

AS INTRODUCED IN THE RAJYA SABHA  
ON 6TH DECEMBER, 2019

**Bill No. XXXIII of 2019**

THE MANGROVE FORESTS (SPECIAL PROVISIONS) BILL, 2019

A

BILL

*to provide for the protection, development and afforestation of Mangroves which are essential natural barriers against rising tides of various natures of vengeful sea when it roars ashore, by establishing a National Board for development of Mangrove forests in the coastal areas of the country, proper use of dry wood of Mangroves etc. and for matters conneted therewith and incidental thereof.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mangroves Forests (Special Provisions) Act, 2019.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,  
extent and  
commencement.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in other cases, the Central Government;

(b) "board" means the National Board for Mangrove Forests established under section 3;

(c) "mangrove" include small shrubby, highly specialized plant which stick it out at the muddy edges of coast absorbing the corrosive action of salt water, filtering mud and sediment and putting away more carbon dioxide from atmosphere;

(d) "prescribed" means prescribed by rules made under this Act.

Establishment of the Board.

**3. (1) The Central Government shall, as soon as may be, but within six months of the commencement of this Act, by notification in the official Gazette, establish a Board to be called "the National Board for Mangrove Forests";**

**(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable and to contract and shall by the said name, sue or be sued;**

**(3) The headquarters of the Board shall be at Aurangabad in the State of Maharashtra and its regional offices shall be located in the capital of coastal states with their respective territorial jurisdiction;**

**(4) The Board shall consists of a Chairperson, a Deputy Chairperson and such other members as may be prescribed;**

**(5) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.**

**(6) The Salaries and allowances payable to and other terms and conditions of service and qualifications of the Chairperson, Deputy Chairperson, Members, officers and staff of the Board shall be such as may be prescribed;**

**(7) The procedure to be followed by the Board for its meeting shall be such, as may be prescribed.**

Functions of the Board.

**4. (1) The Board shall formulate a scheme for the protection, development and afforestation of mangroves alongwith guidelines to cut and use mangroves for development projects, etc. in the coastal areas of the country.**

(2) Without prejudice to the generally of the foregoing provision, such a scheme shall also provide for,—

(i) educating people about the importance of mangroves in the coatal areas and the proper and judicious use of dry of mangrove branches and roots;

(ii) guidelines for development projects in and around mangrove forests;

(iii) protection of species of marine mega fauna and dwellings for oysters, algae, barnacles, sponges, shrimps, mud oysters etc., several species of birds, reptiles and fish, winter migrant birds and nesting species;

(iv) involvement of locals of coastal areas including fishermen, boatmen etc., village Panchayats of coastal villages and Non-government Organisations in protecting and afforestation of mangroves;

(v) identifying news areas in coastal States where mangrove forests can be developed and steps for plantation of different species of mangroves in such area;

(vi) making recommendations to the appropriate Government for substantially increasing areas of mangrove forests in coastal areas;

(vii) such other measures as the Board may deem necessary for the purpose of this Act.

5. It shall be the duty of the appropriate Government to implement the scheme prepared by the Board in such manner as may be prescribed. Appropriate Government to implement the scheme of the Board.
6. Whoever destroys or causes harm to the mangrove forest in any manner without the permission of the Board shall be guilty of an offence under this Act and shall be liable for imprisonment for a term which may extend to three years and also with fine which may extend to five lakh rupees, depending on the severity of the offence committed by such offender. Penalty.
7. Where an offence under this Act has been committed by a company or body corporate, every person who at the time of the offence was committed, was incharge of, and was responsible to the Company, for the conduct of the business of the Company, as well as the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Offence by Companies.
- 15 Provided that nothing in this section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.
8. The Central Government may give such directions, as it may consider necessary to the Board for the effective implementation of the provisions of the act. Power of Central Government to give directions.
9. **The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Board by way of grants such sums of money as the Board may require for the efficient implementation of this Act.** Central Government to provide requisite funds.
10. (1) The Board shall prepare, in such form and at such time, as may be prescribed, its Annual Report, giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government. Annual Report.
- 25 (2) The Central Government shall cause the Annual Report to be laid before each House of Parliament.
11. The Central Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act. Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

Mangroves, usually consist of small, shrubby, highly specialized plants. They stick it out at the muddy edges of the Coast, absorbing the corrosive action of salt water which can peel the skin of our body if we immersed in it for too long, filtering mud and sediments and putting away more carbon dioxide from the atmosphere into “long term storage” than any of the world forest. The NASA world’s best space agency has called them the best carbon scrubbers. Mangroves are technical marvels as their roots grow upwards, sticking out into the air from the mud which enables them to breathe and deal with the low oxygen levels in the cloying mud. They have sophisticated salt filtering system that can remove excess salt from the water and which we could potentially adapt for desalination plants. They filter out heavy metals from the mud and deposit rich sediments. Their extensive root system slows down the tumult of the sea preventing the sort of erosion that we recently saw in Kerala.

Mangrove forests grow in warm tropical and subtropical areas like estuaries and marine coastlines. According to one report the total area in India under Mangroves is 4921 Sq. Kms., a little over 3 percent of the world total. Our largest and most famous mangrove forest is, of course, the Sunderbans spanning both India and Bangladesh and which has been declared a World Heritage site and biosphere reserve by the UNESCO. It is the largest delta clothed in mangrove forests and vast saline mudflats in the world. It is home to the fiercest and the largest number of Royal Bengal Tigers in the world. It is also a haven for more than 250 species of birds, reptiles and over 120 species of fish and its beehives have tempted honey gatherers to rise their lives. It serves as a flood barrier to Kolkata, protecting the city from the ravages of cyclonic activity which is all too common in this area. Our second largest Mangrove habitat is Bhitarkanika on the Odisha Coast, an important Ramsar Wetland featuring saltwater crocodiles and the largest known nesting area for olive Ridley sea turtles. Over 220 species of birds have been recorded here including 57 winter migrants and over 80 nesting species.

On our western coast financial capital of the Nation Mumbai too has Mangroves protecting it from tidal surges. Unfortunately some of them have been put on death row. According to one report, between 1972 and 1975 over 200 kms. of the Maharashtra coast was covered with mangroves and by 2001 there was just 118 kms left. Now, about 13.36 hectare of mangrove in the Thane creek is under threat due to the Bullet Train project. Some 30,000 mangrove trees are to be cut though the Government says that five times of the numbers shall be planted but mangroves can not simply be planted and ignored.

Surely, the mangroves must be amongst the most remarkable and valuable plants in the world which thrive in a hostile environment and a very good counselor, sooth the seething temper of a vengeful sea when it roars ashore seeking what we robbed from it. Mangroves extensive root system slow down the tumult of the sea. Their greatest recent accomplishment was the taming of the boxing day Tsunami in 2004 which killed so many people on unprotected coastlines. The mangroves on our eastern shores behaved rather like a car’s impact absorbing bumpers and crumple zones, swallowing the massive energy and impact of the waves.

But unfortunately we are destroying the mangrove forests. They need to be protected and developed on a very large scale. For this purpose a National Board is proposed to be established under this Bill to exclusively deal with mangroves in Coastal areas.

Hence this Bill.

RAJ KUMAR DHOOT

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Board for Mangrove Forests. Clause 9 makes it obligatory for the Central Government to provide requisite funds for effective implementation of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the exact amount at this juncture but it is estimated that a sum of rupee-fifty thousand crore will involve as recurring expenditure per annum.

An expenditure of rupee sixty thousand crore may also involve as non-recurring expenditure for creating various assets.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislation power is of normal character.

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*(Shri Rajkumar Dhoot, M.P.)*