

Bill No. 81 of 2023

**THE COASTAL AQUACULTURE AUTHORITY
(AMENDMENT) BILL, 2023**

A

BILL

to amend the Coastal Aquaculture Authority Act, 2005.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Coastal Aquaculture Authority (Amendment) Act, 2023. Short title and commencement.

5 (2) Save as otherwise provided, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2. In section 2 of the Coastal Aquaculture Authority Act, 2005, (hereinafter referred to as the principal Act), in sub-section (I),— 24 of 2005.

(i) for clause (a), the following clauses shall be substituted, namely:—

'(a) "aquaculture input" means any material used as an input in coastal aquaculture for the maintenance of quality of water and soil and for the growth and better health of organisms reared, or other aquatic life available, therein and includes seed, fertilizer, feed, growth supplement, probiotic, environment remediator and disinfectant; 5

(aa) "aqua mapping" means geospatial coastal area distribution maps depicting areas potential and suitable for coastal aquaculture; 10

(ab) "aqua zonation" means the zones of spatial planning for different species or methods of coastal aquaculture notified by a State Government or the Authority for sustainable coastal aquaculture;

(ac) "Authority" means the Coastal Aquaculture Authority established under sub-section (I) of section 4; 15

(ad) "biosecured facility" means a coastal aquaculture unit carrying on coastal aquaculture activity adopting such biosecurity measures for ensuring freedom from disease causing pathogens as may be specified in the guidelines issued for such activity;

(ae) "biosecurity" means any measure or strategy or integrated approach adopted to analyse, manage and prevent the risk of introduction or spread of harmful organisms, including viruses and bacteria, within the coastal aquaculture unit and to minimise the risk of transmission of infectious diseases; 20

(af) "Brood Stock Multiplication Centre" means a coastal aquaculture unit carrying on such coastal aquaculture activity which receives such post larvae or juvenile which are specific pathogen free or specific pathogen tolerant or specific pathogen resistant or such other post larvae or juvenile from a Nucleus Breeding Centre and rears it under strict biosecurity and close disease surveillance to ensure freedom from disease; 25 30

(ii) for clause (c), the following clauses shall be substituted, namely:—

'(c) "coastal aquaculture" or "coastal aquaculture activity" means rearing and cultivation of any life stages of fish, including crustacean, mollusc, finfish, seaweed or any other aquatic life under controlled conditions, either indoor or outdoor, in cement cisterns, ponds, pens, cages, rafts, enclosures or otherwise in saline or brackish water in coastal areas, including activities such as production of brood stock, seed, grow out, but does not include fresh water aquaculture; 35

(ca) "coastal aquaculture unit" means any facility that is engaged in coastal aquaculture or any allied activity connected therewith and includes Nucleus Breeding Centre, Brood Stock Multiplication Centre, hatchery and farm; 40

(iii) for clause (d), the following clauses shall be substituted, namely:—

'(d) "coastal area" means the area declared as the Coastal Regulation Zone in the Coastal Regulation Zone notification issued by the Central Government under the Environment (Protection) Act, 1986 and includes such other area as the Central Government may, by notification in the Official Gazette, specify; 45 29 of 1986.

(*da*) "coastal environment" means the area of land and water in the coastal area, including complete system of living organisms and physical surroundings therein;

5 (*db*) "farm" means a coastal aquaculture unit where culturing of fish, including crustacean, mollusc, finfish, seaweed or any other aquatic life is done under controlled conditions in ponds, pens, cages, rafts, enclosures or otherwise, in saline or brackish water in coastal areas and includes nursery rearing, but does not include fresh water aquaculture;

10 (*dc*) "hatchery" means a coastal aquaculture unit carrying on coastal aquaculture activity of breeding and seed production of fish, including crustacean, mollusc, finfish, seaweed or any other aquatic life, in saline or brackish water and includes rearing of nauplii and live feed, but does not include fresh water aquaculture;';

(*iv*) after clause (*e*), the following clauses shall be inserted, namely:—

15 (*ea*) "Nucleus Breeding Centre" means a coastal aquaculture unit carrying on biosecured coastal aquaculture activity which has an established freedom from disease causing pathogens for the purpose of producing domesticated specific pathogen free, specific pathogen tolerant and specific pathogen resistant stocks;

