



**STANDING COMMITTEE ON AGRICULTURE,
ANIMAL HUSBANDRY AND FOOD PROCESSING (2022-2023)**

SEVENTEENTH LOK SABHA

**MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
(DEPARTMENT OF FISHERIES)**

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

FIFTY- SEVENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI
JULY, 2023 / ASHADHA, 1945 (SAKA)**

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FIFTY- SEVENTH REPORT

Presented to Lok Sabha on
Laid on the Table of Rajya Sabha on

21.07.2023
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**LOK SABHA SECRETARIAT
NEW DELHI
JULY, 2023 / ASHADHA, 1945 (SAKA)**

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<CONTENT>

COMPOSITION OF THE COMMITTEE (2022-23).....	<u>(iii)</u>
INTRODUCTION.....	<u>(v)</u>

REPORT

CHAPTER - I	Genesis of Coastal Aquaculture Authority Act, 2005 and Features of Coastal Aquaculture Authority (Amendment) Bill, 2023	<u>1-21</u>
CHAPTER - II	Clause by Clause Examination of The Coastal Aquaculture Authority (Amendment) Bill, 2023	<u>22-88</u>
CHAPTER - III	Miscellaneous/Ancillary Issues	<u>89-96</u>

APPENDICES

(i)	Minutes of the 13th Sitting of the Committee (2022-23) held on 12th May, 2023	<u>97-100</u>
(ii)	Minutes of the 14th Sitting of the Committee (2022-23) held on 02nd June, 2023	<u>101-104</u>
(iii)	Minutes of the 15th Sitting of the Committee (2022-23) held on 02 nd June, 2023	<u>105-109</u>
(iv)	Minutes of the 16th Sitting of the Committee (2022-23) held on 16 th June, 2023	<u>110-113</u>
(v)	Minutes of the 17th Sitting of the Committee (2022-23) held on 14 th July, 2023	<u>114-115</u>

ANNEXURES

ANNEXURE-I	Operational part of the Supreme Court Judgment dated 11th December, 1996 in Writ Petition (Civil) No. 561 of 1994	<u>116-120</u>
ANNEXURE-II	The Coastal Aquaculture Authority Act, 2005	<u>121-135</u>
ANNEXURE-III	The Coastal Aquaculture Authority (Amendment) Bill, 2023	<u>136-155</u>

**COMPOSITION OF THE STANDING COMMITTEE ON AGRICULTURE, ANIMAL
HUSBANDRY AND FOOD PROCESSING (2022-23)**

Shri P.C. Gaddigoudar- Chairperson

MEMBERS

LOK SABHA

2. Shri Horen Sing Bey
3. Shri A. Ganeshamurthi
4. Shri Kanakmal Katara
5. Shri Abu Taher Khan
6. Shri Ram Mohan Naidu Kinjarapu
7. Shri Mohan Mandavi
8. Shri Devji Mansingram Patel
9. Smt. Sharda Anilkumar Patel
10. Shri Bheemrao Baswanthrao Patil
11. Shri Shrinivas Dadasaheb Patil
12. Shri Vinayak Bhaurao Raut
13. Shri Pocha Brahmananda Reddy
14. Shri Rajiv Pratap Rudy
15. Mohammad Sadique
16. Shri Devendra Singh *alias* Bhole Singh
17. Shri Virendra Singh
18. Shri V.K. Sreekandan
19. Shri Ram Kripal Yadav
20. VACANT[#]
21. VACANT^{*}

RAJYA SABHA

22. Smt. Ramilaben Becharbhai Bara
23. Shri Masthan Rao Beeda
24. Dr. Anil Sukhdeorao Bonde
25. Shri S. Kalyanasundaram
26. Shri Surendra Singh Nagar
27. Shri Kailash Soni
28. Shri Randeep Singh Surjewala
29. Shri Ram Nath Thakur
30. Shri Vaiko
31. Shri Harnath Singh Yadav

** Vacant w.e.f. 10.10.2022 due to demise of Shri Mulayam Singh Yadav on 10.10.2022 vide Bulletin-Part II, Para No. 5316 dated 14.10.2022.*

Vacant w.e.f.29.04.2023 due to disqualification of Shri Afzal Ansari from Lok Sabha Membership from the date of his conviction in terms of the provision of Article 102(1)(e) of the Constitution of India read with Section 8 of the Representation of the People Act, 1951.

SECRETARIAT

- | | | | |
|----|----------------------------------|---|----------------------|
| 1. | Shri Shiv Kumar | - | Additional Secretary |
| 2. | Shri Uttam Chand Bharadwaj | - | Director |
| 3. | Shri Prem Ranjan | - | Deputy Secretary |
| 4. | Shri Ashwaghosh Bhaurao Lokhande | - | Executive Officer |

INTRODUCTION

I, the Chairperson, Standing Committee on Agriculture, Animal Husbandry and Food Processing (2022-23), having been authorized by the Committee to submit the Report on their behalf, present this Fifty-Seventh Report on 'The Coastal Aquaculture Authority (Amendment) Bill' 2023 of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries).

2. One of the functions of the Committee as laid down in Rule 331 E(1)(b) of 'The Rules of Procedure and Conduct in Business in Lok Sabha' is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha as the case may be, and make Report thereon. In pursuance of this Rule, Hon'ble Speaker, Lok Sabha has referred 'The Coastal Aquaculture Authority (Amendment) Bill, 2023', introduced in Lok Sabha on **05.04.2023**, to the Standing Committee on 21.04.2023 for examination and report by the last day of the first week of the next session.

3. The Committee held five sittings for detailed examination of this Bill. During first sitting held on 12.05.2023, a briefing on the Bill was done by the representatives of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries) and the Ministry of Law and Justice (Legislative Department). During this Sitting, the Committee decided to consult/hear the various Associations/Organisations, Stakeholders, Domain Experts and State Fisheries Department of Coastal States to gather holistic opinion/feedback on the aforesaid Bill. Accordingly, Memoranda from the Stakeholders including Domain experts were invited.

4. During the second sitting of the Committee held on 02.06.2023, the representatives of the Associations/Organizations – All India Shrimp Hatcheries Association, Andhra Pradesh; Society of Aquaculture Professionals (SAP), Andhra Pradesh; MPEDA-Rajiv Gandhi Centre for Aquaculture, Tamil Nadu; Stakeholders - M/S Ananda Group, Andhra Pradesh; M/S Geekay Hatcheries, Tamil Nadu; and Domain Expert deposed before the Committee. In the third Sitting held in the second half on the same date, the representatives of the Department of Fisheries and Fishermen Welfare, Tamil Nadu; Department of Fisheries, Andhra Pradesh; Directorate of Fisheries, Odisha;

Directorate of Fisheries, Maharashtra; Directorate of Fisheries, Karnataka; and Directorate of Fisheries, Kerala appeared before the Committee to present their views on the Bill. Further, during the fourth sitting held on 16.06.2023, oral evidence of the representatives of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries) and the Ministry of Law and Justice (Legislative Department) was taken.

5. The Committee considered and adopted this Report during their fifth Sitting held on **14.07.2023**.

6. The Committee expresses their thanks to the Associations/Organisations, Stakeholders, Domain Expert and the State Fisheries Departments of Coastal States who gave their valuable suggestions/views on the Bill to enable the Committee to understand the various Clauses of the Bill, in depth.

7. The Committee wish to express their thanks to the Officials of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries) and the Ministry of Law and Justice (Legislative Department) for appearing before the Committee and furnishing the information that they desired in connection with the examination of the Bill.

8. The Committee would also like to place on record their deep sense of appreciation for the invaluable assistance rendered to them by the officials of Lok Sabha Secretariat attached to the Committee.

NEW DELHI;
14th July, 2023
23 Ashadha 1945 (Saka)

P.C. GADDIGOUDAR
Chairperson,
Standing Committee on Agriculture,
Animal Husbandry and Food Processing

REPORT

CHAPTER I

GENESIS OF COASTAL AQUACULTURE AUTHORITY ACT, 2005 AND FEATURES OF COASTAL AQUACULTURE AUTHORITY (AMENDMENT) BILL, 2023

1.1. Coastal Aquaculture, mostly in form of Brackish Water Shrimp Culture witnessed rapid growth in 1980s and 90s. This growth, mostly unregulated, drew widespread concern from environmentalists and matter went to Supreme Court. The Supreme Court in its judgement dated 11thDecember 1996 in Writ Petition (Civil) No. 561 of 1994 (S. Jagannath v/s Union of India) held that **Shrimp Aquaculture is an industry** and hence covered by **the prohibitions** imposed in **paragraph 2(1)** of the **CRZ Notification, 1991**. Accordingly, it ordered among other things that no Shrimp Culture Pond can be set up within the Coastal Regulation Zone, that all Shrimp Culture Industries/Ponds operating in CRZ are to be demolished before **31.03.1997**, that Central Government shall constitute an **Authority under Environment (Protection) Act, 1986** to deal with the situation created by the Shrimp Culture Industry and to regulate it **as per 'Precautionary Principle'** and the **"Polluter Pays Principle"**. The Operational part of the Judgement is given at **Annexure-I**.

1.2. Accordingly, an Authority named Aquaculture Authority was created under the Environment (Protection) Act 1986 on 6th February, 1997. However, as most Shrimp Farms were within CRZ Area and they were declared as a prohibited activity under CRZ Notification 1991, it was realized that mere establishment of the Authority under Environment (Protection) Act cannot save these Farms from closing down resulting in loss of lakhs of employment unless protection is given through an Act. Keeping this in view, Government initiated the process of formulating a new Act in 1997.

1.3. A Bill was introduced in Rajya Sabha on 20th March, 1997 and passed with minor amendments. However, this Bill could not be taken up in Lok Sabha and lapsed when Lok Sabha was dissolved. On 21.12.1999, the Cabinet approved reintroduction of new Bill on the lines of the Aquaculture Authority Bill, 1997 as passed in the Rajya Sabha. Finally, the Aquaculture Authority Bill, 2000 was introduced in the Rajya Sabha on 28.02.2000.

1.4 Eventually, this Coastal Aquaculture Act was enacted in 2005, where among other things it was specifically laid down that the prohibition under CRZ Notification 1991 issued under Environment (Protection) Act 1986 will not apply to Coastal Aquaculture.

1.5 Since then the Provisions of the Act ensured continued operation of coastal aquaculture within CRZ Area subject to restrictions imposed by the Authority. As a result, the Coastal Aquaculture Shrimp Production has increased from about 75000 tons in 2008-09 to 10.17 Lakh Tons in 2021-22; seafood exports have grown at an average annual growth rate of 15% and income and employment in the Sector have also increased manifold from 2005 level. With improvements in technology and culture practices, polluting potential of Shrimp Culture has also declined substantially. The Sector is now poised to take the next big leap in the form of diversification of species and area expansion.

1.6 However, the recent orders of National Green Tribunal (NGT) dated 26th May, 2022 and 29th September, 2022 have interpreted that (a) Section 27 of CAA Act 2005 offers exemption to coastal aquaculture from paragraph 2 of the CRZ Notification 1991 only and not from the entire Notification; (b) Section 27 overrides CRZ Notification 1991 and not the subsequent CRZ Notifications issued in 2011 and 2019; (c) Hatcheries cannot be permitted within 200 meters from High Tide Line (HTL) as CAA Act provisions do not allow it. This has meant that coastal aquaculture units need to obtain CRZ clearances in addition to registration under CAA Act and that protection hitherto available under Section 27 is no more there. This development has unsettled a settled position *vis-à-vis* CRZ Notifications and has created considerable uncertainty for the

days ahead. These apprehensions need to be addressed by providing necessary provisions in the Act to ensure that the protection granted to coastal aquaculture under the Act from the provisions of CRZ Notification 1991 are made available on a permanent basis.

1.7 While replying to a query of the Committee as to why a standalone legislation to protect Coastal Aquaculture *vis-à-vis* Coastal Regulatory Zone Notification 1991, 2011 and 2019 was required whereas the same could have been done by issuing another CRZ Notification under the Principal Act - Environment (Prohibition) Act, 1986 or bringing suitable amendment in the Environment (Protection) Act 1986 itself allowing eco/nature friendly aquaculture in Coastal Areas, the Department submitted as under:

'The Supreme Court has held that aquaculture is an industry and ordered that "the shrimp culture industry/the shrimp ponds are covered by the prohibition contained in para 2(1) of the CRZ Notification. No shrimp culture pond can be constructed or set up within the coastal regulation zone as defined in the CRZ notification. This shall be applicable to all seas, bays, estuaries, creeks, rivers and backwaters". Consequent to the devastation caused to the Coastal Aquaculture Sector, the Ministry of Environment and Forest submitted a note on 1.3.1997 to Cabinet seeking approval for amending the CRZ Notification 1991 to permit aquaculture activities after a minimum distance of 200m from the HTL after obtaining the approval of Aquaculture Authority. The Cabinet directed Ministry of Law to prepare a standalone legislation instead of bringing it under the ambit of CRZ Regulation. The Ministry of Law submitted a note dated 14.3.1997 to Cabinet seeking regarding legislation for aquaculture and Shrimp Farms/Ponds. While approving the proposal on 15.3.1997, the Cabinet directed that the proposed bill would be piloted by Ministry of Agriculture. It is submitted that the intention of the Government is to regulate the Coastal Aquaculture Sector through exhaustive standalone legislation rather than amending or reissuing of another CRZ Notification under the Principal Act- Environment (Prohibition) Act, 1986. The mandate of CAA Act is beyond CRZ Regulation and is to promote orderly growth and development of Coastal Aquaculture in the country while protecting the coastal

environment. Accordingly, Section 27 of Coastal Aquaculture Authority Act has introduced the sub-paragraph (xiv) in the CRZ Notification 1991 issued under the Environment (Protection) Act, to clarify that prohibitions imposed on the Industries under the CRZ notification 1991 is not applicable to coastal and will be regulated by the Coastal Aquaculture Authority Act 2005. CRZ Notification 1991 has been superseded by the subsequent CRZ Notifications of 2011 and 2019 making the Section 27 infructuous. Therefore, a suitable amendment by way of proviso to paragraph dealing with the prohibited activities in CRZ Notification is proposed in Section 27 of the Principal Act to remove the ambiguity and to unequivocally declare that coastal aquaculture is exempted from the prohibited activities of CRZ Notifications issued from time to time and to validate all actions so far taken under the CAA Act 2005 coming within the purview of CRZ Notification 1991.'

1.8 After the enactment of the CAA Act, 2005, the Coastal Aquaculture in the country has witnessed rapid expansion and deepening with infusion of modern technologies and innovations. Technology of production and management of environment have also evolved over time. New activities like cage culture and seaweed cultivation unknown in 2005 are gaining prominence. It is thus imperative that the CAA Act is suitably equipped to serve the changing needs of the sector.

1.9 Currently coastal aquaculture is not permitted within 200 meters of HTL in CRZ area. But Hatcheries, BMCs and NBCs need to be established in these areas only to get steady supply of saline water. This is the practice in other countries too. Without Hatcheries seed supply for coastal aquaculture cannot be ensured. Therefore, necessary relaxation has been proposed. Similarly, coastal aquaculture is not permitted in the creeks, rivers and backwaters within the CRZ. But activities like cage culture and seaweed can only be taken up profitably by small scale farmers in these areas and this is the practice in other countries. Moreover, these activities cause little damage to environment. Accordingly, it has been proposed to relax the prohibitions to ensure orderly

development of these activities and creation of additional sources of income and employment to the fishers.

1.10 Since the jurisdiction of the CRZ Notifications 2011 and 2019 extends up to 12 Nautical Miles on the seaward side, the amendment to the CAA Act will ensure that the mariculture activities like seaweed cultivation, cage fishing, etc. which are mostly undertaken within 12 NM on the seaward side are protected from the prohibitions of CRZ Notification and will benefit the small-scale fishers and aqua farmers.

1.11 Though the CAA Act has specifically excluded Coastal Aquaculture from the purview of CRZ Notification, recent NGT Judgement has given a different interpretation and has opened the door for more litigations. Unless this is addressed quickly and suitably, it will be difficult to attract new investment.

1.12 Many of the provisions with respect to registration are too rigid and need to be reviewed. Similarly, a number of administrative procedures laid down in the Act need revision. For example, there is a need to clearly define the powers of Member Secretary under the Act for administrative efficiency and accountability. In the CAA Act, there is this provision of imprisonment for a period up to 3 years for carrying out coastal aquaculture without registration. This appears to be a very harsh punishment for an offence of purely civil nature. Hence it has been proposed to replace the same with suitable civil instruments such as penalty in line with the principle of decriminalizing civil transgressions.

1.13 A recent order of NGT dated 29th September, 2022 has ruled that hatcheries cannot exist within 200 meter from the HTL citing the provisions of CAA Act. Further, they need to be situated mostly within 200 meters from HTL to ensure steady supply of saline water, which is now a 'No Development Area'. Accordingly, relevant provisions in CAA Act, 2005 need to be suitably amended to permit establishment/continuance of hatcheries.

1.14 Newer forms of coastal aquaculture have evolved since 2005 given the right environment and they have great potential to grow. Activities such as cage culture and seaweed culture can be taken up mostly in the estuaries and creeks and the coastal seas within 12 Nautical Miles (NM). These activities do not find place in CAA Act: estuaries and creeks are prohibited areas under the Act in its present form. To promote these new forms of coastal aquaculture, CAA Act provisions need to be amended to include them under the ambit of the Act and to permit these activities in estuaries and creeks, and in coastal waters upto 12 NM on the seaward side.

1.15 To address these concerns, the Department of Fisheries, Ministry of Fisheries and Animal Husbandry and Dairying constituted an Expert Committee on 6th December, 2021 to suggest suitable amendments to the CAA Act, 2005 as per sectoral needs and also to draft the Coastal Aquaculture Authority (Amendment) Bill. The present proposal is based on the Recommendations of the said Committee.

