.P. (C) No. 202 of 1995. Bench of CJI Surya Kant and Justices Joymalya Bagchi and V. Mohana. The 10-km mining restriction around the Asan Wetland Conservation Reserve extends to wetland conservation reserves and community reserves nationwide. SC-NBWL and MoEFCC to determine within one month whether any exist in Himachal Pradesh.

Conservation Reserves and Community Reserves were created by the Wild Life (Protection) Amendment Act, 2002, Sections 36A to 36D. Conservation Reserves cover government land; Community Reserves cover private or community land volunteered for conservation.

Asan Conservation Reserve, at the Asan-Yamuna confluence, Ramsar site since 2020, Uttarakhand's first.

filed 1995; the leading instance of continuing mandamus; its December 1996 order gave “forest” its dictionary meaning under the Forest (Conservation) Act, 1980; the Central Empowered Committee was constituted within it.

Eco-Sensitive Zones notified under Section 3 of the Environment (Protection) Act, 1986, with site-specific extent and a zonal master plan. Chronic delay in notification is why the Court supplies uniform buffers.

chaired by the Prime Minister; its Standing Committee is chaired by the Union Environment Minister and grants permissions within buffers.

Sources: Supreme Court of India, Ministry of Environment, Forest and Climate Change, Wildlife Institute of India

Source: Ten Kilometres Everywhere: The Mining Buffer Around Wetland Reserves — Ujyari.com | Free UPSC & State PCS Current Affairs

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Bharat Choudhary

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