20 (*eb*) "operator" means any person or firm that is engaged in the operation of the coastal aquaculture activity;

(*ec*) "owner", in relation to any coastal aquaculture unit, includes—

(*i*) his legal heirs or agent; and

25 (*ii*) an operator, a mortgagee, lessee, including sub-lessee or any other person in actual possession of such coastal aquaculture unit;

30 (*ed*) "pharmacologically active substance or antimicrobial agent" means a naturally occurring, semi-synthetic or synthetic substance that, at *in vivo* concentration, exhibits antimicrobial activity of killing or inhibiting the growth of microorganisms;';

(*v*) after clause (*g*), the following clauses shall be inserted, namely:—

35 (*h*) "specific pathogen free" or "specific pathogen resistant" or "specific pathogen tolerant" means free of, resistant to, or tolerant to, such pathogens as may be listed by the World Organisation for Animal Health or any other pathogen notified by the Central Government, which is specific for candidate species used in the coastal aquaculture;

(*i*) "State" includes Union territory.'.

3. In section 4 of the principal Act, in sub-section (3),—

Amendment
of section 4.

40 (*i*) in clause (*c*), for the words "Department of Ocean Development", the words "Ministry of Earth Sciences" shall be substituted;

(*ii*) in clause (*d*), for the words "Ministry of Environment and Forests", the words "Ministry of Environment, Forest and Climate Change" shall be substituted;

(*iii*) in clause (*e*), for the words "Ministry of Agriculture", the words "Ministry of Agriculture and Farmers Welfare" shall be substituted;

45 (*iv*) in clause (*f*), for the words "Ministry of Commerce", the words "Ministry of Commerce and Industry" shall be substituted;

(*v*) after clause (*f*), the following clause shall be inserted, namely:—

"(fa) one member to represent the Ministry of Fisheries, Animal Husbandry and Dairying of the Central Government;"

Amendment
of section 7.

4. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If the Chairperson is unable to attend a meeting of the Authority, any other member of the Authority nominated by the Chairperson in this behalf, and in the absence of both Chairperson and nominated member, any other member chosen by the members present from amongst themselves, shall preside over the meeting." 5

Insertion of
new section
7A.

5. After section 7 of the principal Act, the following section shall be inserted, namely:— 10

Committees
of Authority.

"7A. (1) Subject to any rules made in this behalf, the Authority may from time to time constitute such committees as may be necessary for the efficient discharge of its functions.

(2) Every committee shall consist of such number of persons and perform such functions and be subject to such terms and conditions as may be prescribed." 15

Insertion of
new section
9A.

6. After section 9 of the principal Act, the following section shall be inserted, namely:—

Member-
Secretary of
Authority.

"9A. (1) The Central Government may appoint an officer of such rank, as it considers fit, to be a Member-Secretary of the Authority, in such manner and subject to such terms and conditions as may be prescribed. 20

(2) The Member-Secretary shall function as the Chief Executive Officer of the Authority who shall be responsible for—

(a) the day-to-day administration of the Authority;

(b) drawing up of proposal for the Authority's work programmes in consultation with the Authority; 25

(c) implementing the work programmes and the decisions adopted by the Authority;

(d) ensuring that the tasks of the Authority are carried out in accordance with the requirements of users, in particular with regard to the adequacy of the services provided and the time taken; 30

(e) the preparation of the statement of revenue and expenditure and the execution of the budget of the Authority;

(f) coordinating with the Central Government and with the committees of the Authority; and

(g) legally representing the Authority in all matters. 35

(3) Every year, the Member-Secretary shall submit to the Authority for approval,—

(a) a general report covering all the activities of the Authority in the previous year;

(b) the programmes of work; 40

(c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(4) The Member-Secretary shall, after the approval of the Authority, forward the general report and the programmes to the Central Government and shall have the general report published.

5 (5) The Member-Secretary shall have administrative control over the officers and other employees of the Authority.

(6) The Member-Secretary shall approve all financial expenditure of the Authority and send a report on the Authority's activities to the Central Government."

7. In section 11 of the principal Act,—

Amendment
of section 11.