1.16 Detailing the reasons as to why the Ministry thought of moving this proposed Coastal Aquaculture Authority (Amendment) Bill, 2023, the Secretary, Department of Fisheries submitted before the Committee as under:-

'... the Act was enacted in 2005 in response to a Judgment given by the Supreme Court in 1996. The primary reason for this enactment was that the Supreme Court gave a judgment in 1996 saying that 'shrimp culture is an industry and not an agricultural activity. Since it is an industry, it cannot be allowed in the CRZ Area because as per CRZ Notification, 1991, any industry is banned.' The effect of this was that thousands of aquaculture farms had to be shut down. There was also a judgment of the Supreme Court that an authority should be formed and coastal aquaculture should be regulated. Earlier this authority was formed, but no one could solve the threat to the Shrimp culture that it cannot run in the CRZ area. That is why, the Ministry of Agriculture proposed one Bill, and in depth study was done for about six years. It

had gone to the Standing Committee. Finally, after a lot of deliberations, this Act was enacted in 2005. As per the Act, one Authority was made. The constitution of the authority was described. What will the authority do, how to regulate coastal aquaculture, so that it should be environment-friendly, it was also described. Specifically, in one clause a provision was made that 'nothing in the concerned paragraph of CRZ Notification 1991, will apply to Coastal Aquaculture. The reason was that it was found very difficult, as the Supreme Court said that it was an Industry, to term it otherwise and to keep Coastal Aquaculture out of the industry. Hence, this specific Provision was done in Section 27. After the Authority was formed in 2005, Rules were made. Since then, Shrimp Aquaculture has progressed well in the country. Approximately, from 50-60 thousand tons it has reached one million tons today. It is a major export earner for the country. There is an export of nearly about Rs. 45,000 Crore. Lakhs of farmers and workers are depending on it directly in the production, and also in the processing, export, handling and other related activities.

But over the time, definition of Coastal Aquaculture has broadened beyond Shrimp Aquaculture. Newer activities started growing over time. There are many things which can be included in coastal aquaculture including seaweeds, mussel culture, marine cage culture etc. So, it is the thinking of the Department that we should include them in the definition of 'coastal aquaculture' because there are no rules or regulations for these cultures. If anybody wants to start them, whom to apply, nobody knows. So, this is one of the reasons as to why the Ministry has thought of moving this proposed Bill.

Secondly, the Act of Coastal Aquaculture, 2005, was addressing the issues arising out of 1991 CRZ Notifications. Subsequently, CRZ Notifications had been amended in 2011 and then in 2019. So, there is a legal ambiguity whether this Act still overrides the subsequent CRZ Notifications. To remove this ambiguity, we have proposed certain Sections and Amendments.

Thirdly, there are some administrative issues like how the Coastal Aquaculture Authority will move forward in certain situations. It was not fully

described. So, we have tried to create or amend some provisions to bring some definitiveness into the Act so that Authority runs smoothly. For example, to make its Member-Secretary function, like CEO, we have tried to insert some provisions.

Fourthly, when this Coastal Aquaculture Act was made, we were thinking it only of Shrimp Farms. But later on, we found that there are ancillary activities such as Hatchery where shrimp seed get produced without which, coastal aquaculture is not possible. Whether hatchery is included in the coastal aquaculture or not, there are certain ambiguities. Through the amendment, we want to bring it into the ambit of Coastal Aquaculture Authority so that there is a holistic development'.

1.17 The main objectives of the Coastal Aquaculture Authority (Amendment) Bill are: (a) to harmonize the CAA Act with the CRZ Notifications issued from time to time and to treat the registration granted under CAA Act as a valid permission under CRZ Regulations; (b) to keep Coastal Aquaculture outside the prohibitions imposed by CRZ Notifications; (c) to reduce the regulatory compliance burden without diluting the core principles of environment protection in coastal areas; (d) to remove difficulties and ambiguities in the Act for effective implementation, and for promoting ease of doing business;(e) to decriminalize the offence(s) under the Act; and (f) to expand the scope of the Act to bring all coastal aquaculture activities under its ambit.

1.18 The key amendments proposed under the Bill are stated to be as under:

(a) to continue the protection granted to coastal aquaculture from the prohibited activities of CRZ Notifications[Section 27(1)];

(b) to declare coastal aquaculture and activities connected therewith as permitted activities rather than exempted activities under CRZ Notifications while ensuring that the CAA alone continues to regulate coastal aquaculture [Section 28 (1)];

(c) to treat the registrations granted under CAA Act as valid permissions under applicable CRZ Notifications [Section 28 (2)];

- (d) to cover all verticals and activities of coastal aquaculture including hatcheries and aquaculture inputs(Section 2);
- (e) to permit Hatcheries, Brood Stock Multiplication Centres (BMCs) and Nucleus Breeding Centres (NBC) within the No Development Zone in sync with the CRZ Notifications [Section 13 (8)];
- (f) to permit activities like cage culture and seaweed cultivation in the creeks, rivers and backwaters within the CRZ [Section 13 (8)];
- (g) to replace imprisonment provisions under Section 14 of the Act with a combination of suitable monetary and other penalties(Section 14);
- (h) to make provisions for authorization of officers(Section 13A);
- (i) to impose penalties against use of banned antimicrobial agents or pharmacologically active components in coastal aquaculture(Section 12A);
- (j) to provide for recovery of unpaid cost and penalty as arrears of land revenue [Section 22A] *etc.*

The proposed changes are expected to help in harnessing full potential of coastal aquaculture in harmony with the environment.

1.19 Responding to the concern of the Committee, as to whether the Department of Fisheries ever consulted Apex Organizations, State Fisheries Departments, Stakeholders, Domain Experts, *etc.*, while framing The Coastal Aquaculture Authority (Amendment) Bill, 2023, the Department submitted as under:-

'The Department of Fisheries (Ministry of Fisheries and Animal Husbandry and Dairying) constituted an Expert Committee on 6thDecember 2021 under the Chairmanship of Joint Secretary (Marine Fisheries) to suggest suitable amendments to the Coastal Aquaculture Authority Act, 2005 as per sectoral needs and also to draft the Coastal Aquaculture Authority (Amendment) Bill, 2022. Consultations were held with stakeholders including coastal States/UTs, aquaculture farmers, aqua entrepreneurs, seafood exporters and hatchery associations and suggestions have been suitably incorporated while drafting the Coastal Aquaculture Authority Amendment Bill. The draft Amendment Bill in Hindi

and English was placed in public domain and a public notice inviting comments on the draft amendment Bill was also published in the leading newspapers in all coastal States/UTs. Further, the details of the proposed amendments along with explanations in Hindi, English and vernacular languages of the coastal States/UTs were posted in public domain.

The comments/suggestions received from coastal States/UTs and stakeholders have been examined and suitably incorporated in the Bill. The draft Coastal Aquaculture Authority Amendment Bill along with the draft Note for the Cabinet were circulated to the concerned Ministries/Departments including NITI Aayog and the Ministry of Law and Justice for their comments. Since the thrust of the Coastal Aquaculture Authority Act 2005 is on coastal environment protection, this Ministry also had detailed and focused deliberations with Ministry of Environment, Forest and Climate Change(MoEFCC), Government of India while drafting amendments to the Principal Act in connection with undertaking Coastal Aquaculture and Activities connected therewith in the Coastal Regulation Zone areas under the erstwhile Coastal Regulation Zone (CRZ) Notification 1991 and the prevailing CRZ Notifications 2011 and 2019 issued under the Environment (Protection) Act 1986.'

1.20 Explaining as to whether the proposed Bill, in any way, infringes on the Rights of the Coastal States to manage the Coastal Areas, the Department submitted as under:-

'The Principal Act *i.e.* Coastal Aquaculture Authority Act, 2005 was enacted by the Parliament in 2005 as a Union legislation *inter alia* to protect coastal environment, while promoting orderly growth of coastal aquaculture in coastal areas and to establish a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas. The thrust of the legislation has always been to regulate coastal aquaculture with an aim to protect coastal environment. The subject "environment" has not been expressly listed in Union or State or Concurrent Lists of the 7th Schedule of the Constitution. 'Environment' being a residual subject, the Parliament has exclusive power to

legislate on residual subjects under Article 248(1) read with Entry 97 List I - Union List of Constitution and accordingly Coastal Aquaculture Authority Act, 2005 was enacted by Parliament as a Union Legislation. The Bill for enactment of the Principal Act i.e. Coastal Aquaculture Authority Act 2005 was piloted by the Ministry of Agriculture, Government of India. The Bill seeking to amend the Coastal Aquaculture Authority Act, 2005 is being proposed in the same manner.

The Coastal Aquaculture Authority Rules 2005 have been formulated in such a way to implement the Principal Act through the State Government institutional mechanisms such as Sub Divisional Committees and District Level Committee (DLC) which are headed by Revenue Divisional Officers and District Collectors respectively. The roles of the State government machinery in the implementation of the legislation have been further enhanced and proposed to be codified in the proposed Amendment Bill. Accordingly, it is submitted that the Coastal Aquaculture Authority (Amendment) Bill does not in any way, infringe on the Rights of the Coastal States to manage the Coastal Areas. It is also pertinent to mention that all the coastal states/UTs have extended their support for the amendments proposed in the Coastal Aquaculture Authority (Amendment) Bill 2023.'

1.21 A Writ Petition W.P.C 492 of 2007 filed by a Private Petitioner is pending in the Supreme Court with regard to the constitutional validity of certain provisions of the CAA Act, 2005 as well as legislative competence to enact the Act. However, as the Court is yet to deliver its verdict, the competence to legislate is still available.

1.22 While replying to what would be the fate of the proposed CAA Bill, 2023, if the Supreme Court decides in favour of the Private Petitioner with regard to Constitutional Validity of the 'Certain Provisions' of the Bill with particular reference to W.P.C 492 of 2007, the Department have submitted as under:-

'It is submitted that the petitioner in Writ Petition W.P.C 492 of 2007 in the Supreme Court, prayed that Section 27 of the CAA Act 2005 along with other provisions which take away or render ineffective the directions given by the Hon'ble Supreme Court in S.Jagannath case are null and void. He further asserted that the said provisions under challenge are unconstitutional, violative of Articles 14 and 21 of the Constitution among others. It is submitted that the Hon'ble Supreme Court has not listed the case W.P.C 492 of 2007 for Hearing after 29th January 2020. The matter has been consulted with the Department of Legal Affairs and it was felt that the matter is being sub-judice does not preclude legislation.

It is submitted that the CAA Act, 2005 is an outcome of the 1996 judgement of Honourable Supreme Court in the Writ Petition (Civil) No. 561 of 1994. The Hon'ble Supreme Court of India delivered its judgement and the orders of the Hon'ble Supreme Court of India on S Jaganathan Vs Union of India and Ors (W.P.(c) 561 of 1994) (1997)2 SCC87:AIR1997SC8II on 11th December 1996. It is submitted that the Hon'ble Supreme Court had dismissed number of Review Petitions which were pending before the Hon'ble Court on this matter after the enactment of the CAA Act 2005. Accordingly, it is interpreted in a way that the legislation has the judicial acceptance. It is submitted that considering CAA Act 2005 is operational for more than 18 years and is considered as a settled law. Hence, it is unlikely that the Supreme Court will take a view in the matter in the near future and there is also no certainty about whether the Writ Petition ultimately succeeds.'

1.23 The Major amendments proposed in the Bill, 2023 are as under: -

A. Decriminalization of the CAA Act, 2005

- a) **Removal of the provision of Imprisonment:** - Section 14 of the CAA Act, 2005 provides for punishment for carrying on coastal aquaculture without registration under CAA Act, 2005. The punishment being imprisonment for a term which may extend to three years under the Act or a fine which may extend to one lakh rupees, or both. The farmers and other stakeholders are

of the view that since this provision is a draconian punishment and the same needs to be replaced with alternative penal provisions as aquaculture is primarily a farming activity undertaken by farmers. Keeping in view, the efforts being made by the Government of India to decriminalize minor offences under various laws and that non-registration is minor offence, it is now proposed to remove the imprisonment provision by amending Section 14 of CAA Act, 2005.

- b) **Substitution of Imprisonment punishment with Monetary penalties:** - Coastal Aquaculture Authority Act being a law mandated to safeguard the coastal environment, certain punitive actions are required in the Act to deter the violators. Accordingly, a combination of suitable monetary and other penalties has been proposed in lieu of imprisonment under the Act applying the 'polluter pays principle'. Accordingly, the non-registration of coastal aquaculture unit and noncompliance of the provisions of the statute is proposed to be dealt with by suspension or stoppage of the coastal aquaculture activity, imposition of penalty, removal of any structure or standing crops, suspension or cancellation of registration under the amended section-14. The proposed penalties for non-registration and noncompliance of the provisions of the Act would be adjudicated and imposed by the officers authorized for the purpose, following "principles of natural justice". Due care has been taken to ensure that the penalties are not excessive. Further, efforts have been made to remove discretionary powers of adjudicating and appellate authorities.
- c) **Provision for Authorization of officers and Appeal:** - Under section-13 (A) provisions have been made for Authorized officers and Adjudicating authorities. In section 14 (A), provisions for appeal against orders passed under section-14 have been proposed. This has become necessary as the cases will no longer go to courts which have an existing system of appeals and revisions.

B. ENABLING EASE OF DOING BUSINESS

- a) **Condonation of delay in submitting the renewal application:-**The principal Act did not have any provision for delayed application for renewal. Now provision has been made in Section 13(10) for condoning the delay in submitting the application for renewal of the registration with a compounded fee. This will ensure that the farmers are not put into undue difficulty because of minor slips.
- b) **Provision for providing new certificate in case of mutilation, damage or loss, and for effecting changes etc.:** -Under the current Act, re-registration in case of changes in ownership or size of the activity causes huge delay in effecting the registration. The present amendment provides for effecting changes to the certificate of registration in case of changes in ownership or size of the activity vide Section 13(12) and for providing new certificate in case of mutilation, damage or loss of certificate, etc.vide Section 13(13).
- c) **Validation of the Meetings of the Authority during the absence of the regular Chairperson of the Authority:** - As per the principal Act, the registration certificates are issued after the approval of the Authority in its meeting: this is often delayed when there is no regular Chairperson or, the Chairperson is absent. There is ambiguity with regard to how to conduct the meetings of the Authority in the event of absence of Chairperson. To remove such ambiguity and to ensure continued functioning of the Authority it has been proposed vide Section 7(2) to make express provisions in the Act in order to enable Chairperson to nominate any other member of the Authority to chair the meeting of the Authority in his absence and to enable the members present to choose one of the members as a Chairperson.
- d) **Minor revisions in Composition of the Authority:** - The Composition of the Authority has been revised vide Section 4 (3) in tandem with nomenclature of various Ministries in the Central Government. A member from the administrative Ministry Viz. Ministry of Fisheries, Animal Husbandry and Dairying has been proposed.

- e) **Provision empowering the Authority to appoint Committees for efficient discharge of duties:** -At present, the Authority implements the Act through District Level Committees headed by District Collector and Sub-Divisional Level Committees headed by Sub-Divisional Magistrate created under CAA Rules. But there are no enabling provisions for the same in the Principal Act. To remove this gap, suitable provision has been proposed to be inserted in the Act vide Section 7A (1) to expressly empower the Authority to appoint Committees for the efficient discharge of its duties and performance of its functions under Act. This will enable speedy processing of applications for registrations/renewal and also better monitoring and supervision at the field level. Further, vide Section 7A(2), the Authority is enabled to induct experts into these Committees.
- f) **Member Secretary to be the Chief Executive officer of the Authority:** - The roles and responsibilities of the Member Secretary of the CAA under the current Act have not been elaborated and this is resulting in administrative problems. Therefore, it has been proposed to suitably amend the Act to elaborate the roles and responsibilities of the Member Secretary by inserting a new Section 9A so that she/he can discharge the role more effectively. Further it has been proposed to make the Member Secretary function as the Chief Executive Officer of the Authority for better control, coordination and efficient delivery of the mandates under the Act.

C. REDUCING REGULATORY AND COMPLIANCE BURDEN

- a) After the judgement of Hon'ble Supreme Court in 1996, the Ministry of Environment and Forest constituted one Aquaculture Authority of India during 1997, which became quite regulatory. At that time, it was felt that this may hinder growth of coastal aquaculture and even threaten the existing aquaculture where considerable investment had already been made. To protect such investment and to save employment and livelihood already created and to provide for hassle-free growth of the sector, Ministry of Agriculture brought out the CAA Act 2005 to provide for conduct of coastal

aquaculture with adequate environment safeguards. The intention of the Government of India all throughout while enacting the Coastal Aquaculture Authority Act, 2005 was a) to regulate the coastal aquaculture in the country through Coastal Aquaculture Authority Act, 2005 and b) not to treat coastal aquaculture as a prohibited activity within the meaning of the CRZ Notification, 1991 issued under the Environment (Protection) Act, 1986.

- b) In order to achieve the above objectives and to clear all doubts, among other provisions, express declaration was made *vide* Section-27 in the Coastal Aquaculture Authority Act, 2005 to keep the Coastal Aquaculture out of the ambit of CRZ Notification 1991. Since then, the Coastal Aquaculture has been regulated under the CAA Act and the Coastal Zone Management Authorities constituted under CRZ Notifications have never asked the coastal aquaculture units to obtain CRZ clearances. Further, the CRZ Notifications, 1991 and 2011 did not even list coastal aquaculture activities in the list of permitted activities/regulated activities. Even the CRZ Notification 2019, has not listed Coastal Aquaculture in the above lists except Hatcheries which is added to the list of a regulated activity for the first time. This shows that coastal aquaculture was meant to be regulated under CAA Act with the environment safeguards prescribed under CAA Act.
- c) However, of late, Section-27 of CAA Act, 2005 has been subjected to varying interpretations by Courts, most recent being, the National Green Tribunal (NGT). NGT has viewed that Section 27 of CAA Act 2005 does not offer complete exemption to coastal aquaculture from the purview of CRZ Notification 1991 that rather coastal aquaculture is a regulated activity under CRZ Notification, 1991 and therefore clearances need to be taken from concerned environment regulators. Though this has been ordered with reference to Hatcheries and that too for Tamil Nadu only, this has the potential to open the entire sector to the scrutiny by such regulators. Therefore, a suitable amendment is proposed in the text of Section 27 of the Principal Act to remove the ambiguity and to unequivocally declare that coastal aquaculture is exempt from prohibited activities of CRZ Notification

issued from time to time and to validate all actions so far taken under the CAA Act 2005 coming within the purview of CRZ Notification 1991.

