

THE KERALA PRESERVATION AND PROTECTION OF MANGROVES BILL

A BILL to provide for the conservation and discreet use of mangroves in the State of Kerala

Preamble.— WHEREAS indiscriminate removal of mangroves is causing adverse effect on the coastal ecology of the State;

AND WHEREAS the mangroves are life-protective systems, it is essential that they should be protected and preserved;

BE it enacted in the Fifty ninth year of the Republic of India as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Kerala Preservation and Protection of Mangroves Bill,——.

(2) It shall extend to the whole of the State of Kerala.

(3) It shall come into force on such date as may be notified by the Government.

2. Definitions. —In this Act unless the context otherwise requires:—

(a) “Authority” means authority constituted under Section 4 of the Act;

(b) “Mangroves” means and includes mangrove swamp, mangrove forest and refer to all trees and large shrubs and plants which are found in depositional coastal environments where fine sediments, often with high organic content, collect in areas protected from high energy wave action;

(c) “ Prune” and “trim” means to cut mangrove branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy the mangroves;

(d) “Wetlands” means and includes areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh brackish or salty, including areas of marine water, depth of which at low tide does not exceed 6 mts. It may also incorporate riparian and coastal zones adjacent to the wetlands and islands or bodies of marine water deeper than 6 mts. at low tide lying within the wetlands.

3. Vesting of Mangroves in the State.—(1) On the date of commencement of this Act all mangroves in the State shall vest in the State of Kerala.

(2) The authority shall prepare a map identifying and specifying the area of the mangroves in the State and it shall be final and binding on the State.

4. Authority constituted for the protection.—(1) The State Government shall constitute an authority for the protection and preservation of mangroves.

(2) The authority shall consist of a Chairperson and two members who have expertise/knowledge on mangroves. The Chairman shall be a person who has experience of at least ten years as an advocate in the High Court and has knowledge on mangrove protection and preservation.

(3) Among the two members, one shall be a nominee from a non Government organization dealing with the issues of research and or conservation of mangroves and the other shall be co-opted by the Chairman (for the said meeting alone) from the local self Government institution within whose limit the mangroves are existing.

(4) The State Government shall frame rules in regard to service conditions of the members of the said authority.

5. Alteration and trimming of mangroves; permit requirement.—(1) No person shall alter or prune, or cause to be altered or pruned, any mangrove within the landward extent of wetlands and other surface waters in the State of Kerala without the written consent of the authority .

(2) While granting the permit the authority shall take into consideration the ecology of the area and shall make provisions for planting more mangroves alternatively to compensate the loss.

6. Encouragement for mangrove planters.—(1) Notwithstanding anything contained in Kerala Land Tax Act, 1961 (13 of 1961) if a person maintains an extent of mangroves on land owned by him/her that person shall be entitled to deduct such an extent of area of plantations while calculating the area for the purpose of taxation.

(2) If any person who receives the deduction of tax as per sub-section (1) above, the said area, shall be added to the mapping as referred to Sec. 3 (2) above.

7. Offences.—Whoever trims or cuts or alters or removes any mangrove in violation of the provisions of this Act, shall be liable for punishment for imprisonment upto one year or fine upto three lakhs of rupees.

8. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette make such provisions not inconsistent with the provisions of the Act, which appear to them necessary for the purpose of removing the difficulty.

(2) Every such order made under this section shall, as soon as may be after it is made, laid before the Legislative Assembly.

9. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the foregoing powers, such rules may provide for all or any of the following matters, namely

(a) Service conditions of the members of the Authority.

(b) Any other matter which may be prescribed.

(3) Every rule under this Act shall be laid as soon as may be after it is made or issued before the legislative assembly for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session to which it is so laid or the session immediately following, the legislative assembly makes any modification in the rule or decides that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

Statement of Objects and Reasons

Mangroves are trees and shrubs that grow in saline coastal habitats. The word mangroves most broadly refer to the habitat and entire plant assemblage or 'mangal' for which the terms mangrove swamps and mangrove forest are also used. They have many uses. They mitigate the impact of storms and cyclones, Tsunamis and are sources of wood products and non-wood products. They provide aquatic products such as fish, prawns and crabs. They provide growing habitats for aquatic organisms. Today they are among the most threatened of the world's valuable habitats. Therefore it is necessary to protect and preserve them. The Bill is intended to achieve the above object.