(A) in sub-section (1),—

10 (i) in clause (a), for the words "aquaculture farms", the words "coastal aquaculture units" shall be substituted;

(ii) in clauses (b) and (c), for the word "farms", the word "units" shall be substituted;

(iii) for clause (d), the following clause shall be substituted, namely:—

15 "(d) to order removal or demolition of any coastal aquaculture unit which is causing pollution after hearing the occupier of such unit;"

(iv) after clause (d), the following clauses shall be inserted, namely:—

20 "(da) to regulate or prohibit the number, species and method of any coastal aquaculture in such area, as may be prescribed, through planning and execution of such programmes, including aqua zonation and aqua mapping for environmentally sustainable coastal aquaculture, as may be notified by the Central Government;

25 "(db) to fix or adopt standards, certify, monitor, regulate or prohibit coastal aquaculture inputs, including probiotics, therapeutants and such other inputs used in coastal aquaculture, as may be prescribed, for the prevention, control and abatement of detriment to the coastal aquaculture or coastal environment;

30 "(dc) to fix or adopt standards, certify, monitor and regulate the coastal aquaculture units, including coastal aquaculture activities carried out in such units with biosecurity and close disease surveillance to ensure freedom from disease, in such manner as may be prescribed;

(dd) to fix or adopt the standards for emission or discharge of effluents from coastal aquaculture unit:

35 Provided that different standards for emission or discharge may be fixed for different coastal aquaculture unit having regard to the quality or composition of the emission or discharge of effluents from such sources;

40 "(de) to collect and disseminate information in respect of matters relating to coastal aquaculture;"

(B) in sub-section (2), for the word "farm", at both the places where it occurs, the word "unit" shall be substituted.

8. In section 12 of the principal Act,—

Amendment
of section 12.

45 (a) for the words "land, pond, pen or enclosure", wherever they occur, the word "unit" shall be substituted;

(b) after the proviso, the following provisos shall be inserted, namely:—

"Provided further that the requirement of notice under the first proviso may be waived by the Authority, in such cases and for such reasons to be recorded in writing, as it deems fit:

Provided also that the owner shall be liable to pay the cost of demolition 5
and cost of damage to the environment, if any, assessed in such manner as
may be prescribed."

Insetion of
new section
12A.

9. After section 12 of the principal Act, the following section shall be inserted,
namely:—

Prohibition of
certain
materials.

"12A. The Authority may, by an order, prohibit the use, in any coastal 10
aquaculture activity of—

(a) such pharmacologically active substance, antimicrobial agent
or other material which may cause harm to human health as may be
prescribed; or

(b) aquaculture inputs containing such substance, agent or material 15
as may be specified under clause (a)."

Amendment
of section 13.

10. In section 13 of the principal Act,—

(i) in sub-section (1), for the word "farm", the word "unit" shall be
substituted;

(ii) in sub-section (3), the following proviso shall be inserted, namely:— 20

"Provided that the Authority may issue a certificate of registration for
carrying out coastal aquaculture on the land allotted or assigned by the
Government subject to such procedure and for such period, as may be
prescribed, but not exceeding the period specified under clause (a) or clause
(b), as the case may be."; 25

(iii) in sub-sections (4), (5) and (6), for the word "farm", wherever it occurs,
the words "coastal aquaculture unit" shall be substituted;

(iv) for sub-section (7), the following sub-section shall be substituted,
namely:—

"(7) In the case of a farm comprising more than two hectares of water 30
spread area and any other coastal aquaculture unit, no application for
registration to commence any activity connected with coastal aquaculture
shall be considered under sub-section (5) unless the Authority, after making
such inquiry as it thinks fit, is satisfied that registration of such coastal
aquaculture unit shall not be detrimental to the coastal environment."; 35

(v) in sub-section (8), with effect from the 16th December, 2005,—

(A) for clauses (a) and (b), the following clauses shall be substituted,
namely:—

"(a) no coastal aquaculture shall be carried on in the ecologically
sensitive areas or the geo-morphological features; 40

(b) no coastal aquaculture, except hatchery, Nucleus Breeding Centre and Brood Stock Multiplication Centre shall be carried on in the No Development Zone in the case of sea, and in the buffer zone in the case of creeks, rivers and backwaters;

5 (c) no coastal aquaculture, except sea weed culture, pen culture, raft culture and cage culture activities shall be carried on in creek, rivers and backwaters within the Coastal Regulation Zone:";

(B) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

10 '*Explanation*.—For the purposes of this sub-section,—

(i) "High Tide Line" means the line on the land up to which the highest water line reaches during the spring tide;

15 (ii) the expressions "ecologically sensitive areas", "geomorphological features", "No Development Zone", "buffer zone" and "Coastal Regulation Zone" shall have the same meanings as defined in the Coastal Regulation Zone notification issued under the Environment (Protection) Act, 1986.:'

29 of 1986.