- d) It is felt that Section 27 of the Principal Act even with the proposed amendment may not serve its purpose in respect of Coastal Aquaculture Units as it still has the gap to the effect that coastal aquaculture still requires permission under CRZ notification. Accordingly, it was proposed to insert a new Section 28 to make it clear that the CRZ notifications are not applicable on Coastal Aquaculture covered under CAA Act. However, in pursuance of further discussions held on this matter at various levels, especially with Ministry of Environment, Forest and Climate Change (MoEFCC), it was felt that it would be appropriate to declare Coastal Aquaculture and activities connected therewith as permitted activities under CRZ Notifications issued from time to time rather than being seen as an omnibus exemption from CRZ Notifications, while ensuring that the CAA alone continues to regulate coastal aquaculture. Hence, Section 28 has been suitably revised with an alternate formulation to the effect that coastal aquaculture and activities connected therewith is a permitted activity in CRZ under the CRZ notifications and the registration granted under CAA Act shall be treated as valid permission under CRZ regulations and same has been agreed to by MoEFCC. This will help to a) remove the prevailing ambiguities and once for all put to rest any misinterpretations of courts including NGT; b) reduce the multi-agency regulatory and compliance burden on coastal aquaculture and c) reiterate the protection granted under the validation Section *i.e.* Section-27 in the Principal Act albeit in the revised form as stated above. Furthermore, in order to validate the coastal aquaculture activities undertaken subsequent to supersession of CRZ Notification 1991, suitable amendments to Sub-section 8 of Section 13 of the Principal Act including insertion of a new Sub-section (3) in Section-28 have been proposed in the Amendment Bill.
- e) Section 13(8) of the CAA Act 2005 prohibits Coastal Aquaculture within the “No Development Zone” which is 200 meter from the High Tide Line (HTL) towards the landward side and in the creeks, rivers and backwaters within

the Coastal Regulation Zone (CRZ). At the time of promulgation of the Act, only coastal aquaculture activity was shrimp farms. Since farms can occupy Lakhs of Acres it was considered to ban them within this sensitive 200-Meter Zone. However, this provision has been construed to be applicable for the Hatcheries by the NGT in its recent Judgement. Hatcheries were always an exempted activity in the above No Development Zone as per CRZ Notifications 1991 and 2011 and now permitted and regulated activity under CRZ Notification, 2019 and are allowed to be established even in CRZ IB area i.e. intertidal zone (from HTL towards seaward side) which is much more sensitive than the No Development Zone of 200 meters). Further hatcheries and similar units of Brood Stock Multiplication Centres (BMCs) and Nucleus Breeding Centres (NBCs) need to be established on the coast to get adequate supply and access to quality seawater. Without considering this position, NGT has viewed that hatcheries cannot exist in No Development Zone as they are not permitted as per Section 13(8) (a) of CAA Act, 2005. To address this issue once for all, it is proposed to amend Section 13(8) of CAA Act, 2005 to provide for permitting hatcheries and similar activities like Brood Stock Multiplication Centres and Nucleus Breeding Centres within the No Development Zone of the CRZ in the case of sea and in the Buffer Zone in the case of creeks, rivers and backwaters under the Act with retrospective effect from the commencement of the Principal Act.

- f) Further, Section 13(8) (b) of the CAA Act 2005 prohibits Coastal Aquaculture in the creeks, rivers and backwaters within the CRZ. This was done because in 2005 only form of Aquaculture was shrimp farms, and they were being set up in these water bodies by putting up bunds and altering the character of the water bodies. Now newer forms of coastal aquaculture such as cage culture, seaweed culture, bi-value culture, etc. have come up which can only be done in these areas, and which do not cause any damage to such water bodies. These activities are very remunerative and also have the potential for creating large scale employment opportunities for coastal fisher communities especially fisherwomen. Therefore, it is intended to make these activities

permissible in creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ) by suitably amending the Section 13(8) of the CAA Act with retrospective effect from the commencement of the Principal Act.

D. Sustainable development of Coastal Aquaculture:

- (a) In 2005, coastal aquaculture activity was essentially shrimp farming. Therefore, aquaculture and farm have been interchangeably used. Now it is proposed to broad base “coastal aquaculture” to cover all activities of coastal aquaculture and necessary inclusions in the list of definitions in Section 2 have been made. The term “Farm or Farms” has been substituted with the term “coastal aquaculture unit or units” to expand the scope of the Coastal Aquaculture as understood in the Act and to provide for coordinated, inclusive regulatory regime.
- (b) Disease prevention is key to success of coastal aquaculture. Accordingly, specific provisions for Aqua Zonation, Specific Pathogen Free (SPF) Certification, establishment of NBCs and BMCs which are key to the production of disease-free stocks have been made in the Act vide section 24(bc). Though these aspects have already been looked after through the Guidelines, it is felt that express mention of the same in the Act will help in better administration of such Guidelines.

E. Ensuring the protection of Coastal Environment and its sustainability:-

- a) At present, the CAA Guidelines in sync with CRZ Notification do not permit Coastal Aquaculture Activities in the Ecologically Sensitive Areas (ESAs) and Geo-morphological areas for environmental sustainability. While this provision already exists through CAA Guidelines, there is no enabling provision in the Principal CAA Act for its legal validity and effective implementation. Therefore, it is proposed to make an express provision in the Principal Act 13(8)(a) in harmony with CRZ Notification.
- b) Rise of anti-microbial resistance because of indiscriminate use of anti-biotics in aquaculture is a major concern. To tackle this, the aquaculture inputs and pharmacologically active substance or anti-microbial agents have been

suitably defined. Further, prohibition of the use of pharmacologically active substances or anti-microbial agents or any other material which may cause harm to human health including use of aquaculture inputs containing such substance, agent or material has been proposed under Section 12A of the amendment Bill for protection of coastal environment and public health.

Jurisdiction:-

1.24 Detailing Jurisdiction of the Central Government pertaining to Fisheries which is State subject in the 7th Schedule of the Constitution of India, the Department stated as under:-

'Fisheries are included in the State list in the 7th Schedule of Constitution of India. Coastal aquaculture is regulated by Government of India through CAA Act. Coastal aquaculture is the aquaculture carried on in CRZ areas. As CRZ areas have been extended up to territorial waters, power to regulate coastal aquaculture in such territorial waters will vest with Government of India.

Whereas, the Coastal Aquaculture Authority Act, 2005 is a legislation enacted by the Parliament for regulating coastal aquaculture on the environment side i.e. to protect coastal environment while promoting orderly growth of coastal aquaculture in coastal areas and to establish a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas. The thrust of the legislation has always been to regulate coastal aquaculture with an aim to protect coastal environment. 'Environment' being a residual subject, the Parliament has exclusive power to legislate on residual subjects under Article 248(1) read with Entry 97 List I - Union List of Constitution.

It is relevant to add that one of the key purposes of enacting the Coastal Aquaculture Authority Act 2005 was to permit coastal aquaculture in Coastal Regulation Zone area in the Coastal Regulation Zone (CRZ) Notification 1991 issued under Environment (Protection) Act, 1986 by the Ministry of Environment, Forest and Climate Change (MoEFCC). While the CRZ area under CRZ

Notification 1991 is 500 meter from High tide Line (HTL) on the landward side, the CRZ areas in the CRZ Notifications 2011 and 2019 extend up to the territorial waters on the seaward side in addition to 500 meter on the landward side. Therefore, it is essential to synchronise the jurisdictional areas of Coastal Aquaculture Authority Act 2005 and the CRZ Notifications 2011 and 2019 with the express intention of enabling lakhs of small marginal aquaculture farmers to undertake coastal aquaculture on seaward side with registration under Coastal Aquaculture Authority Act and avoid the possible need for obtaining CRZ clearances from multiple agencies especially State Coastal Zone Management Authorities (SCZMAs). It is also essential to ensure that the activities like seaweed cultivation, mussel cultivation, cage fishing etc. which are undertaken on seaward side are protected from the prohibitions of CRZ Notifications for the benefit of the small-scale fishers and aqua farmers.

It is also relevant to add that the Coastal Aquaculture Authority Rules 2005 have been formulated in such a way to implement the Principal Act through the State Government institutional mechanisms such as Sub Divisional Committees and District Level Committee (DLC) which are headed by Revenue Divisional Officers and District Collectors respectively. The roles of the State government machinery in the implementation of the legislation have been further enhanced and proposed to be codified in the proposed Amendment Bill. It is pertinent to mention that all the coastal states/UTs have extended their support for the amendments proposed in the Coastal Aquaculture Authority (Amendment) Bill 2023.

Thus, it may be seen that the regulation of coastal aquaculture in territorial waters under the Coastal Aquaculture Authority Act 2005 is from the stand point of coastal environment protection. Neither the Coastal Aquaculture Authority Act 2005 nor the proposed Coastal Aquaculture Authority (Amendment) Bill in any way, infringe on the Rights of the Coastal States to develop and promote coastal aquaculture in territorial waters. The state governments will continue to govern and manage their fisheries in territorial waters as usual.

CHAPTER II

CLAUSE BY CLAUSE EXAMINATION OF THE COASTAL AQUACULTURE AUTHORITY (AMENDMENT) BILL, 2023

Clause No. 1

Provision in the Principal Act, Section 1 (1) & (2)

2.1. Short title and Commencement

(1) This Act may be called the Coastal Aquaculture Authority Act, 2005.

(2) Provisions of Section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment Proposed in the Bill

2.2 (1) This Act may be called the Coastal Aquaculture Authority (Amendment) Act, 2023.

(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.

Justification

2.3 Amendment of Section 1 is Editorial Change

Comments/Observation/Recommendation of the Committee

2.4 The Committee noted that there is no substantive change except for an editorial change in this clause. The Committee decided to accept the proposed amendment.

Clause No. 2

Provision in the Principal Act, Definitions, Section 2 (1)

2.5 (1) In this Act, unless the context otherwise requires,

Amendment Proposed in the Bill

2.6 In Coastal Aquaculture Authority Act, 2005, (hereinafter referred to as the Principal Act), unless the context otherwise requires, —

Justification

2.7 Amendment of Section 2

In 2005, coastal aquaculture activity was essentially shrimp farming. Therefore, aquaculture and farm have been interchangeably used. Now it is proposed to broad base “coastal aquaculture” to cover all activities of coastal aquaculture and necessary inclusions in the list of definitions in Section 2 have been made. The term “Farm or Farms” has been substituted with the term “coastal aquaculture unit or units” to expand the scope of the Coastal Aquaculture as understood in the Act and to provide for coordinated, inclusive regulatory regime.

Amendment Proposed in the Bill (Definition)

2.8 (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;

Justification New Insertion

2.9 To bring clarity and to cover the aquaculture inputs under this Act.

Comments of Stakeholders

2.10 The representative of the Directorate of Fisheries, Kerala during their oral evidence and also through their written memorandum forwarded to the Committee Secretariat made a suggestion for inclusion in the Definition Section 2 (i) for clause (a). Along with the word 'fertilizer', the word 'organic manure' should also be included because 'organic manure' is used traditionally in aqua-culture.

Examination by the Committee

2.11 The Committee, during the examination of the Bill, sought clarification on the word 'Fertilizer' to know whether this includes organic/green manure, etc. The Department responded in a written reply as under:

'The word "fertilizer" includes both organic fertilizer and inorganic fertilizers and hence an express mention of the word “Organic Manure in Section 2(i) (a) has not been considered. The definition of Fertiliser including organic manure will be considered while framing the Rules.'

Comments/Observation/Recommendation of the Committee

2.12 After perusing the reply of the Department, the Committee noted that the concerns of the Directorate of Fisheries could be addressed adequately at the time of framing the Rules and the Committee decided to accept the amendment proposed.

Amendment Proposed in the Bill (Definition)

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

Justification New Insertion

2.14 To provide for geo spatial planning to promote sustainable coastal aquaculture.

Amendment Proposed in the Bill (Definition)

2.15 (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;

Justification New Insertion

2.16 To provide for geo spatial planning to promote sustainable coastal aquaculture.

Comments of Stakeholders

2.17 Department of Fisheries and Fishermen Welfare, Government of Tamil Nadu in its written Memorandum submitted to the Committee made a suggestion that instead of 'State Government or the Authority' '**State Government and the Authority**' may be substituted.

Examination by the Committee

2.18 While responding to the suggestion whether words "notified by a State Government or the Authority" be substituted with words "notified by a State Government/UT and the Authority", the Department in a written reply stated as under:-

"In order to enable those States which have already made the Aqua zonation to operationalise the same and also to avoid any possible delay in

formulating a national level aqua zonation by the Authority, it has been proposed as 'State Government or the Authority'. Hence, the same may be retained."

Comments/Observation/Recommendation of the Committee

2.19 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.20 (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;

Justification:- New Insertion

2.21 Disease prevention is key to success of coastal aquaculture. Accordingly, specific provisions for Specific Pathogen Free (SPF) certification, establishment of NBCs and BMCs which are key to the production of disease-free stocks have been made in the Act. This will enable the establishment of disease free systems and production of genetically improvised SPF stocks to promote sustainable coastal aquaculture.

Comments/Observation/recommendation of the Committee

2.22 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.23 (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 minimize the risk of transmission of infectious diseases;

Justification New Insertion

2.24 To provide for disease free and genetically improvised stocks and systems to promote sustainable coastal aquaculture.

Comments/Observation/Recommendation of the Committee:

2.25 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.26 (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;

Justification New Insertion

2.27 Disease prevention is key to success of coastal aquaculture. Accordingly, specific provisions for Specific Pathogen Free (SPF) certification, establishment of NBCs and BMCs which are key to the production of disease-free stocks have been made in the Act. This will enable the establishment of disease free systems and production of genetically improvised SPF stocks to promote sustainable coastal aquaculture.

Comments/Observation/Recommendation of the Committee

2.28 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Provision in the Principal Act

2.29 (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;

Amendment proposed in the Bill

2.30 (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 insaline or brackish water in coastal areas, including activities such as production of brood stock, seed, grow out, but does not include fresh water aquaculture;

Justification Amendment of Clause (c)

2.31 To broad base “coastal aquaculture” to comprehensively cover all activities of coastal aquaculture under the purview of this Act and to remove the ambiguity existing in the Principal Act between the farm and other verticals of coastal aquaculture.

Comments/Observation/Recommendation of the Committee

2.32 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.33 (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;

Justification New insertion

2.34 To broad base “coastal aquaculture” to cover all activities of coastal aquaculture and necessary inclusions in the list of definitions in Section 2 have been made. The term “Farm or Farms” has been substituted with the term “coastal aquaculture unit or units” to expand the scope of the Coastal Aquaculture as understood in the Act and to provide for coordinated, inclusive regulatory regime.

Comments/Observation/Recommendation of the Committee

2.35 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Provision in the Principal Act

2.36 (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;

Amendment Proposed in the Bill

2.37 (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;

Justification Amendment of Clause (d)

2.38 The definition of coastal area has been amended to seamlessly cover the CRZ notifications issued from time to time.

Comments/Observation/Recommendation of the Committee

2.39 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

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

Justification New insertion

2.41 To comprehensively cover the coastal environment under the purview of this Act.

Comments/Observation/Recommendation of the Committee

2.42 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.43 (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;

Justification New insertion

2.44 To alleviate the ambiguity that exists in the Principal Act between the farm and other verticals of coastal aquaculture.

Comments/Observation/Recommendation of the Committee

2.45 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.46 (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;

Justification New insertion

2.47 To alleviate the ambiguity that exists in the Principal Act between the farm and Hatchery as well to bring the Nauplii Rearing Hatcheries and live feed rearing facilities under the ambit of the Act.

Comments of Stakeholders

2.48 While deposing before the Committee, the representatives of the Department of Fisheries, Government of Andhra Pradesh advocated that the activities of live feed culture, ornamental fish breeding and propagation units should be exempted along with NBC, BMC and seaweed culture within the CRZ notified zone, since these units also need coastal marine ecosystem to support the livelihood of the traditional coastal fishermen.

Examination by the Committee

2.49 On being asked about the view of the Department on the suggestion to exempt the activities of Live Feed Culture units and Ornamental fish breeding and propagation units also along with NBC, BMC and seaweed culture within CRZ notified area, as these units also need coastal marine ecosystem to support the livelihood of traditional coastal fishers, the Department in a written reply stated as under:

“The 2(dc) of the Amendment Bill provides for the definition of hatchery. “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”. Hence Hatchery includes any breeding activity including ornamental fish and live feed. Further Hatchery has also been exempted along with NBC’s and BMC’s in the “ No Development Zone” in the case of sea, and in the “ buffer zone” in the case of creeks, rivers and backwaters as provided under Section 13(8)(b)”.

Comments/Observation/Recommendation of the Committee

2.50 On examination, the Committee find that the concerns raised by the State Fisheries Department of Andhra Pradesh on the subject have already been adequately addressed to and incorporated and thus accept the amendment proposed.

Amendment Proposed in the Bill (Definition)

2.51 (ea) “Nucleus Breeding Centre” means a coastal aquaculture unit carrying on bio-secured 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;

Justification New Insertion

2.52 Disease prevention is key to success of coastal aquaculture. Accordingly, specific provisions for Specific Pathogen Free (SPF) certification, establishment of NBCs and BMCs which are key to the production of disease-free stocks have been made in the Act. This will enable the establishment of disease free systems and production of genetically improvised SPF stocks to promote sustainable coastal aquaculture.

Comments/Observation/Recommendation of the Committee

2.53 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.54 (eb) “operator” means any person or firm that is engaged in the operation of the coastal aquaculture activity;

Justification New Insertion

2.55 To define and cover the owner or operator to fix responsibility on the owner and operator under this Act.

Comments/Observation/Recommendation of the Committee

2.56 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.57 (ec) “owner”, in relation to any coastal aquaculture unit, includes—

- (i) his legal heirs or agent; and
- (ii) an operator, a mortgagee, lessee, including sub-lessee or any other person in actual possession of such coastal aquaculture unit;

Justification New Insertion

2.58 To define and cover the owner or operator to fix responsibility on the owner and operator under this Act.

Comments/Observation/Recommendation of the Committee:

2.59 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.60 (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;

Justification New Insertion

2.61 Rise of anti-microbial resistance because of indiscriminate use of anti-biotics in aquaculture is a major concern. Hence, to deter and prevent the usage of Antibiotics and the pharmacologically active substance or antimicrobial agent in the coastal aquaculture systems to promote sustainable coastal aquaculture and to protect the environment and public health.

Comments/Observation/Recommendation of the Committee

2.62 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.63 (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 Organization for Animal Health or any other pathogen notified by the Central Government, which is specific for candidate species used in the coastal aquaculture;

Justification New Insertion

2.64 Disease prevention is key to success of coastal aquaculture. Accordingly, specific provisions for Specific Pathogen Free (SPF) certification, establishment of NBCs and BMCs which are key to the production of disease-free stocks have been made in the Act. This will enable the establishment of disease free systems and production of genetically improvised SPF stocks to promote sustainable coastal aquaculture.