(vi) in sub-section (9), for the word "farm", wherever it occurs, the word "unit" shall be substituted;

20 (vii) in sub-section (10),—

(a) for the word "farm", the words "coastal aquaculture unit" shall be substituted;

(b) the following proviso shall be inserted, namely:—

25 "Provided that the Authority may condone the delay in making application for renewal, subject to payment of such fee for renewal of registration, as may be prescribed.";

(viii) in sub-section (11), for the word "farm", at both the places where it occurs, the words "coastal aquaculture unit" shall be substituted;

30 (ix) after sub-section (11), the following sub-sections shall be inserted, namely:—

"(12) The Authority may vary, amend or modify the certificate of registration issued under this section, in such manner as may be prescribed.

35 "(13) In the event of the certificate of registration issued under this Act being defaced or mutilated or lost, the Authority may grant a duplicate certificate, on payment of such fee and in such manner, as may be prescribed."

11. After section 13 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 13A.

40 "13A. (1) The Authority may, by order, authorise any officer of the Authority or the State Government or the Central Government, not below the rank of Assistant Director of Fisheries in a District to function as authorised officer to exercise such powers, to discharge such duties and perform such functions, as may be specified in that order.

Authorisation of officers.

(2) The Central Government may, by notification, authorise any officer of the Authority or the State Government or the Central Government, not below the rank of Under Secretary to the Government of India, to function as an adjudicating officer, to adjudicate the penalties imposed under this Act.

(3) The Central Government may, by notification, authorise any officer of the Authority or the State Government or the Central Government, not below the rank of Deputy Secretary to the Government of India, to function as the Appellate Authority, who may affirm, vary or set aside the order passed by the adjudicating officer.

(4) The adjudicating officer or the Appellate Authority, shall, for the purposes of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of documents; 15

(c) requisitioning any public record or document or copy of such record or document from any office;

(d) receiving evidence on affidavits;

(e) issuing commissions for the examination of witnesses or documents.

(5) The adjudicating officer or the Appellate Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.". 20 2 of 1974.

Substitution of new sections 14 and 14A for section 14.

12. For section 14 of the principal Act, the following sections shall be substituted, namely:—

Penalty for carrying on coastal aquaculture in contravention of provisions of Act.

"14. Where any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of any of the provisions of this Act or any rules or regulations made thereunder or any guidelines or notifications issued thereunder, an officer authorised under section 13A shall take all or any of the following actions, namely:— 25 30

(a) suspension or stoppage of any activity in a coastal aquaculture unit for such period and in such manner as may be prescribed;

(b) imposition of penalty as specified in the Table below;

(c) removal or demolition of any structure;

(d) destruction of the standing crop therein; 35

(e) suspension or cancellation of registration for such period and in such manner as may be prescribed.

Sl No.	Coastal Aquaculture/use of prohibited materials	Offences	Penalty		
			First time offence	Second time offence	Third time and subsequent offences
(1)	(2)	(3)	(4)	(5)	(6)
1.	Farm	Non-registration.	Rupees ten thousand per hectare (or fraction of a hectare) of water spread area.	Rupees fifteen thousand per hectare (or fraction of a hectare) of water spread area.	Rupees twenty-five thousand per hectare (or fraction of a hectare) of water spread area.
		Non-compliance with the provisions of the Act, rules, regulations, guidelines and notifications, other than non-registration.	Rupees five thousand per hectare (or fraction of a hectare) of water spread area.	Rupees ten thousand per hectare (or fraction of a hectare) of water spread area.	Rupees fifteen thousand per hectare (or fraction of a hectare) of water spread area.
2.	Hatchery, Brood Stock Multiplication Centre, Nucleus Breeding Centre or such other coastal aquaculture unit	Non-registration.	Rupees fifty thousand.	Rupees seventy-five thousand.	Rupees one lakh.
		Non-compliance with the provisions of the Act, rules, regulations, guidelines and notifications, other than non-registration.	Rupees twenty-five thousand.	Rupees fifty thousand.	Rupees one lakh.

(1)	(2)	(3)	(4)	(5)	(6)
3.	Use of materials prohibited under section 12A	Contravention of the provisions of clause (a) or clause (b) of section 12A.	Rupees fifty thousand.	Rupees seventy-five thousand.	Rupees one lakh.

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Appeal.

14A. (1) Any person aggrieved by an order of the adjudicating officer may within thirty days from the date on which the order is made, prefer an appeal to the Appellate Authority:

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Provided that the Appellate Authority may entertain any appeal preferred after the expiry of the said period of thirty days, but before the expiry of ninety days from the date aforesaid, if it satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal under this section shall be entertained by the Appellate Authority unless the appellant has at the time of filing the appeal deposited the amount of penalty payable under the order appealed against:

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Provided that on an application made by the appellant in this behalf, the Appellate Authority may, if it is of the opinion that the deposit to be made under this sub-section shall cause undue hardship to the appellant, by order in writing, dispense with such deposit, either unconditionally or subject to such condition, as it may deem fit to impose.

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(3) On the receipt of an appeal under sub-section (1), the Appellate Authority may, after holding such enquiry as it deems fit, and after giving the parties concerned reasonable opportunity of being heard, confirm, modify or set aside the order appealed against, and—

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(a) if the sum deposited by way of penalty under sub-section (2) exceeds the penalty directed to be paid by the Appellate Authority, such excess amount shall be refunded to the appellant; or

(b) if the Appellate Authority sets aside the order imposing penalty, the whole of the sum deposited by the way of penalty shall be refunded to the appellant.

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(4) The decision of the Appellate Authority under this section shall be final."

Insertion of new section 22A.

13. After section 22 of the principal Act, the following section shall be inserted, namely:—

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Arrears of cost and penalty recoverable as arrears of land revenue.

"22A. Any cost which is due and not paid as provided for by or under this Act and any sum directed to be recovered by way of penalty under section 14 shall be recoverable in the same manner as an arrear of land revenue."

Amendment of section 24.

14. In section 24 of the principal Act, in sub-section (2),—

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(i) after clause (b), the following clauses shall be inserted, namely:—

"(ba) the manner of constitution of committees under sub-section (1) of section 7A;

(bb) the number of persons in the committees, their functions, and the terms and conditions of the committees under sub-section (2) of section 7A;

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(bc) the manner of appointment and the terms and conditions for appointment of Member-Secretary under sub-section (1) of section 9A;

5 (bd) the area in which the Authority may regulate or prohibit the number, species and method of any coastal aquaculture under clause (da) of sub-section (1) of section 11;

(be) the other inputs used in coastal aquaculture under clause (db) of sub-section (1) of section 11;

10 (bf) the manner of certification, monitoring and regulation of the coastal aquaculture units and the manner of carrying out coastal aquaculture activities with biosecurity and close disease surveillance to ensure freedom from disease in coastal aquaculture units under clause (dc) of sub-section (1) of section 11;";

(ii) in clause (e), for the words "land, pond, pen or enclosure under that section", the word "unit" shall be substituted;

15 (iii) after clause (f), the following clauses shall be inserted, namely:—

"(fa) the manner of assessing the cost of damage to the environment under the third proviso to section 12;

(fb) prohibition of such other material which may cause harm to human health under clause (a) of section 12A;

20 (fc) the procedure and period under the proviso to sub-section (3) of section 13;";

(iv) in clause (j), after the word and figures "section 13", the words "and the fee for renewal of registration under the proviso thereof" shall be inserted;

(v) after clause (j), the following clauses shall be inserted, namely:—

25 "(ja) the manner of varying, amending and modifying the certificate of registration under sub-section (12) of section 13;

(jb) the fee for grant of duplicate certificate and the manner of granting it under sub-section (13) of section 13;

30 (jc) the period and manner of suspension or stoppage of activity in a coastal aquaculture unit under clause (a) of section 14;

(jd) the period and manner for suspension or cancellation of registration under clause (e) of section 14;".

35 **15.** In section 25 of the principal Act, in sub-section (2), in clause (d), for the word "farms", the word "units" shall be substituted.

Amendment of section 25.

35 **16.** In section 27 of the principal Act,—

Amendment of section 27.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

29 of 1986.