Comments/Observation/Recommendation of the Committee:

2.65 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

2.66 (i) "State" includes Union Territory;

Justification New Insertion

Comments/Observation/Recommendation of the Committee

2.67 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Clause No. 3

Provision in the Principal Act; Establishment of Authority and appointment of Chairperson and Members,

2.68 **Section 4 (3)**

(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 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;

Amendment Proposed in the Bill

2.69 (c) For the words "Department of Ocean Development", the words "Ministry of Earth Sciences" shall be substituted.

- (d) For the words "Ministry of Environment and Forests", the words "Ministry of Environment, Forest and Climate Change" shall be substituted;
- (e) For the words "Ministry of Agriculture", the words "Ministry of Agriculture and Farmers Welfare" shall be substituted;
- (f) For the word, "Ministry of Commerce", the words "Ministry of Commerce and Industries" shall be substituted;

Justification Editorial Changes in tandem with the present day nomenclature of the Ministries

Comments/Observation/Recommendation of the Committee

2.70 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill (Definition)

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

Justification New Insertion

2.72 To include the newly created administrative Ministry.

Comments of the Stakeholders

2.73 While appearing before the Committee, one of the experts in the field of Aquaculture submitted as under:-

“In the Coastal Aquaculture Authority, Members are from different government departments with no representation from the stakeholders. Such a large community has not been represented in the Authority. Our humble submission is that for a better understanding of the issues in the sector and for implementation of the rules and regulations of CAA, representation of stakeholders should be there in the Authority. The following representatives should be considered to be made members of the authority: A representative from the coastal aquaculture farmers; a representative of the hatchers; a representative of the seafood exports; and a representative of the society of aquaculture profession”.

2.74 While appearing before the Committee, another domain expert submitted as under:-

“Originally, when Aquaculture Authority was established, we had farmers’ representatives as four representatives. Later, those fours were converted into Government people. There, you can put a word ‘stakeholders’ -- four members representing coastal States”.

Examination by the Committee

2.75 The Committee while examining the Bill noted that as per section 4(3) (g) of the Principal Act four members of the Coastal States will be represented in the Coastal Aquaculture Authority on rotation basis. While responding to the query of the Committee as to why all the Coastal/States/UTs cannot be included in the CAA composition, the Department of Fisheries in a written reply submitted as under:-

'Section 4 of the Principal Act provides for inclusion of four members to represent the coastal States on rotation basis and the same may be considered for representation from the stakeholders. In addition, a new provision Section 7 (A) has been included in the Amendment Bill to constitute Committees as may be necessary for efficient discharge of the functions of the Coastal Aquaculture Authority. Public representatives/members of coastal fish farmers associations/ local body members/Farmer Producer Organizations may also be included in such Committee to aid and advise the Authority."

2.76 The Department further submitted in writing:

"Section 4 of the Principal Act provides for four members to represent the coastal States’ on rotation basis for a period of 3 years. This arrangement is working well since last 18 years and almost all major coastal states having coastal aquaculture have been represented over the years. In addition, a new provision Section 7 (A) has been included in the Amendment Bill to constitute Committees as may be necessary for efficient discharge of the functions of the Coastal Aquaculture Authority. The Authority may include additional stakeholders including coastal states/UTs, public representatives, farmers and experts in such

Committees to take benefit of their experiences and also have a close ear to the ground level situations concerning coastal aquaculture."

2.77 During the course of deliberations held with the representatives of the State Fisheries Departments, Organisations, Stakeholders and Domain Expert, the Committee deduced that the general understanding and request of all the agencies concerned was that the representation in the Coastal Aquaculture Authority should be broadened representing various sections/interest groups on whom this Amendment Bill would have a bearing. During the discussions it was also pondered over that the representatives of the all the Coastal States, Coastal Aquaculture Farmers, Stakeholders, Hatcheries and Society of Aquaculture Professionals and public representatives should also be represented in the Coastal Aquaculture Authority so as to make it more inclusive.

Observation/Recommendation of the Committee:

2.78 The Committee note that Section 4 of the Principal Act deals with establishment of Coastal Aquaculture Authority and appointment of Chairperson and Members.

Due to some consequential changes in the nomenclature of Ministries/Departments, certain provisions in Section 4 (3) (c) (d) (e) and (f) have been proposed to be amended. Simultaneously, a new Insertion (fa) sub-clause has been added to represent the nodal Ministry *i.e.* Ministry of Fisheries, Animal Husbandry and Dairying of the Central Government.

As per Section 4 (3) (g) there is a provision that four Members from the Coastal States will be represented in the CAA as Members on rotation basis. However, during deliberations of the Committee on the subject under reference, the Committee were in unanimity that the representation base of the Coastal Aquaculture Authority be broadened inclusively giving representation to all Coastal States including stakeholders. This matter was further discussed with the representatives of the Department who stated that apart from the existing representation of Coastal States as per sub-clause (g), a New Section 7A in the Bill has been inserted to constitute Committees for efficient discharge of

functions of the CAA wherein the public representatives/Members of Coastal Fish Farmers Association/Local Body Members/Farmer Producer Organizations may also be included in such Committees to aid and advise the Authority.

The Committee note that there is no express provision to this effect under the proposed Section 7A and it is implied that it would be at the discretion and wisdom of the Department to give representation to such persons in these Committees. The Committee, therefore, recommend that all the Coastal States, Stakeholders and Public Representatives should be given representation either in the Coastal Aquaculture Authority itself or in the Committees to be constituted under the proposed Section 7A.

Clause No. 4

Provision in the Principal Act, Meetings of Authority,

2.79 Section 7

(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.

Amendment Proposed in the Bill

2.80 (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.

Justification Substitution of Sub Section (2)

2.81 As per the Principal Act, the registration certificates are issued after the approval of the Authority in its meeting: this is often delayed when there is no regular Chairperson or, the Chairperson is absent. There is ambiguity with regard to how to conduct the meetings of the Authority in the event of absence of Chairperson. To remove such ambiguity and to ensure continued functioning of the Authority it has been proposed to make express provisions in the Act in order to enable Chairperson to

nominate any other member to chair the meeting of the Authority in his absence and to enable the members present to choose one of the members as a Chairperson.

Examination by the Committee

2.82 As justified by the Department that the issuance of registration certificates gets delayed when there is no regular Chairperson or the Chairperson is absent. They further stated that there is an ambiguity with regard to how to conduct the meetings of the Authority in the event of absence of Chairperson. To remove such ambiguity to ensure continued functioning of the Authority this provision has been made to enable the Chairperson to nominate any other Member to Chair the meeting of the Authority in his absence.

While examining this clause 4, the Committee endorsed the proposed provision of authorisation/nomination of a Member either by the Chairman or enabling the Members present to choose one of the Members as Chairperson to preside over the Meeting. However, the Committee note that there is no express provision how to conduct Meetings of CAA when there is no regular Chairperson.

2.83 Responding to the above concern of the Committee during Oral Evidence, the Joint Secretary (Marine Fisheries), Department of Fisheries submitted before the Committee as under:-

'Sir, I would like to submit that under Clause 4(2) if the Chairperson is unable to attend a meeting of the Authority – that is a casual absence – 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.'

2.84 In this regard, the Joint Secretary and Legislative Counsel (Legislative Department, Ministry of Law & Justice) submitted to the Committee as under:

'Sir, actually this provision is for temporary absence of Chairperson only. It cannot be in the absence of appointed person. The Chairperson is a Judge of a

High Court in this case. Therefore, the Central Government has power under Section 4 to appoint the Chairperson and he has to be appointed.'

2.85 Elaborating further the Member Secretary, CAA stated as under:-

'Sir, for two to three years, as the hon. Member has said, we did not have a Chairman. But after that even in the absence of Chairman, we had several meetings. What we did was that we selected among the members whoever is senior like Maharashtra Secretary or Andhra Secretary. Whoever is senior among the members, that person served as a Chairperson for that particular Authority meeting. Every third month, we used to keep the Authority meeting and the Chairman used to be one person from those available members. So, like that, from 2020 to 2021 December, for two years we conducted nearly eight Authority meetings on a rotation basis.'

2.86 The Committee had exhaustive discussion on the issue of appointment of Chairperson and also had apprehensions with respect to a situation when the post of Chairperson itself remains unfilled/ vacant and also acknowledged that in the amendment Bill there is no express provision to address such a situation. The members also expressed their concern as to who would call upon the meeting of the Authority if the post of Chairperson is vacant.

Observation/Recommendation of the Committee

2.87 The Committee examined this Clause and appreciate and endorse the provision made in the Clause for nomination of a Member by the Chairperson in his absence and enabling the Members to choose one of the Members to preside over the meeting of the CAA, in case the Chairperson is absent. However, at the same time, the Committee express their concern over the fact that this Clause of the Bill is silent with respect to a situation where the post of Chairman of the Authority is vacant. However, the Committee are apprehensive as to who will call and preside over the Meeting when the post of Chairperson of the Authority is vacant. Having taken a note of this, the Committee recommend that a provision

be expressly made in this Clause to address such a situation, where the post of Chairperson itself is vacant.

Clause No. 5

Amendment Proposed in the Bill, Committees of Authority,

2.88 Insertion of new Section 7A

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.

Justification Insertion of new Section 7A.

2.89 At present, the Authority implements the Act through District Level Committees headed by District Collector and Sub-Divisional Level Committees headed by Sub-Divisional Magistrate created under CAA Rules. But there are no enabling provisions for the same in the Principal Act. To remove this gap, suitable provision has been proposed to expressly empower the Authority to appoint Committees for the efficient discharge of its duties and performance of its functions under Act. This will enable speedy processing of applications for registrations/renewal and also better monitoring and supervision at the field level. Further, *vide* Section 7A (2), the Authority is enabled to induct experts into these Committees.

Examination by the Committee

2.90 The Department of Fisheries submitting their stand on the subject stated in a written reply as under:-

'It is also relevant to add that the Coastal Aquaculture Authority Rules 2005 have been formulated in such a way to implement the Principal Act through the State Government institutional mechanisms such as Sub Divisional Committees and District Level Committee (DLC) which are headed by Revenue Divisional Officers and District Collectors respectively. The roles of the State government machinery in the implementation of the legislation have been further

enhanced and proposed to be codified in the proposed Amendment Bill. It is pertinent to mention that all the coastal states/UTs have extended their support for the amendments proposed in the Coastal Aquaculture Authority (Amendment) Bill 2023.

Thus, it may be seen that the regulation of coastal aquaculture in territorial waters under the Coastal Aquaculture Authority Act 2005 is from the stand point of coastal environment protection. Neither the Coastal Aquaculture Authority Act 2005 nor the proposed Coastal Aquaculture Authority (Amendment) Bill do not in any way, infringe on the Rights of the Coastal States to develop and promote coastal aquaculture in territorial waters. The state governments will continue to govern and manage their fisheries in territorial waters as usual. '

2.91 Responding to a query as to how the power of the Authority to constitute Committees under principal legislation be subjected to Rules to be formulated by the Government, which may lead to absolute delegation of power by CAA, the Ministry stated as under:-

'At present, the Authority implements the Coastal Aquaculture Authority Act 2005 through District Level Committees headed by District Collector and Sub-Divisional Level Committees headed by Sub-Divisional Magistrate/Revenue Divisional Officer created under Coastal Aquaculture Authority Rules. But there are no enabling provisions for the same in the Principal Act. To remove this gap, suitable provision has been proposed to expressly empower the Authority to appoint Committees for the efficient discharge of its duties and performance of its functions under Act. This will enable speedy processing of applications for registrations/renewal and also better monitoring and supervision at the field level. Further, vide Section 7A (2), the Authority is enabled to induct experts into these Committees. Similar provisions exist in the Marine Products Export Development Authority Act 1972 (MPEDA Act 1972), a union legislation of more than 50 years old, wherein the Authority has power to appoint Committees under Section 8(1) and 8(2) of MPEDA Act 1972. However, even under the MPEDA Act 1972, the power of the Authority to constitute Committees is subject to rules and regulations

formulated by the Central Government *i.e.* under Section 33 and Section 34 of MPEDA Act 1972. The composition, roles and responsibilities of the Committees constituted under MPEDA Act 1972 are only spelt out under the Rules and Regulations notified under Act. This Ministry resorted to similar approach while drafting the Coastal Aquaculture Authority Amendment Bill 2023 with regard to constitution of Committees.

The Committees are envisaged to perform only such delegated functions as may be entrusted by the Authority within the framework of the Act and detailing the functions of the committees in the Act itself is not desirable in the interest of maintaining the supremacy of the Coastal Aquaculture Authority in furtherance of the objectives of the Act. It is further submitted that the rules formulated by central government under the amended Coastal Aquaculture Authority Act will prescribe the guiding principles on the nature of the committees to be constituted, their composition, functions, terms and conditions for transaction of business and such other matters thereof, to enable the Authority to constitute various committees for the efficient discharge of its duties and performance of its functions.'

Observation/Recommendation of the Committee

2.92 The Committee examined the proposed provision of constitution of Committees for efficient discharge of the functions of the CAA. The Committee decided to accept the provisions proposed under this Clause. However, the Committee are equally concerned that the process and procedure for constituting these Committees be made transparent enough to make sure that the persons to be nominated to these Committees should have immaculate past record and relevant expertise in the subject.

Clause No. 6

Amendment Proposed in the Bill, Member Secretary of Authority,

2.93 Insertion of new Section 9A

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.

(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;

(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;

(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.

(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;

(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) 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.

Justification Insertion of new Section 9A

2.94 The roles and responsibilities of the Member Secretary of the CAA under the current Act have not been elaborated and this is resulting in administrative problems. Therefore, it has been proposed to suitably amend the Act to elaborate the roles and responsibilities of the Member Secretary so that she/he can discharge the role more effectively. Further it has been proposed to make the Member Secretary function as the Chief Executive Officer of the Authority for better control, coordination and efficient delivery of the mandates under the Act.

Observation/Recommendation of the Committee

2.95 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Clause No. 7

Provision in the Principal Act, Functions of Authority

2.96 Section 11 (1)

- (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

Amendment Proposed in the Bill

- 2.97 (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;
 - (d) to order removal or demolition of any coastal aquaculture unit which is causing pollution after hearing the occupier of the unit;

Justification Amendment of Sub Section 1

2.98 Editorial change to substitute the word 'farm' with 'unit' to cover all the verticals of coastal aquaculture under the ambit of this Act.

Comments/Observation/Recommendation of the Committee

2.99 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill, (New Insertion)

2.100 (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;

Justification New Insertion

2.101 The provisions for Aqua Zonation, will enable disease free coastal aquaculture farming with varying technological innovations through mapping of potential areas and aqua zonation for the sustainable development of all coastal aquaculture verticals.

Examination by the Committee

2.102 Replying to a suggestion proposed by one of the stakeholders that the proposed words "as may be notified by the Central Government" be replaced with the words "as may be notified by the Central Government in consultation with respective Coastal States/UTs" the Department replied as under:-

'Clause (da) of Subsection (1) of Section 11 provides for the powers of the Authority 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. Considering that the Authority in its composition has the representation of the State Government, an express mention in the said subclause has not been considered.'

Comments/Observation/Recommendation of the Committee

2.103 The Committee deliberated upon the proposal made in the clause in the light of the concerns raised by stakeholders and the justification given by the Department and decided to accept the amendment proposed.

Amendment Proposed in the Bill

2.104 (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;

Justification - New Insertion

2.105 Rise of anti-microbial resistance because of indiscriminate use of anti-biotics in aquaculture is a major concern. To tackle this, the aquaculture inputs and pharmacologically active substance or anti-microbial agents have been suitably defined. Further, prohibition of the use of pharmacologically active substances or anti-microbial agents or any other material which may cause harm to human health including use of aquaculture inputs containing such substance, agent or material has been proposed under Section 12A of the amendment Bill for protection of coastal environment and public health. At present, the certification of inputs is being undertaken by CAA through Guidelines as a voluntary programme.

Examination by the Committee

2.106 The Committee noted that aqua-culturists use drugs/pro-biotics and production boosters sold by companies, which have no valid and verified content labeling. The Committee find that sometimes the export shipments are rejected on ground of residues of these banned drugs, pro-biotics, production boosters and anti-biotics. In this backdrop, the Committee enquired whether there is any accredited Authority/Agency in the country, which can test or certify these drugs/production boosters etc available in the market to be free of banned antibiotics and chemicals so that the Shrimp/fish and their product do not get antibiotic residual level beyond the acceptable limit or zero level. Responding to this concern of the Committee, the Ministry stated as under:

'The use of Antibiotics and Pharmacologically active substances are not permitted in Coastal Aquaculture as provided in the Coastal Aquaculture Authority Guidelines. In order to enforce the same, Coastal Aquaculture Authority is implementing a voluntary certification programme and is issuing Certificate of Compliance for Antibiotic Free Aquaculture Inputs. Coastal Aquaculture Authority has issued necessary advisory encompassing labelling requirements and use of ' Antibiotic Free' logo on the label based on the certification from the Authority. Further, in the present Amendment Bill, under clause (iv)(db) of sub-section (1) of Section 11 under the Functions of the Authority, provision has been made "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. Necessary detailing will be done while framing the Rules and Guidelines.'

Comments/Observation/Recommendation of the Committee

2.107 The Committee were informed that Shrimp farmers use certain drugs/production boosters so as to improve the quality and productivity of their Shrimp produce. However, at times these drugs/production boosters containing banned antibiotic/ chemical contents and their residues are found in the final product during the testing by the Export Inspection Authority (EIA). The Committee further came to know that the export shipments having residues of such banned chemicals/drugs/anti-biotics are out rightly rejected by the importing countries.

After having deliberated on the issue and the replies of the Department, the Committee are of the opinion that lack of content labeling on these drugs/production boosters is the major cause of concern and thus the voluntary certification programme being implemented by the Coastal Aquaculture Authority issuing certificates for antibiotic-free Aquaculture Inputs should be made mandatory. The Committee also desire that the aquaculture unit holders should

know the contents of the aquaculture inputs they are using so that their produce is not rejected at later stage.