40 (1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, in the Coastal Regulation Zone Notification or the Island Coastal Regulation Zone Notification issued by the Government of India in the Ministry of Environment, Forest and Climate Change, in exercise of the powers conferred under the said Environment (Protection) Act, in the paragraph dealing with prohibited activities, after the last sub-paragraph, the following proviso shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:—

45

"Provided that nothing contained in this paragraph shall apply to coastal aquaculture.";

(b) in sub-section (2), the word "farm's" shall be omitted.

Insertion of
new section
28.

17. After section 27 of the principal Act, the following section shall be inserted, namely:—

Validation of
certain
provisions and
amendments
retrospectively.

"28. (1) Where a coastal aquaculture and activities connected therewith has been granted registration under this Act, then, notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 or in any other law for the time being in force:—

(i) such registration granted under this Act shall prevail and remain valid;

(ii) such coastal aquaculture and activities connected therewith shall be a permitted activity under the Coastal Regulation Zone Notification or the Island Coastal Regulation Zone Notification issued under the Environment (Protection) Act, 1986;

(iii) all registrations granted for coastal aquaculture and activities connected therewith under this Act shall be valid permissions under the applicable rules, regulations and notifications notified under the Environment (Protection) Act, 1986 from time to time.

(2) The provisions of sub-section (1), and the provisions of sub-section (8) of section 13 as amended retrospectively with effect from the 16th December, 2005 by the Coastal Aquaculture Authority (Amendment) Act, 2023, shall have and shall be deemed always to have effect for all purposes as if they had been in force at all material times, and accordingly,—

(i) notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action taken or anything done or purported to have been taken or done in accordance with the said provisions shall be deemed to be, and always to have been, for all purposes, as validly and effectively taken or done as if the said provisions had been in force at all material times;

(ii) no suit or other proceeding shall be instituted, maintained or continued in any court for any action taken or anything done or omitted to be done in accordance with the said provisions; and

(iii) no enforcement shall be made by any court of any decree or order or direction relating to removal or closure of any coastal aquaculture activity or demolition of any structure connected therewith or relating to any action taken or done or omitted to be done in accordance with the said provisions as if the provisions of sub-section (1), and the amendments made in sub-section (8) of section 13 had been in force at all material times."

STATEMENT OF OBJECTS AND REASONS

The Coastal Aquaculture Authority Act, 2005 was enacted to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas.

2. The mandate of the Act is to protect coastal environment, while promoting orderly growth of coastal aquaculture farming in coastal areas. It also facilitates the continued operation of coastal aquaculture within Coastal Regulatory Zone area and beyond, subject to restrictions imposed by the Authority. Today, the coastal aquaculture is one of the major success stories of lakhs of hardworking small farmers and educated youth working on average land size of 2 to 4 hectares with the policy support of the Government. The shrimp production has increased from about 75000 tons in 2008-09 to around 10 lakh tons in 2021-22. The seafood exports have grown at an average annual growth rate of 15% and stood at a record Rs. 57,586 crore in 2021-22 with brackish water shrimp constituting the lion's share thereof, amounting to Rs.42,706 crore.

3. The Coastal Aquaculture Authority (Amendment) Bill, 2023, *inter alia*, seeks to—

(a) reiterate and clarify that while coastal aquaculture and activities connected therewith are permitted activities within the Coastal Regulatory Zone under the Coastal Regulatory Zone notifications, it shall continue to be regulated by the Coastal Aquaculture Authority Act and no other Acts;

(b) decriminalise the offences under the Act for promoting ease of doing business and to finetune the operational procedures of Coastal Aquaculture Authority to make it more responsive to the needs of the stakeholders;

(c) promote newer forms of environment friendly coastal aquaculture such as cage culture, seaweed culture, bi-valve culture, marine ornamental fish culture and pearl oyster culture which has the potential for creating additional employment opportunities on a large scale for coastal fisher communities especially fisherwomen;

(d) usher in global best practices in this sector, including mapping and zonation of aquaculture areas, quality assurance and safe aquaculture products;

(e) encourage establishment of facilities in areas having direct access to seawater to produce genetically improved and disease free broodstocks and seed for use in coastal aquaculture;

(f) prevent the use of antibiotics and pharmacologically active substances which are harmful for human health in coastal aquaculture;

(g) promote production, productivity and exports, traceability and increased competitiveness and entrepreneurship leading to sustained increase in incomes, employment and economic activity in rural areas along the coast in an environmentally sustainable manner.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 29th March, 2023.