Amendment Proposed in the Bill

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

Justification - New Insertion

2.109 Disease prevention is key to success of coastal aquaculture. Accordingly, specific provisions for Aqua Zonation, Specific Pathogen Free (SPF) certification, establishment of NBCs and BMCs which are key to the production of disease-free stocks. Though these aspects have already been looked after through the guidelines, it is felt that express mention of the same in the Act will help in better administration of such guidelines.

Observation/Recommendation of the Committee

2.110 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill

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

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;

Justification New Insertion

2.112 The waste water discharge from the aquaculture units are to be monitored for their standards as they are being discharged into the natural systems. The authority is empowered to fix or adopt standards for the waste water being discharged or any other emission being made from the facility to promote the environmental sustainability.

Comments/Observation/Recommendation of the Committee

2.113 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill

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

Justification New insertion

2.115 To authorize the authority to publish information on coastal aquaculture.

Comments/Observation/Recommendation of the Committee

2.116 After due deliberations, the Committee feel that dissemination of relevant information regarding coastal aquaculture is a welcome step and thus, the Committee accept the amendment proposed.

Provision in the Principal Act

2.117 11 (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.

Amendment Proposed in the Bill

2.118 (2) For the word "farm" at both places where it occurs, the word "unit" shall be substituted.

Justification Amendment of Sub Section 2

2.119 Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture under the ambit of this Act.

Comments/Observation/Recommendation of the Committee:

2.120 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Clause No. 8

Provision in the Principal Act, Power to enter

2.121 **Section 12**

#Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, where ever 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 ----

- (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.

Amendment Proposed in the Bill

2.122 (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 and cost of damage to the environment, if any, assessed in such manner as may be prescribed.

Justification Amendment of Section 12

2.123 #Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture under the ambit of this Act.

*Editorial changes in this proviso.

**Insertion of new provisos. To empower the authority to waive the requirement of notice on case to case basis to enter into any facility and to carry out its functions efficiently under the mandate of the Act. Further Coastal Aquaculture Authority Act being a law mandated to safeguard the coastal environment, certain punitive actions are required in the Act to deter the violators. Accordingly, a combination of suitable monetary and other penalties has been proposed in lieu of imprisonment under the Act applying the 'polluter pays principle'.

Examination by the Committee

2.124 Responding to the need to define 'such cases' and 'such reasons' which sound very vague, occurring in the above proposed proviso, the Department submitted in writing as under:-

'The proviso to Section 12 has been proposed to empower the authority to waive the requirement of notice on case to case basis to enter into any facility and to carry out its functions efficiently under the mandate of the Act. It is submitted that as matter of abundant caution, power to waive the requirement of notice has been vested with the Authority and not with the field officers to ensure that there is sufficient justifiable cause to enter the facilities without the notice to maintain the element of surprise.

The Authority being the apex body to decide on the matter, it is proposed to leave it to the wisdom of the Authority on the field level requirements arising from time to time for which the waiver is to be granted instead of prescribing the same either under the Act or under the rule. Further Coastal Aquaculture Authority Act being a law mandated to safeguard the coastal environment, certain element of surprise is required to deter the violators. Further, the issues which necessitates entry and inspection without notice are quite dynamic and evolving, and hence, it is neither desirable nor feasible to list such cases in the Act itself and the objectives of the legislation are best served if such matters are left to the prudence of the Authority.'

2.125 Responding to the concern of the Committee regarding the ambiguity and vagueness of these words *i.e.* 'such cases' and 'such reasons', the Joint Secretary (Department of Fisheries) during the Oral Evidence submitted as under:

Yes, Sir. In Section 12 of the Principal Act, at present, power of the authority to enter into coastal aquaculture, ponds without giving 24 hours notice we cannot enter into any aquaculture establishment. Right now we are bringing a small amendment to it. It is because it was the suggestion which actually emanated from the MPEDA. Someone is using antibiotics and we are not able to go to check it. Hon. Committee suggested whether it is too much power given to just enter into the premises and taking action. Therefore, it is not kept at the field level. Where the committee considers in exceptional cases, the authority can give a direction and not the field inspectors. Assistant Fishery Officer cannot directly enter into any premises. In exceptional cases Where there is some illegality, we have to see something completely, authority will be having the power to enter into it. Basically, this is to protect the vibrations. No one will be able to prove that someone is using antibiotics in 24 hours notice. The Committee will use its wisdom. In those cases of habitual offenders, they may invoke this as an exception. But we did not give full powers to the field level organizations in the amending Bill. This is only an exception power only with the approval of the authority. Authorization approval can be done.

2.126 During deliberations on the issue and after having heard the views of all the agencies involved, the Committee expressed their concern with respect to the blanket powers of the proviso being added to Section 12 of the Principal Act which empowers the Authority to waive the requirement of Notice on case to case basis to enter into any facility and to carry out its functions efficiently under the mandate of the Act.

The Committee expressed their apprehension that this proviso may take the form of a raid and become a mechanism to harass the marginal Aquaculture Farmers. Allaying the apprehension of the Committee, the representatives of the Department during the oral evidence categorically made it clear that the said

proviso would not empower any local officer to conduct the said inspection on its own whims and fancies but with the express and exclusive approval of the Authority on case to case basis.

Comments/Observation/Recommendation of the Committee

2.127 After elaborate discussion and assurance given by the Department to use this power- to waive the requirement of notice on case to case basis to enter into any facility- with the mandatory permission of the Authority, the Committee accept the said amendment. However, the Committee desire that the Department should take necessary measures and put in place adequate safeguards so as to prevent the misuse of the provisions of the amendment proposed.

Clause No. 9

Amendment Proposed in the Bill, 12A. Prohibition of certain materials

2.128 Insertion of New Section 12A

12A. The Authority may, by an order, prohibit the use, in any coastal 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 as may be specified under clause (a).

Justification Insertion of new Section 12A

2.129 Rise of anti-microbial resistance because of indiscriminate use of anti-biotics in aquaculture is a major concern. To tackle this, the aquaculture inputs and pharmacologically active substance or anti-microbial agents have been suitably defined. Further, prohibition of the use of pharmacologically active substances or anti-microbial agents or any other material which may cause harm to human health including use of aquaculture inputs containing such substance, agent or material has been proposed for protection of coastal environment and public health.

Examination by the Committee

2.130 Responding to a specific query as to why not the words 'harmful to human health' be substituted with words 'harmful to coastal ecosystem including human health', the Department replied in writing as under:-

'The rise of anti-microbial resistance because of use of antibiotics in primary livestock production systems is a major concern. To tackle this issue in coastal aquaculture, the aquaculture inputs and pharmacologically active substance or anti-microbial agents have been suitably defined. Further, prohibition of the use of pharmacologically active substances or anti-microbial agents or any other material which may cause harm to human health including use of aquaculture inputs containing such substance, agent or material has been proposed for protection of public health. Coastal ecosystem being complex and vast, determination of harm to the ecosystem is subjective and hence not proposed. However, necessary and substantial provisions have been made available under the Act for safeguarding the coastal environment.'

Comments/Observation/Recommendation of the Committee

2.131 The Committee found the arguments forwarded by the Department convincing. The Committee, therefore, accept the amendment proposed.

Clause No. 10

Provision in the Principal Act, Registration for Coastal Aquaculture

2.132 Section 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 subsection (9), as the case may be.

Amendment Proposed in the Bill

2.133 For the word "farm", the word "unit" shall be substituted.

Justification

2.134 Amendment of Section 13

Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood Stock Multiplication Centers (BMC) and Aquaculture inputs under the mandate of the Act.

Comments/Observation/Recommendation of the Committee

2.135 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Provision in the Principal Act

2.136 (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
- (c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.

Amendment Proposed in the Bill

2.137 In sub-section (3), the following proviso shall be inserted, namely:-

"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."

Justification

2.138 Amendment of Sub Section (3)

No change in these clauses (a), (b) and (c)

A 'proviso' has been added as demanded by some state government in view of the state government policies relating to lease tenure.

Examination by the Committee

2.139 The Department in their written replies pertaining to the tenure of Registration submitted as under:-

'The thrust of the Coastal Aquaculture Authority Act 2005 is to regulate coastal aquaculture with an aim to protect coastal environment. Therefore, it is not desirable to allow long tenure of registration from the stand point of environmental sustainability. Hence, no revision has been proposed in the existing period of validity of five years as contained in the Principle Act. It is relevant to mention that registration of Coastal Aquaculture undertaken on leased lands is also permitted. Definition in the Section 2 (ec) of the Amendment Bill, clarifies 'owner' to mean to include lessee and sub-lessee. It is pertinent to mention that the registration is against an activity i.e. here coastal aquaculture activity and hence independent of land lease. It is also relevant to mention that the Sub-section (3) of Section -13 of the Principal Act reads as follows:

“ (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

(c) shall be in such form and shall be subject to such conditions as may be specified by the regulations”

While the language of Sub-section 3(a) and (c) with word “shall” makes it absolute, Sub-section 3(b) with word “may” offers flexibility. Therefore, this provision can be invoked while renewing the registration for period lesser than 5 years. Hence, there may not be any difficulty in availing financial assistance under Pradhan Mantri Matsya Sampada Yojana (PMMSY) on land taken on lease for 7 years.'

Comments/Observation/Recommendation of the Committee

2.140 The Committee accept the justification given by the Department for not allowing registration of Units for longer tenure i.e. beyond five years as has been prescribed in the Principal Act from the standpoint of environmental sustainability. However, the Committee note that as there is no substantive amendment proposed under this section 13 (3) (a), (b) and (c) and only a proviso limiting the registration period specified under clause (a) or clause (b) as the case

may be, has been proposed to be inserted. The Committee, therefore, accept the amendment proposed.

Provision in the Principal Act

2.141 (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 subsection (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 or registration in the prescribed form to the person who has made the application for such registration.

Amendment Proposed in the Bill

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

Justification

2.143 Amendment of sub-section (4), (5) & (6)

Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood stock Multiplication centers (BMC) and aquaculture inputs under the mandate of the Act.

Examination by the Committee

2.144 Responding to justification regarding uniform registration fee for both small and big aquaculture/hatchery etc Units, the Department stated as under:-

'Section 13 (4) of the Principal Act provides that " 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). Currently, the registration fee has been prescribed on per hectare water spread area basis in three slabs viz. a) upto 5 hectares b) above 5 hectares and up to 10 hectares and c) above 10 hectare in the CAA Rule. Hence, the small farmers pay lesser amount compared to big unit holders. The prevailing registration fee up to 5 hectares water spread area is at the rate of Rs 200 per hectare (or a fraction there of) subject to a minimum of Rs 500. This shows that the registration fee is already on the lower side for farmers up to 5 hectares water spread area (or a fraction there of). So there is no plan to waive off or reduce the cost of registration.'

Comments /Observation/Recommendation of the Committee

2.145 The Committee find the justification put forth by the Department regarding the amount of registration fee for small and big farmers just and rational. After having deliberated upon the amendments proposed in sub-section (4), (5) & (6) of Section 13 of the Principal Act, the Committee find nothing objectionable therein and therefore, accept the amendment proposed.

Provision in the Principal Act

2.146 (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 or such farm shall not be detrimental to the coastal environment.

Amendment Proposed in the Bill

2.147 (7) In the case of a farm comprising more than two hectares of water 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.

Justification:- Substitution of Sub Section (7)

2.148 Registration is the first step to establish traceability which is demanded by the importing countries and therefore it is essential that all the compliant units are registered, and no one is kept pending because of procedural issues. Hence, to provide for the prohibition on operation without the registration for all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood Stock Multiplication Centers (BMC) and coastal aquaculture farm comprising more than two hectares of water spread area under the mandate of the Act.

Comments of Stakeholders

2.149 One of the Stakeholders suggested that the percentage of water spread area of total farm area be increased from 60% to 75% as some farmers have smaller area and can use maximum land for Shrimp farming. Responding to this, the Ministry stated that:

'This will be considered and detailed while framing the Rules and Guidelines based on the factual positions.'

Observation/Recommendation of the Committee

2.150 The Committee held elaborate discussions with the Stakeholders and examined the replies put forth by the Department. The Committee are of the considered opinion that the percentage of water spread area of total farm area may be increased from 60% to 75% atleast for the small farmers. The Committee impress upon the Department to consider it while framing the Rules, Regulation and Guidelines in this regard. Apart from this, the Committee accept the amendment proposed by substituting sub-section (7) of Section 13.

Provision in the Principal Act

2.151 13 (8) Notwithstanding anything contained in this Section, ---

- (a) no coastal aquaculture shall be carried on within two hundred meters 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:

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.

Amendment Proposed in the Bill

2.152 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;
- (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;
- (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;

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;
- (ii) the expressions “ecologically sensitive areas”, “geo-morphological features”, “No Development Zone”, “buffer Zone” and “Coastal Regulation Zone” shall have the same meaning as defined in the Coastal Regulation Zone notification issued under the Environment (Protection) Act, 1986;

Justification Amendment of Sub Section (8)

2.153 At present, the CAA Guidelines in sync with CRZ notification do not permit coastal aquaculture activities in the Ecologically Sensitive Areas (ESAs) and Geo-morphological areas for environmental sustainability. While this provision already exists through CAA Guidelines, there is no enabling provision in the Principal CAA Act for its legal validity and effective implementation. Therefore, it is proposed to make an express provision in the Principal Act 13(8a) in harmony with CRZ Notification.

Section 13(8) of the Principal Act prohibits coastal aquaculture within the “No Development Zone” which is 200 meter from the High Tide Line (HTL) towards the landward side and in the creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ). At the time of promulgation of the Act, only coastal aquaculture activity was shrimp farms. Since farms can occupy lakhs of acres it was considered to ban them within this sensitive 200 m zone. However, this provision has been construed to be applicable for the hatcheries by the National Green Tribunal in its recent judgement. Hatcheries were always an exempted activity in the above No Development Zone as per CRZ Notifications 1991 and 2011 and now permitted and regulated activity under CRZ Notification, 2019 and are allowed to be established even in CRZ IB area i.e. intertidal zone (from HTL towards seaward side) which is much more sensitive than the No Development Zone of 200 meters). Further hatcheries and similar units of Brood Stock Multiplication Centres (BMCs) and Nucleus Breeding Centres (NBCs) need to be established on the coast to get adequate supply and access to quality seawater. Without considering this position, NGT has viewed that hatcheries cannot exist in No Development Zone as they are not

permitted as per Section 13(8) (a) of Principal Act. To address this issue once for all, it is proposed to amend Section 13(8) of CAA Act, 2005 to provide for permitting hatcheries and similar activities like Brood Stock Multiplication Centres and Nucleus Breeding Centres within the No Development Zone under the Act.

Further, Section 13(8) (b) of the Principal Act prohibits coastal aquaculture in the creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ). This was done because in 2005 only form of aquaculture was shrimp farms, and they were being set up in these water bodies by putting up bunds and altering the character of the water bodies. Now newer forms of coastal aquaculture such as cage culture, seaweed culture, bi-value culture etc. have come up which can only be done in these areas, and which do not cause any damage to such waterbodies. These activities are very remunerative and also have the potential for creating large scale employment opportunities for coastal fisher communities especially fisherwomen. Therefore, it is intended to make these activities permissible in creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ) by suitably amending the Section 13(8) of the CAA Act.

Editorial change to substitute the word farm with unit to cover all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood stock Multiplication centers (BMC) and Aquaculture inputs under the mandate of the Act.

Substitution of "*Explanation*"

To synchronize the provisions under Section 13(8) with the provisions of CRZ Notification issued under Environment (protection) Act.

Examination by the Committee

2.154 Responding to the concern of the Committee regarding legal implications of the new provisions proposed in the Clause (a) and (b) of sub-section 8 of Section 13 of the Act, 2005, *w.e.f.* 16th December, 2005, the Department stated as under:-

'At present, the CAA Guidelines in sync with CRZ notification do not permit coastal aquaculture activities in the Ecologically Sensitive Areas (ESAs) and Geomorphological areas for environmental sustainability. While this provision already exists through CAA Guidelines, there is no enabling provision in the Principal CAA Act for its legal validity and effective implementation. Therefore, it is proposed to make an express provision in the Principal Act 13(8a) in harmony with CRZ Notification.

Section 13(8) of the Principal Act prohibits coastal aquaculture within the "No Development Zone" which is 200 meter from the High Tide Line (HTL) towards the landward side and in the creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ). At the time of promulgation of the Act, only coastal aquaculture activity was shrimp farms. Since farms can occupy lakhs of acres it was considered to ban them within this sensitive 200 m zone. However, this provision has been construed to be applicable for the hatcheries by the National Green Tribunal in its recent judgement. Hatcheries were always an exempted activity in the above No Development Zone as per CRZ Notifications 1991 and 2011 and now permitted and regulated activity under CRZ Notification, 2019 and are allowed to be established even in CRZ IB area i.e. intertidal zone (from HTL towards seaward side) which is much more sensitive than the No Development Zone of 200 meters). Further hatcheries and similar units of Brood Stock Multiplication Centres (BMCs) and Nucleus Breeding Centres (NBCs) need to be established on the coast to get adequate supply and access to quality seawater. Without considering this position, National Green Tribunal (NGT) has viewed that hatcheries cannot exist in No Development Zone as they are not permitted as per Section 13(8) (a) of Principal Act. To address this issue once for all, it is proposed to amend Section 13(8) of CAA Act, 2005 to provide for permitting hatcheries and similar activities like Brood Stock Multiplication Centres and Nucleus Breeding Centres within the No Development Zone under the Act.

Further, Section 13(8) (b) of the Principal Act prohibits coastal aquaculture in the creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ).

This was done because in 2005 coastal aquaculture was essentially shrimp farms, and they were being set up in these water bodies by putting up bunds and altering the character of the water bodies. Now newer forms of coastal aquaculture such as cage culture, seaweed culture, bi-value culture etc. have come up which can only be done in these areas, and which do not cause any damage to such water bodies. These activities are very remunerative and also have the potential for creating large scale employment opportunities for coastal fisher communities especially fisherwomen. Therefore, it is intended to make these activities permissible in creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ) by suitably amending the Section 13(8) of the CAA Act.

This will protect a large number primary production infrastructure such as Hatcheries and brood Stock Multiplication centers which had already been established within the No Development Zone as per the exemption granted under CRZ Notifications of 1991 and 2011. The regulations and environmental safe guard required under the Coastal Aquaculture Authority Act is much stringent than CRZ notifications. Accordingly, it is submitted that these provisions are in sync with the provisions of CRZ notification and hence there is no adverse legal implications.

Further, in order to validate the costal aquaculture activities undertaken subsequent to supersession of CRZ Notification 1991, suitable amendments to Sub-section 8 of Section 13 of the Principal Act including insertion of a new Sub-section (3) in Section-28 have been proposed in the Amendment Bill.'

2.155 The Department further stated:-

'Ecologically Sensitive Zones and Geomorphological features are highly fragile ecosystems and any anthropogenic activities will have a major impact on their eco system. At present, the CAA Guidelines in sync with CRZ notification do not permit coastal aquaculture activities in the Ecologically Sensitive Areas (ESAs) and Geo-morphological areas for environmental sustainability. While this provision already exists through CAA Guidelines, there is no enabling provision in the Principal CAA Act for its legal validity and effective implementation. Therefore, it is

proposed to make an express provision in the Principal Act 13(8a) in harmony with CRZ Notification.'

2.156 The Department also added-

'Section 13(8) of the Principal Act prohibits coastal aquaculture within the "No Development Zone" which is 200 meter from the High Tide Line (HTL) towards the landward side and in the creeks, rivers and backwaters within the Coastal Regulation Zone (CRZ). While in contrary, CRZ notification 2019, prescribes 50m from the HTL is applicable to Rivers creeks and back waters and is being changed from time to time, Section 13(8) (a) of the principal Act imposed a blanket ban on coastal aquaculture upto 200m from HTL both in the case of Sea and creeks, rivers and backwaters.

Hence, the proposed amendment in 13(8)(b) clarified with the term 'No Development Zone" instead of " 200m from HTL" in the case of Sea and "Buffer Zones" instead of " 50m from the HTL" in the case of Rivers, creeks and back waters. Hence any change in the landward side area as no development zone or buffer zone will be accommodated under the provisions of the Act without seeking any amendment in the Act.'

Comments/Observation/Recommendation of the Committee

2.157 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Provision in the Principal Act

2.158 13 (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 Forests (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 utilize such farm, within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.

Amendment Proposed in the Bill

2.159 For the word "farm", wherever it occurs, the words "unit" shall be substituted;

Justification Amendment of Sub Section (9)

2.160 In tandem with the changed scope and application of the Act to register the other verticals of the coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood Stock Multiplication Centers (BMC) and Aquaculture inputs under the mandate of the Act.

Comments/Observation/Recommendation of the Committee

2.161 The Committee examined and deliberated upon the proposed amendment which is editorial in nature and the Committee, therefore, accept the amendment proposed.

Provision in the Principal Act

2.162 13 (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).

Amendment Proposed in the Bill

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

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

"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."

Justification Amendment of Sub Section (10)

2.164 Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood

Stock Multiplication Centers (BMC) and Aquaculture inputs under the mandate of the Act.

The Principal Act did not have any provision for delayed application for renewal. Now provision has been made for condoning the delay in submitting the application for renewal of the registration with a compounded fee. This will ensure that the farmers are not put into undue difficulty because of minor slips.

Comments/Observation/Recommendation of the Committee

2.165 The Committee appreciate the provision added by the Department with respect to condoning the delay in submission of the application for renewal of the registration in the Amendment Bill. The Committee decided to accept the amendment proposed.

Provision in the Principal Act

2.166 13 (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 utilize 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 purpose 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.

Amendment Proposed in the Bill

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

Justification Amendment of Sub Section (11)

2.168 Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood Stock Multiplication Centers (BMC) and Aquaculture inputs under the mandate of the Act.

Comments/Observation/Recommendation of the Committee

2.169 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Amendment Proposed in the Bill

New Insertion

2.170 13 (12) The Authority may vary, amend or modify the certificate of registration issued under this section, in such manner as may be prescribed.

(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.

Justification Insertion of new Sub Section (12) and (13)

2.171 Under the current Act, re-registration in case of changes in ownership or size of the activity causes huge delay in effecting the registration. The present amendment provides for effecting changes to the certificate of registration in case of changes in ownership or size of the activity vide Section 13(12) and for providing new certificate in case of mutilation, damage or loss of certificate, etc. vide Section 13 (13).

Examination by the Committee

2.172 In response to a concern of the Committee regarding online registration and renewal of registration, the Department of Fisheries justifying further the need to insert two new sub-sections 12 and 13 under Section 13 of the Act, 2005, regarding the registration process and issuing of certificate, submitted as under:-

'It is submitted that the Coastal Aquaculture Authority has already launched the electronic delivery of digital certificates on Friday, 23rd March, 2023 as a part of transparency and promoting ease of doing business. Further, a larger

frame work of Online Registration portal for end to end digitization of the registration process is being developed under the National Single Window Portal initiative of Government of India. However, considering a large number of small scale farmers involved in coastal aquaculture and their limited access to digital systems, an enabling provision has been proposed in the amendment bill to empower the authority to grant a duplicate certificate in the event of the certificate of registration issued under this Act being defaced or mutilated or lost.'

2.173 Responding to the query of the Committee whether the registration and renewal of registration can be done online, the Joint Secretary (Department of Fisheries) during oral evidence submitted before the Committee as under:-

To start with, one-and-a-half months ago, already on the mobile phone just like we can download medical reports, we can get online registration digital certificates. We have already started so that there is no human interface. We have already brought that reform. For the first six months, one year, his original copy was not available. Now, they can immediately download it. There is no need to go to the Coastal Aquaculture Authority for that. We are also doing the entire back-end process online. Application online, process online, no meeting the people, report from documentation field and complete step by step final print out is also online.

Observation/Recommendation of the Committee

2.174 The Committee appreciate the initiative undertaken by the Department for providing Digital Registration Certificates as part of transparency and promoting ease of doing business. However, the Committee feel that a large number of farmers are poor and small farmers, who might not have electronic gadgets to access digital systems or internet and hence desire that alternate measures should be put in place to address such hardships and handicaps to make sure that small farmers do not have to face any inconvenience in this regard. However, having taken entire perspective of the proposed Insertion of New Sub-Sections (12) and (13), the Committee decided to accept the amendments proposed.

Clause No. 11

Authorization of officers

2.175 Insertion of New Section 13A

13A. (1) The Authority may, by an 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.

(2) The Central Government may, by notification, authorize 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, authorize 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: —

- a) summoning and enforcing the attendance of witnesses;
- b) requiring the discovery and production of documents;
- 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.

Justification: Insertion of new Section 13A

2.176 In tandem with the amendment of Punishment, the consequential provisions have been made for Authorized officers and Adjudicating authorities. In section 14 (A), provisions for appeal against orders passed under section-14 have been proposed. This has become necessary as the cases will no longer go to courts which have an existing system of appeals and revisions.

Comments of Stakeholders

2.177 The Department of Fisheries and Fishermen Welfare, Government of Tamil Nadu suggested that

'The Assistant Director of Fisheries belonging to the State Fisheries Department shall be the Authorized Officer'.

The Joint Director, Department of Fisheries, Kerala also suggested as under:-

'As regards the Authorization Officers, our suggestion is that instead of Assistant Directors, the Deputy Directors of Fisheries should be the Authorization Officers.'

Observation/Recommendation of the Committee

2.178 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Clause No. 12

Provision in the Principal Act, Punishment for carrying on coastal aquaculture without registration

2.179 Section 14

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.

Amendment Proposed in the Bill

2.180 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: —

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

Table

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	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.

		, other than non-registration			
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
3	Use of materials prohibited under section 12A	Contravention of the provisions clause (a) or clause (b) of section 12A	Rupees fifty thousand	Rupees seventy-five thousand	Rupees one lakh

Justification Substitution of Section 14

2.181 Section 14 of the CAA Act, 2005 provides for punishment for carrying on coastal aquaculture without registration under CAA Act, 2005. The punishment being imprisonment for a term which may extend to three years under the Act or a fine which may extend to one lakh rupees, or both. The farmers and other stakeholders are of the view that since this provision is a draconian punishment and the same needs to be replaced with alternative penal provisions as aquaculture is primarily a farming activity undertaken by farmers. Keeping in view, the efforts being made by the Government of India to decriminalize minor offences under various laws and that non-registration is

minor offence, it is now proposed to remove the imprisonment provision by amending Section 14 of CAA Act, 2005.

Coastal Aquaculture Authority Act being a law mandated to safeguard the coastal environment, certain punitive actions are required in the Act to deter the violators. Accordingly, a combination of suitable monetary and other penalties has been proposed in lieu of imprisonment under the Act applying the 'polluter pays principle'. Accordingly, the non-registration of coastal aquaculture unit and noncompliance of the provisions of the statute is proposed to be dealt with by suspension or stoppage of the coastal aquaculture activity, imposition of penalty, removal of any structure or standing crops, suspension or cancellation of registration under the amended section-14. The proposed penalties for non-registration and noncompliance of the provisions of the Act would be adjudicated and imposed by the officers authorized for the purpose, following "principles of natural justice". Due care has been taken to ensure that the penalties are not excessive and the upper limit does not exceed the amount already prescribed in the Principal Act. Further, efforts have been made to remove discretionary powers of adjudicating and appellate authorities.

Examination by the Committee

2.182 Responding to whether it would not be appropriate if in place of 'as may be specified in that order' should be replaced with 'as specified under section 14', the Department stated as under:-

'Section 14 of the Coastal Aquaculture Authority Act, 2005 provides for punishment for carrying on coastal aquaculture without registration under Coastal Aquaculture Authority Act, 2005. The proposed penalties for non-registration and noncompliance of the provisions of the Act would be adjudicated and imposed by the officers authorized for the purpose, following "principles of natural justice". In tandem with the amendment of punishment in Section 14, the consequential provisions have been made by the insertion of new section 13 (A), for Authorized officers, Adjudicating and Appellate authorities.

As per Section 13A, the Authority may, by an order, authorize an officer of the authority/state government/central government not below the rank of an Assistant Director Fisheries in the District to function as Authorized Officer to exercise such powers and to discharge such duties and perform such functions as may be prescribed in that order. The Authorized Officer is the key official under the Act who plays vital role in furtherance of the objectives of the Act. At the same time, it is important to clearly prescribe through an order, the duties, roles and responsibilities of the Authorized officer to avoid ambiguity, discretion and abuse of power. Hence the words 'as may be specified in that order' have been appropriately mentioned in section 13 A (1). At the same time, language 'as may be specified in that order' would also leave a window to the Authority to entrust, if necessary, such other non-punitive functions to the Authorized Officer in addition to his core mandates under Section-14 of the Act. Therefore, replacing 'as may be specified in that order' with 'as specified under Section-14' would confine/limit the roles of the Authorized officer to the mandates under Section -14 of the Act which may not be desirable.'

2.183 Responding to the concern of the Committee as to whether decriminalization may lead to more violation the provisions of the Act, the Department submitted as under:-

'In its 17 years of operation, the Coastal Aquaculture Authority has brought in several regulations and procedures to enable orderly development of the coastal aquaculture sector. Further, it is also pertinent to mention that since the time of promulgation of the Act in 2005, the coastal aquaculture has come a long way with improvements in technology and culture practices and the polluting potential of coastal aquaculture especially shrimp culture has declined substantially. Notwithstanding this, Coastal Aquaculture Authority Act 2005 being a law mandated to safeguard the coastal environment, certain punitive actions are required in the Act to deter the violators. Section -14 of the Principal Act provides for punishment for carrying on coastal aquaculture without registration with imprisonment for a term which may extend up to 3-years or with fine which may

extend to one lakh rupees, or with both. However, in practice, no criminal case has been registered by invoking Section 14 of the Act till date and no one has ever been punished with imprisonment. This shows that the objectives of the legislation have been achieved without the need for invoking the punishment of imprisonment. In recent times, farmers and other stakeholders are of the view that the provision of punishment with imprisonment needs to be replaced with alternative penal provisions as coastal aquaculture is primarily a farming activity undertaken by farmers.

Keeping in view, the efforts being made by the Government of India to decriminalize minor offences under various laws and that non-registration is minor offence, it is now proposed to remove the imprisonment provision by amending Section 14 of Coastal Aquaculture Authority Act, 2005. However, a combination of suitable monetary and other penalties has been proposed in lieu of imprisonment under the Act. Accordingly, the non-registration of coastal aquaculture units and noncompliance of the provisions of the statute is proposed to be dealt with by suspension or stoppage of the coastal aquaculture activity, imposition of penalty, removal of any structure or standing crops, suspension or cancellation of registration under the amended Section-14. The proposed penalties for non-registration and noncompliance of the provisions of the Act would be adjudicated and imposed by the officers authorized for the purpose, following "principles of natural justice". Also suitable provision has been proposed to impose and recover the damages to environment by invoking the "polluter pays principle" and any unpaid dues will be recovered as arrears on land revenue. These revisions are likely to enable the operationalization and implementation of the provisions of the Act in an efficient manner and decriminalization of the Act may not lead to more violations of the provisions of the Act.'

2.184 Submitting further, the Department stated:-

'The Principal Act mandates registration for all coastal aquaculture operations including traditional coastal aquaculture. Further, the Act under Section

14 also provides for imprisonment for a term which may extend to 3 years or with fine which may extend to Rs 1 lakh or with both for carrying coastal aquaculture without registration. The Section-14 of the principal Act does not provide for any relaxation to traditional fish farmers. When provision has been made under the Amendment Bill to decriminalise the Principal Act by doing away with imprisonment and replacing with a set of monetary and other penalties, the same spirit has been maintained and no distinction has been proposed between traditional and non-traditional aquaculture. Care has been taken to keep the monetary penalties to bare minimum. Further, the Amendment to Section 14 of Principal Act provides for a basket of options as non-monetary penalties. The Department while making Rules may prescribe lower level of non-monetary penalties to protect the interests of traditional fish farmers.'

Comments/Observation/Recommendation of the Committee:

2.185 The Committee are quite appreciative of the exercise done by the Department in drafting the provisions of proposed amendment. The Committee deliberated at length upon all the proposed provisions of the Amendment. The Committee, therefore, decided to accept the amendment proposed in Section 14 of the Principal Act by replacing it with New Section 14 (a), (b), (c), (d) and (e).

Amendment Proposed in the Bill, Appeal

2.186 Insertion of New Section 14A

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:

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:

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.

(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—

(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.

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

Justification Insertion of new Section 14A

2.187 In tandem with the amendment of Punishment, the consequential provisions have been made for Authorized officers and Adjudicating authorities. In section 14(A), provisions for appeal against orders passed under section-14 have been proposed. This has become necessary as the cases will no longer go to courts which have an existing system of appeals and revisions.

Comments/Observation/Recommendation of the Committee

2.188 The Committee note that insertion of New Section 14A consequent upon the proposed provisions in Section 14 of the Bill is logical and rational to deal with appeals to the Appellate Authority. The Committee feel that this New Section 14A would deal in tandem with the amendment of punishment. The Committee were apprised that this became necessary as the cases will no longer go to

Courts which have an existing system of appeals and revisions. The Committee, having examined and deliberated upon the proposed provisions under New Section 14A, decided to accept the amendment proposed.

Clause No. 13

Amendment Proposed in the Bill, Arrears of cost and penalty recoverable as arrears of land revenue,

2.189 Insertion of New Section 22A

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.

Justification

2.190 Insertion of New Section 22A for recovery of the unpaid dues of penalty under section 14, which would be recoverable in the same manner as an arrear of land revenue.

Comments/Observation/Recommendation of the Committee

2.191 The Committee deliberated upon the proposal made in the clause including the justification given by the Department and decided to accept the amendment proposed under the clause.

Clause No. 14

Provision in the Principal Act, Power to Central Government to make rules

2.192 Section 24

(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:-

- (a) the guidelines under section 3;
- (b) the salaries and allowances payable to, and the other terms and conditions of service of, the members under sub-section (5) of section 4;

Amendment Proposed in the Bill

2.193 Insertion of new clauses

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;

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

(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;

(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;

Justification

2.194 Consequential Changes due to the amendment of Section 11.

Comments/Observation/Recommendation of the Committee

2.195 The Committee note that consequential changes have been proposed by amending Section 24(2) of the Principal Act by proposing amendment in Sub-Section 2. The Committee think that the changes are administrative in nature only. The Committee, therefore, decided to accept the consequential changes.

Provision in the Principal Act

2.196 (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;

Amendment Proposed in the Bill

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

Justification 2.197 Editorial Change to replace farm with units Consequential Changes due to a new insertion of proviso in Section 12

Comments/Observation/Recommendation of the Committee

2.198 The Committee accept the amendment proposed as there is only an editorial change to replace 'farm' with 'units' due to consequential changes proposed by way of New Insertion of proviso to Section 12.

Amendment Proposed in the Bill, New Insertion

- 2.199 (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;
- (fc) the procedure and period under the proviso to sub-section (3) of section 13;

Justification:

2.200 Consequential Changes due to the insertion of Section 12A and amendment of Section 13.

Comments/Observation/Recommendation of the Committee

2.201 The Committee find that due to consequential changes proposed under Section 12A and amendment of Section 13, three sub clauses (fa), (fb) and (fc) have been inserted under Section 24 (2) of the Principal Act. The Committee accept the amendment proposed.

Provision in the Principal Act

2.202 (j) the form of application and the fees to be accompanied therewith under sub-section (10) of section 13;

Amendment Proposed in the Bill

2.203 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:

After clause (j), the following clauses shall be inserted namely:-

- (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;

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

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

Justification

2.204 Consequential Changes due to the amendment of Section 13 and 14.

Comments/Observation/Recommendation of the Committee

2.205 As the sub clause (J) of Section 24 (2) has been amended due to consequential changes proposed by amending Section 13 and 14 of the Principal Act, the Committee decided to accept the amendment proposed.

Clause No. 15

Provision in the Principal Act, Power of Authority to make regulations,

2.206 Section 25

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

Amendment Proposed in the Bill

2.207 In sub-section (2), in clause (d), for the word "farms" the word "units" shall be substituted;

Justification 2.208 Editorial change to substitute the word "farm" with "unit" to cover all the verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood Stock Multiplication Centers (BMC) and aquaculture inputs under the mandate of the Act.

Comments/Observation/Recommendation of the Committee

2.209 The Committee note that in the present proposed amendment there is only an editorial change to substitute the word 'farm' with 'unit' to cover all verticals of coastal aquaculture such as Hatchery, Nucleus Breeding Centers (NBC), Brood

Stock Multiplication Centers (BMC) and aquaculture inputs. The Committee decided to accept the amendment proposed.

Clause No. 16

Provision in the Principal Act, Validation

2.210 Section 27

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:—

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

27 (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.