PARSHOTTAM RUPALA.

FINANCIAL MEMORANDUM

The provisions of the Bill do not involve any expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill seeks to amend sub-section (2) of section 24 of the principal Act. The said clause seeks to empower the Central Government to make rules *inter alia* on matters relating to the manner of constitution of committees; the number of persons in the committees their functions and the terms and conditions of the committees; the manner of appointment and the terms and conditions for appointment of Member-Secretary; the area in which the Authority may regulate or prohibit the number, species and method of any coastal aquaculture; the other inputs used in coastal aquaculture; the manner of certification, monitoring and regulation of the coastal aquaculture units and the manner of carrying out coastal aquaculture activities with biosecurity and close disease surveillance to ensure freedom from disease in coastal aquaculture units; the manner of assessing the cost of damage to the environment; the prohibition of such other material which may cause harm to human health; the procedure and period for issuing registration to carry out coastal aquaculture on the land allotted or assigned by the Government; the fee for renewal of registration; the manner of varying, amending and modifying the certificate of registration; the fee for grant of duplicate certificate and the manner of granting it; the period and manner of suspension or stoppage of activity in a coastal aquaculture unit; and the period and manner for suspension or cancellation of registration.

2. The matters in respect of which the rules may be made are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE COASTAL AQUACULTURE AUTHORITY ACT, 2005

(24 OF 2005)

* * * * *

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “Authority” means the Coastal Aquaculture Authority established under sub-section (1) of section 4;

* * * * *

(c) “coastal aquaculture” means culturing, under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture;

(d) “coastal area” means the area declared as the Coastal Regulation Zone, for the time being, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;

(e) “member” means the member of the Authority appointed under sub-section (3) of section 4 and includes the Chairperson and the member-secretary;

* * * * *

(g) “regulations” means the regulations made by the Authority under this Act.

* * * * *

CHAPTER III

THE COASTAL AQUACULTURE AUTHORITY

Establishment of Authority and appointment of Chairperson and members.

4. (1) * * * * *

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:—

* * * * *

(c) one member who is an expert in the field of coastal ecology nominated by the Department of Ocean Development of the Central Government;

(d) one member who is an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;

(e) one member to represent the Ministry of Agriculture of the Central Government;

(f) one member to represent the Ministry of Commerce of the Central Government;

* * * * *

7. (1) * * * * * Meetings of Authority.

(2) If for any reason the Chairperson is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

* * * * *

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

11. (1) Subject to any guidelines issued by the Central Government under section 3, the Authority shall exercise the following powers and perform the following functions, namely:— Functions of Authority.

(a) to make regulations for the construction and operation of aquaculture farms within the coastal areas;

(b) to inspect coastal aquaculture farms with a view to ascertaining their environmental impact caused by coastal aquaculture;

(c) to register coastal aquaculture farms;

(d) to order removal or demolition of any coastal aquaculture farms which is causing pollution after hearing the occupier of the farm; and

* * * * *

(2) Where the Authority orders removal or demolition of any coastal aquaculture farm under clause (d) of sub-section (1), the workers of the said farm shall be paid such compensation as may be settled between the workers and the management through an authority consisting of one person only to be appointed by the Authority and such authority may exercise such powers of a District Magistrate for such purpose, as may be prescribed.

12. Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, wherever it is necessary to do so for any purposes of this Act, at all reasonable times, enter on any coastal aquaculture land, pond, pen or enclosure and— Power to enter.

(a) make any inspection, survey, measurement, valuation or inquiry;

(b) remove or demolish any structure therein; and

(c) do such other acts or things as may be prescribed:

Provided that no such person shall enter on any coastal aquaculture land, pond, pen or enclosure without giving the occupier of such aquaculture land, pond, pen or enclosure at least twenty-four hours' notice in writing of his intention to do so.

* * * * *

13. (1) Save as otherwise provided in this section, no person shall carry on, or cause to be carried on, coastal aquaculture in coastal area or traditional coastal aquaculture in the traditional coastal aquaculture farm which lies within the Coastal Regulation Zone referred to in sub-section (9) and is not used for coastal aquaculture purposes on the appointed day unless he has registered his farm with the Authority under sub-section (5) or in pursuance of sub-section (9), as the case may be. Registration for coastal aquaculture.