Amendment Proposed in the Bill

2.211 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 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:—

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

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

Justification Amendment of Section 27

2.212 After the judgement of Hon'ble Supreme Court in 1996, the Ministry of Environment and Forest constituted one Aquaculture Authority of India during 1997, which became quite regulatory. At that time, it was felt that this may hinder growth of coastal aquaculture and even threaten the existing aquaculture where considerable investment had already been made. To protect such investment and to save employment and livelihood already created and to provide for hassle-free growth of the sector, Ministry of Agriculture brought out the CAA Act 2005 to provide for conduct of coastal aquaculture with adequate environment safeguards. The intention of the Government of India all throughout while enacting the Coastal Aquaculture Authority Act, 2005 was a) to regulate the coastal aquaculture in the country through Coastal Aquaculture Authority Act, 2005 and b) not to treat coastal aquaculture as a prohibited activity within the meaning of the CRZ Notification, 1991 issued under the Environment (Protection) Act, 1986.

In order to achieve the above objectives and to clear all doubts, among other provisions, express declaration was made vide Section-27 in the Coastal Aquaculture Authority Act, 2005 to keep the coastal aquaculture out of the ambit of CRZ Notification 1991. Since then, the coastal aquaculture has been regulated under the CAA Act and the Coastal

Zone Management Authorities constituted under CRZ Notifications have never asked the coastal aquaculture units to obtain CRZ clearances. Further, the CRZ Notifications, 1991 and 2011 did not even list coastal aquaculture activities in the list of permitted activities/regulated activities. Even the CRZ Notification 2019, has not listed coastal aquaculture in the above lists except hatcheries which is added to the list of a regulated activity for the first time. This shows that coastal aquaculture was meant to be regulated under CAA Act with the environment safeguards prescribed under CAA Act.

However, of late, Section-27 of CAA Act, 2005 has been subjected to varying interpretations by courts, most recent being, the National Green Tribunal (NGT). NGT has viewed that Section 27 of CAA Act 2005 does not offer complete exemption to coastal aquaculture from the purview of CRZ Notification 1991 that rather coastal aquaculture is a regulated activity under CRZ Notification, 1991 and therefore clearances need to be taken from concerned environment regulators. Though this has been ordered with reference to hatcheries and that too for Tamil Nadu only, this has the potential to open the entire sector to the scrutiny by such regulators. Therefore, a suitable amendment is proposed in the text of Section 27 of the Principal Act to remove the ambiguity and to equivocally declare that coastal aquaculture is exempt from the purview of the entire CRZ Notification 1991 and to validate all actions so far taken under the CAA Act 2005 coming within the purview of CRZ Notification 1991.

Observation/Recommendation of the Committee

2.213 The Committee note that Section 27 of CCA 2005 has been subjected to different interpretations by Courts. The National Green Tribunal (NGT) did not uphold the complete exemption to Coastal Aquaculture from the purview of the CRZ notification 1991 and rather termed the coastal aquaculture as a regulated activity under CRZ notification 1991. The Committee have been apprised by the Department of Fisheries that this order refers to the Hatcheries and that too for Tamil Nadu only. However, as per the Department, this order of NGT has the potential to open the entire sector to the scrutiny. Therefore, the Department has proposed a suitable amendment in the text of Section 27 of the Principal Act to

remove the ambiguity not only from the CRZ Notification 1991 but from the CRZ Notifications issued thereafter.

The Committee, after having examined the existing provisions in the Principal Act 2005 and the proposed provisions under Section 27, are of the considered view that the proposed provisions to counteract the CRZ Notifications issued in 1991 and afterwards to protect the aquaculture is a necessary requirement. The Committee, therefore, decided to accept the amendment proposed.

Clause No. 17

Amendment Proposed in the Bill, Validation of certain provisions and amendments retrospectively,

2.214 Insertion of New Section 28

“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.

Justification

2.215 It is felt that Section 27 of the Principal Act even with the proposed amendment may not serve its purpose in respect of coastal aquaculture units as the CRZ Notification 1991 has been superseded by the subsequent CRZ Notifications 2011 and 2019. Accordingly, it was proposed to insert a new Section 28 to make it clear that the CRZ notifications are not applicable on coastal aquaculture covered under CAA Act. However, in pursuance of further discussions held on this matter at various levels, especially with Ministry of Environment Forest and Climate Change (MoEFCC), it was felt that it would be appropriate to declare coastal aquaculture and activities connected therewith as permitted activities under CRZ notifications issued from time to time rather than being seen as an omnibus exemption from CRZ notifications, while ensuring that the CAA alone continues to regulate coastal aquaculture.

Hence, Section 28 has been suitably revised with an alternate formulation to the effect that coastal aquaculture and activities connected therewith is a permitted activity in CRZ under the CRZ notifications and the registration granted under CAA Act shall be treated as valid permission under CRZ regulations and same has been agreed to by MoEFCC. This will help to a) remove the prevailing ambiguities and once for all put to rest any misinterpretations of courts including NGT; b) reduce the multi-agency regulatory and compliance burden on coastal aquaculture and; c) reiterate the protection granted under the validation section *i.e.* Section-27 in the Principal Act albeit in the revised form as stated above. Furthermore, in order to validate the coastal aquaculture activities undertaken subsequent to supersession of CRZ Notification 1991, suitable amendments to Sub-section 8 of Section 13 of the Principal Act including insertion of a new Sub-section (3) in Section-28 have been proposed in the Amendment Bill.

Comments/Observation/Recommendation of the Committee

2.216 The Committee have been apprised by the Department of Fisheries that New Section 28 has been inserted in the proposed Bill to safeguard the interest of coastal aquaculturists by validating certain provisions and amendments retrospectively. The Department further briefed the Committee that CRZ Notification 1991 has been superseded by the subsequent CRZ Notifications 2011 and 2019 and accordingly it is proposed to insert a new Section 28 to clear once for all that CRZ Notifications are not applicable on Coastal Aquaculture covered under CAA Act. The Department further added that Section 28 will ensure that Coastal Aquaculture and activities connected therewith are permitted activities in CRZ and shall be treated as valid permission under CRZ Regulations and the same has been agreed upon by the Ministry of Environment, Forest and Climate Change.

The Committee were further apprised that in order to validate the coastal aquaculture activities undertaken subsequent to supersession of CRZ Notifications 1991, suitable amendments to Sub-section 8 of Section 13 of the Principal Act including insertion of a new Sub-section 3 in Section 28 have been proposed in the Amendment Bill. The Committee, having examined all the pros

and cons of the proposed insertion of New Section 28, are of the view that this will validate the aquaculture and aquaculture infrastructure set-up after CRZ Notifications 1991, 2011 and 2019 retrospectively. The Committee, therefore, decided to accept the proposed provisions under the New Section 28.

CHAPTER III

MISCELLANEOUS/ANCILLARY ISSUES

Nucleus Breeding Centres (NBCs).

The Committee desired to know about the number of Nucleus Breeding Centres (NBCs) being established in the Country and whether it is true that Indian Hatcheries depend on Nucleus Breeding Centers (NBCs) overseas for the supply of Specific Pathogen Free (SPF)-White Shrimp PL (post larvae) production, the Department submitted as under:-

The Nucleus Breeding Centres (NBCs) are highly bio secured primary incubation facilities where genetic improvement and diseases exclusion is ensured in the stocks. There is no such NBC's established for *Litopenaeus vannamei* (Pacific White leg shrimp) in India. However, the real multiplication of brood stock is carried out in the Brood-stock Multiplication Centres (BMCs) where the Parent Post Larvae produced at the NBCs are grown to adult stage in a bio secured way. There are four BMCs established in India, three for *L. vannamei* and one for Black Tiger shrimp *Penaeus monodon*. One more BMC for *L. vannamei* is under construction. Considering *L.vannamei* being a Pacific Ocean shrimp and the availability of sufficient NBCs outside India, the BMCs have been promoted in India. In addition, for want of diverse genetics, the Indian hatcheries depend on empanelled Overseas Suppliers to bring additional brood stock for better performance. With regard to establishment of NBC is concerned, Rajiv Gandhi Centre for Aquaculture-Marine Products Export Development Authority (RGCA-MPEDA) under the Department of Commerce has established Domestication of Tiger Shrimp (*P. monodon*) Program in Andaman and Nicobar Islands, which is otherwise a genetic improvement program and an NBC. This project is in its final stages of completion, and recently the Department of Fisheries has also extended financial support to RGCA-MPEDA for completion of some of the last mile works of this project. Further, a national project has been launched in 2022 for genetic improvement of Indian White Shrimp (*Penaeus*

indicus) and financial assistance has been extended to Indian Council of Agricultural Research- Central Institute of Brackish water Aquaculture (ICAR-CIBA) as a part of Atma Nirbhar Bharat. The Department of Fisheries recently brought out the guidelines for SPF certification as a policy initiative for the production of certified SPF stocks in India. The Department of Fisheries is also exploring the feasibility of establishing NBCs in private space.

3.2 The Committee also observed that the Rajiv Gandhi Centre for Aquaculture-Marine Products Export Development Authority (RGCA-MPEDA) under the Department of Commerce has established Domestication of Tiger Shrimp (*P. monodon*) Program in Andaman and Nicobar Islands, however, the progress of the said NBC has been rather slow and the brood stock available in the establishment *i.e.* 11th generation and 14th generation are not very useful for breeding. Further coordination between Ministry of Commerce and Industry which runs RGCA and Ministry of Fisheries should be established for expediting the proper functioning of RGCA and therefore asked the Department about the steps taken to address these issues. The Department submitted that:

In the last two years efforts have been made in this regard and the Hon'ble Minister of Fisheries Shri Rupala Ji visited the facility to sort out the impending issues. The project will be completed soon and very shortly the programme would be launched and we will have Nucleus Breeding Center for Monodon. The Department further stated that the Government is exploring the possibility of allowing private sector companies to establish NBCs in the country and shortly a policy decision in this regard would be taken.

Observation/Recommendation

3.3 The Committee acknowledge that India being the second largest Shrimp exporter, a completely unabated functional Nucleus Breeding Center (NBCs) is the need of the hour so as to make the Indian Hatcheries self reliant so that they do not have to depend on NBCs overseas for the supply of Specific Pathogen-Free (SPF) White Shrimp PL (post larvae) production. Further, noting that P

Monodon (Black Tiger Shrimp) being our native species of Shrimp, the Committee feel that the Department should take effective measures so that the facility at Andaman and Nicobar Islands for Domestication of Tiger Shrimp (P. Monodon) run by Rajiv Gandhi Centre for Aquaculture-Marine Products Export Development Authority (RGCA-MPEDA) becomes fully functional at the earliest thereby supporting the initiative of Atma Nirbhar Bharat. The Committee would also like the Department to involve the private sector in setting up of NBCs in the country on priority basis to achieve the desired results.

Pipelines through Forest Areas

3.4 The Committee desired to know whether pipelines are allowed to pass through the forest occupied lands along the coastal belts so as to draw sea water for the Hatcheries, Brood Stock Multiplication Centers (BMCs) and Nucleus Breeding Centers (NBCs) established in such areas adjacent to forest lands and if not whether any provision has been made in the Amendment Bill to allow such pipelines. The Department in their reply submitted the following:

The Hatcheries, Brood Stock Multiplication Centres (BMCs) and Nucleus Breeding Centres (NBCs) require access to high quality clean oceanic/ sea water. If the land where these structures are to be established is located adjacent to the forest lands and sea, necessary permission is required from the Forest Department for laying the pipelines if the pipelines pass through the forest lands. However, entrepreneurs are discouraged to establish hatcheries, BMC and NBCs on lands near to forest lands and requiring laying of pipelines through forest lands. No express provision made in the present CAA Amendment Bill to allow laying of such pipelines/devices through forest lands. However, in case of absolute necessity, the issue of laying pipeline for the drawl and discharge of sea water by coastal aquaculture units through forest lands will be addressed in consultation with the Ministry of Environment, Forest and Climate Change while framing the Rules under the Amended Act. In addition, under the Subsection (ii) of new Section -28 (1) of the Coastal Aquaculture Authority (Amendment) Bill 2023 it is *inter alia* mentioned that the coastal

aquaculture and activities connected therewith are permitted activities in the CRZ area. The words “activities connected therewith” have been expressly included to address the very issue of laying pipelines in the CRZ area, which at present is highly cumbersome to the stakeholders in the absence of this enabling provision.

The Department further stated that in exceptional cases of Reserve Forests, they would take up the issues with the Ministry of Environment, Forest and Climate Change on case to case basis.

Observation/Recommendation

3.5 The Committee acknowledge the importance of Forests/Reserve Forests and accordingly feel the need to preserve and protect them from the occupational activities and human interventions which would affect the flora and fauna. The Committee appreciate the submission of the Department, wherein they have stated that they would consult the Ministry of Environment, Forest and Climate Change before framing the Rules in the amended Act to address those exceptional cases, where laying of pipelines through Forests becomes absolutely necessary. The Committee further feel that the Rules so framed should be in tandem with the larger goal of preserving the environment and its sustainability in sync with achieving the goals of development of Hatcheries, Nucleus Breeding Centers and Brood Stock Multiplication Centres.

Protecting Interests of Traditional Fish Farmers

3.6 To protect the interest of Traditional Fish Farmers of the Coastal Areas, the Committee desired to know if the rights of Traditional Fish Farmers have been safeguarded in the Amended Bill and also wanted to know the views of the Department on further reduction of penalty below the minimum as prescribed in the Bill for Traditional Fish Farmers in cases such as non-registration and non-compliance with the provision of the Act.

3.7 The Committee further wanted to know if the provision of demolition of the structures of the farm and destruction of the standing crops as has been proposed

under Section 14 (c) & (d) of the Amendment Bill can be relaxed in the case of Traditional Coastal Aquaculture undertaken by the Coastal Communities. The Department in their replies submitted as under:

The thrust of the Coastal Aquaculture Authority Act 2005 has always been to regulate coastal aquaculture with an aim to protect coastal environment. At present, the coastal aquaculture done in traditional ways and fish/shrimp farming activity carried out in a primitive manner using traditional knowledge is also registered by the Coastal Aquaculture Authority in order to ensure there is proper record and no misuse. **It is pertinent to add that the Coastal Aquaculture Authority Act 2005 provides for exemption from inspection for farms up to 2 hectares of water spread area in support of traditional and small scale farmers who are engaged in coastal aquaculture.** However, procedures would be further simplified for enabling registration of traditional aquaculture activities including integrated farming while framing the Rules.

The Principal Act mandates registration for all coastal aquaculture operations including traditional coastal aquaculture. Further, the Act under Section 14 also provides for imprisonment for a term which may extend to 3 years or with fine which may extend to Rs 1 lakh or with both for carrying coastal aquaculture without registration. The Section-14 of the principal Act does not provide for any relaxation to traditional fish farmers. When provision has been made under the Amendment Bill to decriminalize the Principal Act by doing away with imprisonment and replacing with a set of monetary and other penalties, the same spirit has been maintained and no distinction has been proposed between traditional and non-traditional aquaculture. Care has been taken to keep the monetary penalties to bare minimum. Further, the Amendment to Section 14 of Principal Act provides for a basket of options as non-monetary penalties. The Department while making Rules may prescribe lower level of non-monetary penalties to protect the interests of traditional fish farmers.

The Department further submitted:

The Amendment Bill aims to decriminalise the Act by doing away with imprisonment and replacing with a combination of monetary and non-monetary penalties as indicated in Section 14 (a) to (e) of the Amendment Bill. Since, harsh penalty of imprisonment is being replaced, it is essential that the penalties proposed are deterrent enough to serve the purpose of the Act given its thrust on protection of coastal environment. Destruction of the standing crop is one of the penal actions having a deterrent value. Providing an option to allow harvesting of the crop that was raised illegally may dilute the deterrence and it may not be desirable for State to receive such monies out of illegal activities.

Observation/Recommendation

3.8 The Committee note that a large chunk of Fish Farmers are poor and financially weak who undertake Aquaculture and Allied activities which are meant only for their survival. The Committee therefore recommend that lower level of non-monetary penalties should be prescribed at the time of framing the Rules so as to protect the interests of Traditional Fish Farmers keeping in view their sustenance/livelihood needs. The Committee also desire that adequate safeguards should be put in place for promoting and protecting Traditional Coastal Fish Farming and Aquaculture including activities connected therewith.

Growth and Investment in Aquaculture and Related Activities

3.9 The Committee desired to know the growth and investment in Aquaculture and its related activities in the recent past. The Department in their written reply stated as under:

Coastal aquaculture is one of the major success stories crafted by diverse and hardworking small farmers and youth around the fulcrum of vibrant policy support of 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 USD 7.76 billion in 2021-22 with Brackish water shrimp constituting the lion's share of

exports. Shrimp Exports in last 10 years increased from Rs 8175 Crore in 2011 to Rs. 42706 crore in 2022. Shrimp exported during 2021-22 is 7,28,123 MT worth USD 5.83 Billion or Rs. 42706 crore in 2022. Most of the shrimp exported around 90% is from one single species called *Litopenaeus vannamei* (also called Pacific White legged shrimp).

About 1.75 Lakh Ha has been brought under the Shrimp Aquaculture Production so far to produce 10.20 lakh tonnes of shrimp. Presently a total of 305 hatcheries and 163 Nauplii Rearing Hatcheries (NRH) spread all over the coastal states with a production capacity of 125 Billion seeds per annum (including NRH) have been established. A total of 5 Brood stock Multiplication Centers have been established. India has the installed feed production capacity of 2.8 million tons per annum as against the requirement for around 1.2 million Metric tons of shrimp feed per annum. Indian seafood processing industry has 613 registered seafood processing facilities with the processing capacity of 33,653 metric tons per day. Out of which 338 EU approved processing facilities has the processing capacity of 18,830 metric tons per day and 275 non-EU processing facilities has the processing capacity of 14,822 metric tons per day. Coastal Aquaculture sector has been providing several lakhs of direct and indirect employment in the rural and economically backward areas.

Observation/Recommendation

3.10 The Committee note that continued growth of population and priority of quality food enriched in protein and minerals and vitamin warrant food security in the country. The Committee also think that seafood is the only alternative food which may ensure supplement food security and provide quality food contents like protein, minerals and requisite vitamins. Apart from this, the Committee think that a sizeable foreign exchange can be earned by exporting surplus seafood including fish, prawns, shrimps, crabs, etc.