* * * * *

(3) The registration made under sub-section (5) or in pursuance of sub-section (9)—

(a) shall be valid for a period of five years;

(b) may be renewed from time to time for a like period; and

* * * * *

(4) A person who intends to carry on coastal aquaculture shall make an application for registration of his farm before the Authority in such form accompanied with such fees as may be prescribed for the purpose of registration under sub-section (5).

(5) On receipt of an application for registration of a farm under sub-section (4), the Authority shall consider the application in the prescribed manner and after considering the application either register the farm or reject the application:

Provided that the Authority shall not reject the application without recording the reason for such rejection.

(6) The Authority shall, after registering a farm under sub-section (5), issue a certificate of registration in the prescribed form to the person who has made the application for such registration.

(7) In the case of a farm comprising more than two hectares of water spread area, no application for registration to commence any activity connected with coastal aquaculture shall be considered under sub-section (5) unless the Authority, after making such inquiry as it thinks fit, is satisfied that registration of such farm shall not be detrimental to the coastal environment.

(8) Notwithstanding anything contained in this section,—

(a) no coastal aquaculture shall be carried on within two hundred metres from High Tide Lines; and

(b) no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986:

29 of 1986.

Provided that nothing in this sub-section shall apply in the case of a coastal aquaculture farm which is in existence on the appointed day and to the non-commercial and experimental coastal aquaculture farms operated or proposed to be operated by any research institute of the Government or funded by the Government:

Provided further that the Authority may, for the purposes of providing exemption under the first proviso, review from time to time the existence and activities of the coastal aquaculture farms and the provisions of this section shall apply on coastal aquaculture farms in view of such review.

Explanation.—For the purposes of this sub-section, "High Tide Line" means the line on the land up to which the highest water line reaches during the spring tide.

(9) Notwithstanding anything contained in this section, any traditional coastal aquaculture farm which lies within the Coastal Regulation Zone declared by the notification of the Government of India in the Ministry of Environment and Forest (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 and is not used for coastal aquaculture purposes on the appointed day shall be registered under sub-section (5) by producing before the Authority, by the person who is the owner of such farm, the documentary proof of such ownership failing which such farm shall not be registered under sub-section (5) and if such person after such registration does not utilise such farm, within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.

(10) A person, who intends to renew the registration of a farm made under sub-section (5) or in pursuance of sub-section (9), may make an application within two months before the expiry of such registration to the Authority in the prescribed

form accompanied with the prescribed fees and the Authority shall, after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (6).

(11) The Authority may refuse to renew the registration of a farm under sub-section (10) if the Authority is satisfied that the person to whom such registration is made has failed to utilise such farm for coastal aquaculture purposes or without any reasonable cause has violated any provision of this Act or the rules or regulations made thereunder or any direction or order made by the Authority in pursuance of section 11:

Provided that such refusal to renew the registration shall not be made without providing such person an opportunity of being heard.

Explanation 1.—For the purposes of this section, "appointed day" means the date of establishment of the Authority.

Explanation 2.—For the removal of doubts, it is hereby declared that the expression "to renew the registration" used in sub-sections (10) and (11) shall be construed to include further renewal of the registration.

14. If any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of sub-section (1) of section 13, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both.

Punishment for carrying on coastal aquaculture without registration.

* * * * *

24. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this act.

Power of Central Government to make rules.

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

* * * * *

(e) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture land, pond, pen or enclosure under that section;

25. (1) * * * * *

Power of Authority to make regulations.

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

* * * * *

(d) for the construction and operation of coastal aquaculture farms within the coastal areas under clause (a) of sub-section (1) of section 11;

* * * * *

27. (1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 (hereafter referred to in this section as the said notification), in paragraph 2, after sub-paragraph (xiii), the following sub-paragraph shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:—

Validation.

“(xiv) nothing contained in this paragraph shall apply to coastal aquaculture.”.

(2) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or undertaken shall be deemed to be in contravention of the said notification and shall be deemed to be and to have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture farm's activity or demolition of any structure connected thereunder which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

LOK SABHA

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BILL

to amend the Coastal Aquaculture Authority Act, 2005.

(Shri Parshottam Rupala, Minister of Fisheries, Animal Husbandry and Dairying)