The Committee are quite appreciative of the efforts/measures taken by the Government for promotion and development of seafood in the country. However,

the Committee feel that the requisite growth rate has not been achieved at par with other developing countries like Indonesia, South Korea, Thailand etc. The Committee are of the firm view that still much is needed to promote and facilitate the growth of seafood in our country. The Committee, therefore, urge the Government to put in more and more efforts to strengthen the infrastructure and market so that seafood growers can be assured of better rate of returns in respect of their hard work and investment. The Committee further desire that this can be achieved by ensuring better and stronger backward and forward linkage through infallible supply chain.

**NEW DELHI;
14th July, 2023
23 Ashadha 1945 (Saka)**

**P.C. GADDIGOUDAR
Chairperson,
Standing Committee on Agriculture,
Animal Husbandry and Food Processing**

**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY AND FOOD
PROCESSING**

(2022-23)

MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 12th May, 2023 from 1100 hrs to 1300 hrs in Committee Room No. '3', First Floor, Block-A, Extn to Parliament House Annexe Building, New Delhi.

Present

Shri P. C. Gaddigoudar – Chairperson

Members

Lok Sabha

2. Shri Horen Sing Bey
3. Shri A. Ganeshamurthi
4. Shri Kanakmal Katara
5. Shri Devji Mansingram Patel
6. Smt. Sharda Anilkumar Patel
7. Shri Bheemrao Baswanthrao Patil
8. Shri Rajiv Pratap Rudy

Rajya Sabha

9. Smt. Ramilaben Becharbhai Bara
10. Dr. Anil Sukhdeorao Bonde
11. Shri S. Kalyanasundaram
12. Shri Kailash Soni
13. Shri Ram Nath Thakur

Secretariat

1.	Shri Shiv Kumar	–	Additional Secretary
2.	Shri Naval K. Verma	–	Director
3.	Shri Uttam Chand Bharadwaj	–	Additional Director
4.	Shri Prem Ranjan	–	Deputy Secretary

Representatives of Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries)

<u>Sl.No.</u>	<u>Name</u>	<u>Designation</u>
1.	Shri Jatindra Nath Swain	Secretary (Fisheries)
2.	Dr. Abhilaksh Likhi	Officer on Special Duty
3.	Dr. Jujjavarapu Balaji	Joint Secretary (Marine Fisheries)
4.	Dr. V. Kripa	Member Secretary - CAA
5.	Shri A. Antony Xavier	Fisheries Development Commissioner

Ministry of Law and Justice (Legislative Department)

1.	Ms. Veena Kothavale	Joint Secretary and Legislative Counsel
2.	Shri Prashant Singh	Deputy Legislative Counsel

2. At the outset, the Chairperson welcomed the Members and the Representatives of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries) and the Ministry of Law and Justice (Legislative Department) to the Sitting of the Committee convened for having a Briefing by the Representatives on '**The Coastal Aquaculture Authority (Amendment) Bill, 2023**' and apprised them of the provisions of the Direction 55 of the 'Directions by the Speaker, Lok Sabha' regarding confidentiality of the proceedings.

3. After the witnesses introduced themselves, the Representatives of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries) apprised the Committee of the Bill in brief. Thereafter, a power-point presentation was made briefing the Committee about the key indicators of India's Fisheries and Aquaculture Sector, Fisheries production trend, Inland Fisheries and aquaculture production trend, India's Marine Products Exports, Coastal Aquaculture, chronology of enactment of Coastal Aquaculture Authority Act, 2005, Objects and Reasons for enactment of Coastal Aquaculture Authority Act, 2005, Functions and Organizational structure of Coastal Aquaculture Authority, need for amendments in Coastal Aquaculture Authority Act, 2005,

Objects and Reasons for amending of CAA Act, 2005, key amendments proposed and reasons therefor, consultative process involved in drafting the CAA Amendment Bill, 2023, etc.

4. The Chairperson and the Members of the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from the Department:

- i) State-wise/Union Territory wise details of the number of violation registered since enactment of Coastal Aquaculture Authority (CAA) Act, 2005;
- ii) State-wise/Union Territory wise details of the number of people/offenders punished with maximum punishment of three years jail term for violating the provisions of the Coastal Aquaculture Authority (CAA) Act, 2005 since its enactment;
- iii) Possible environmental threats to seaweeds, fish, marine fish and other living creatures by artificial feed, anti-biotic, growth promoters, excreta, transportation, electricity or any radiation process used in the Hatcheries and other Aquaculture Activities;
- iv) Protection/safeguards provided to Hatcheries and other Aquaculture Activities from natural disaster like tsunami, high tide, cyclone, etc.;
- v) Number of Projects getting benefitted by this Bill which were affected by the decision of the Court/NGT and the cost of these Projects;
- vi) Total Coastal Area of the country and the Coastal area expected to be acquired for aquaculture activities;
- vii) Number of Farmers got benefitted from this Bill and the amount of rise in their income;
- viii) Preferential treatment in allotment of the Coastal area to farmers, Farmer Producer Organisations, original fisherman community *vis-a-vis* big players;
- ix) Need to broadbase the composition of Coastal Aquaculture Authority and other Committees by including elected public representatives such as MPs, MLAs, etc, representatives of all the Coastal States and Union Territories and farmers;
- x) Provisions of differential penalty commensurate with/proportionate to the size and scale of Aquaculture Units;
- xi) Waiving the requirement of atleast twenty-four hours Notice in writing to enter into any Coastal Aquaculture Unit and its misuse;
- xii) Consultation process undertaken by the Department while framing the Coastal Aquaculture Authority (Amendment) Bill, 2023;

- xiii) Composition of the Expert Committee on whose recommendation the Bill has been drafted;
- xiv) Details of the provisions of CAA Act, 2005, where the Constitutional Validity has been challenged by the writ petition in the Supreme Court;
- xv) Possibility of increase in violation of the provisions of CAA Act due to proposed decriminalization of the offences under the Act;
- xvi) Reasons for not substituting the word 'farm' by 'unit' in sub-sections 7 and 8 of Section 13 of the Act;
- xvii) Reasons for using words 'harmful to human health' instead of words 'harmful to Coastal eco-system including human health' in proposed new Section 12A;
- xviii) Regulation of Aquaculture activities in other countries; and
- xix) Total export of Marine Products, etc.

5. The Representatives of the Department responded to most of the queries raised by the Members. The Chairperson, thereafter, thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information, which was not readily available with them to the Committee Secretariat. The Committee decided to consult/hear various Associations/Organizations, Stakeholders, Domain Experts and State Fisheries Department of Coastal States to gather holistic opinion on the Bill. The Committee also decided to undertake an on-the-spot Study Visit in mid-June, 2023 - in connection with the subjects selected by the Committee.

The Meeting then adjourned.

(A copy of the Verbatim Proceedings of the Sitting has been kept)

**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY AND FOOD
PROCESSING
(2022-23)**

MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 2th June, 2023 from 1100hrs to 1230hrs in Committee Room No. '3', First Floor, Block-A, Extension to Parliament House Annexe Building, New Delhi.

Present

Shri P. C. Gaddigoudar – Chairperson

Members

Lok Sabha

2. Shri A. Ganeshamurthi
3. Shri Kanakmal Katara
4. Shri Devji Mansingram Patel
5. Shri Vinayak Bhaurao Raut
6. Shri Pocha Brahmananda Reddy
7. Shri Rajiv Pratap Rudy
8. Mohammad Sadique
9. Shri Ram Kripal Yadav

Rajya Sabha

10. Smt. Ramilaben Becharbhai Bara
11. Shri Masthan Rao Beeda
12. Dr. Anil Sukhdeorao Bonde
13. Shri S. Kalyanasundaram
14. Shri Ram Nath Thakur
15. Shri Harnath Singh Yadav

Secretariat

1.	Shri Shiv Kumar	–	Additional Secretary
2.	Shri Uttam Chand Bharadwaj	–	Director
3.	Shri Prem Ranjan	–	Deputy Secretary

List of Representatives

ASSOCIATIONS/ORGANISATIONS

ALL INDIA SHRIMP HATCHERIES ASSOCIATION, ANDHRA PRADESH

S.No.	Name	Designation
1.	Shri Ravi Kumar Yellanki	President
2.	Shri Muthukaruppan	Vice President
3.	Mr. Calraj	Tamil Nadu Region President

SOCIETY OF AQUACULTURE PROFESSIONALS (SAP), ANDHRA PRADESH

S.No	Name	Designation
1.	Shri S. Santana Krishnan	Founder President of Society of Aquaculture Professionals
2.	Shri K. Madhusudhan Reddy	President
3.	Shri D. Ramraj	Former President SAP & AISHA

MPEDA - RAJIV GANDHI CENTRE FOR AQUACULTURE, TAMIL NADU

S.No.	Name	Designation
1.	Shri.K.S.Pradeep (IFS)	Secretary
2.	Shri.P.Jayagopal	Deputy Director

STAKEHOLDERS

M/S. ANANDA GROUP, ANDHRA PRADESH

S.No.	Name	Designation
1.	Shri Uddaraju Kasi Viswanadha Raju	Chairman
2.	Dr. Mohana Kumaran Nair	Technical Director

M/S. GEEKAY HATCHERIES, TAMIL NADU

S.No.	Name	Designation
1.	Shri Y Krishna Reddy	Managing Director
2.	Shri Y.S.M Siddhartha Reddy	Director
3.	Smt. Y Kavitha Reddy	Director

DOMAIN EXPERTS

S.No.	Name	Designation
1.	Dr. P. Ravichandran	Former Member Secretary, Coastal Aquaculture Authority

2. At the outset, the Chairperson welcomed the Members and the Representatives (Non-Official) of the Organizations/ Associations/ Stakeholders and Domain Expert to the Sitting of the Committee convened to hear their views in connection with the examination of **'The Coastal Aquaculture Authority (Amendment) Bill, 2023'** and also apprised them of the provisions of Direction 55 of the 'Directions by the Speaker, Lok Sabha' regarding confidentiality of the proceedings.

3. After the witnesses introduced themselves, the Representatives (Non-Official) of the Organizations/ Associations/ Stakeholders and Domain Expert presented their views before the Committee in respect of the Clauses of the Bill, in brief. The Committee were apprised about the urgency to amend the Bill so that Hatcheries are allowed to function which would benefit the production and export of Shrimp in the country including livelihood to lakhs of families which depend on Aquaculture. The non polluting aspect of Aquaculture was also emphasized along with the mandatory requirement of having an affluent treatment plant for all aquaculture units. Further, , removal of 24 hours Notice Period for inspection, contamination by use of antibiotics, content labeling, reducing of penalty for non-compliance with CAA provisions for small/poor farmers, Composition of Coastal Aquaculture Authority and representation of public representatives and stakeholders was discussed in detail.

4. The Chairperson and the Members of the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from the Department:

- i. Decriminalisation of defaulters for non compliance with the provisions of Coastal Aquaculture Authority Act;
- ii. To examine the penal provisions prescribed in the Amendment Bill which may lead to arbitrary raids and thereby causing harassment of the Coastal Aquaculture Unit holders by the Authority or its officials;

- iii. Issue of contamination by the use of antibiotics and their control in the Coastal Aquaculture Unit;
 - iv. To find ways to control the use of antibiotics in the facility as well as antibiotics residue in the final product;
 - v. To examine the provision of doing away with the notice period of 24 hours for inspection of Coastal Aquaculture Unit by the authority. As it should not end up in harassment of the unit holders just to comply with European Union Standards;
 - vi. To focus on developing farming of other species also such as fin fish, molluscs and sea weed;
 - vii. To focus on Content Labelling of the drugs/production boosters/chemicals used by unit holders so as to avoid misuse and improper use;
 - viii. To ensure that every Hatchery should have an Effluent Treatment Plant in accordance to the size of the Aquaculture Unit;
 - ix. To ensure that sufficient numbers of Lab Testing facilities for antibiotic and disease testing is available to the Aquaculture Unit Holders;
 - x. Need to broadbase the composition of Coastal Aquaculture Authority and ensure that it is represented by all Stakeholders as well as Coastal States/Union Territories;
 - xi. Ensuring availability of seeds from Hatcheries to the farmers so that it does not affect production and thus exports and employment generation; etc.
5. The Representatives of the Organizations/ Associations/ Stakeholders and Domain Expert responded to most of the queries raised by the Members. The Chairperson, thereafter, thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information, which was not readily available with them to the Committee Secretariat.

The Meeting then adjourned.

(A copy of the Verbatim Proceedings of the Sitting has been kept)

**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY AND FOOD
PROCESSING
(2022-23)**

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 2th June, 2023 from 1400hrs to 1515hrs in Committee Room No. '3', First Floor, Block-A, Extension to Parliament House Annexe Building, New Delhi.

Present

Shri P. C. Gaddigoudar – Chairperson

Members

Lok Sabha

2. Shri A. Ganeshamurthi
3. Shri Kanakmal Katara
4. Shri Devji Mansingram Patel
5. Shri Vinayak Bhaurao Raut
6. Shri Pocha Brahmananda Reddy
7. Shri Rajiv Pratap Rudy
8. Mohammad Sadique
9. Shri Ram Kripal Yadav

Rajya Sabha

10. Smt. Ramilaben Becharbhai Bara
11. Shri Masthan Rao Beeda
12. Dr. Anil Sukhdeorao Bonde
13. Shri S. Kalyanasundaram
14. Shri Ram Nath Thakur
15. Shri Harnath Singh Yadav

Secretariat

- | | | | |
|----|----------------------------|---|----------------------|
| 1. | Shri Shiv Kumar | – | Additional Secretary |
| 2. | Shri Uttam Chand Bharadwaj | – | Director |
| 3. | Shri Prem Ranjan | – | Deputy Secretary |

LIST OF REPRESENTATIVES

DEPARTMENT OF FISHERIES AND FISHERMEN WELFARE, TAMIL NADU

S.No	Name	Designation
1.	Dr. K.S. Palanisamy (IAS)	Commissioner of Fisheries and Fishermen Welfare
2.	Shri G. Arumugam	Additional Director of Fisheries and Fishermen Welfare (Inland)
3.	Shri V. Lamek Jayakumar	Deputy Director of Fisheries and Fishermen Welfare (Mariculture)
4.	Thiru G. Janarthanan	Assistant Director (TN:AMP) Fisheries & Fishermen Welfare

DEPARTMENT OF FISHERIES, ANDHRA PRADESH

S.No.	Name	Designation
4.	Dr. P Sankara Rao	Joint Director of Fisheries, Office of Commissioner of Fisheries, Vijaywada
5.	Shri Shaik Lal Mohemmed	Joint Director of Fisheries, Konaseema District
6.	Dr. P. Suresh	Joint Director of Fisheries, Bapatla District

DIRECTORATE OF FISHERIES, ODISHA

S.No.	Name	Designation
3.	Shri Suresh Kumar Vashishth (IAS)	Principal Secretary to Government, Fisheries & ARD Department, Odisha
4.	Shri Basanta Kumar	Deputy Director of Fisheries (Brackish Water), Directorate of Fisheries, Odisha, Cuttack
5.	Smt. Mamta Mohapatra	Deputy Director of Fisheries, PMU, F & ARD Department
6.	Shri Bibhuti Ranjan Rout	District Fisheries Officer, Puri
7.	Smt. Ratnamanjari Sahoo	Assistant Fisheries Officer, Directorate of Fisheries, Odisha, Cuttack

DIRECTORATE OF FISHERIES, MAHARASHTRA

S.No.	Name	Designation
1.	Dr. Atul Patne (IAS)	Commissioner of Fisheries, Maharashtra
2.	Shri. Yuvraj A. Chougule	Joint Commissioner, (Brackish Water)
3.	Shri. Mahesh H. Deore	Joint Commissioner, Marine

DIRECTORATE OF FISHERIES, KARNATAKA

S.No.	Name	Designation
1.	Shri Dinesh Kumar Kaller	Director of Fisheries
2.	Shri Mahesh Kumar U.	Deputy Director of Fisheries

DIRECTORATE OF FISHERIES, KERALA

S.No.	Name	Designation
1.	Shri Mahesh S.	Joint Director of Fisheries (Aqua)

2. At the outset, the Chairperson welcomed the Representatives of State Fisheries Departments to the Sitting of the Committee, convened for taking oral evidence on '**The Coastal Aquaculture Authority (Amendment) Bill, 2023**' and apprised them of the provisions of Direction 55 of the 'Directions by the Speaker, Lok Sabha' regarding confidentiality of the proceedings.

3. After the witnesses introduced themselves, the Representatives of the State Fisheries Departments presented their views one by one before the Committee on various issues which were general as well as State specific, which needs to be addressed. The Committee were apprised about the issues such as Traceability with regard to Shrimp export, allowing aquaculture activity in Eco-sensitive Zones of Tamil Nadu and Odisha, exempting activities of Live Feed Culture, Ornamental Fish breeding and propagation unit in the No Development Zone, inclusion of organic manure in the definitions along with Fertilizer, safeguarding the rights of traditional coastal aquaculture farmers, adequate representation of Coastal Farmers and Coastal States in the Composition of the Authority, notification of aqua culture areas, reduction in penalty for non-registration, to do away with demolition of farms, setting up time limit for clearing Applications for Registration and controlling the sale of banned antibiotics.

4. The Chairperson and the Members of the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from the Department:

- i. Issue of traceability which is an important issue in export of Shrimp to various foreign countries;
- ii. To find ways to allow Coastal Aquaculture Activity in the Eco-Sensitive and Buffer Zones specifically for the States such as Tamil Nadu, Maharashtra and Odisha where Eco-Sensitive Zones are adjacent to the coast or the distance between the sea front and the mountains (sahyadri) is less than 500 metres as is the case in Maharashtra;

- iii. Need for exempting Aquaculture Activities such as Live Feed culture, ornamental fish breeding and propagation unit along with Nucleus Breeding Centres, Broodstock Multiplication Centres and Sea Weed Culture;
- iv. To focus on Aqua-mapping in Maharashtra and ensure that it is completed at the earliest;
- v. Issue of inclusion of Organic Manure along with Fertiliser since Organic Manure is used traditionally in aquaculture;
- vi. Traditional Coastal Aquaculture mentioned in Section 14 should be defined properly so that rights of the Traditional Farming Community can be protected;
- vii. To ensure that the Coastal Farmers are represented in the Coastal Aquaculture Authority;
- viii. To ensure that the Aquaculture areas are notified, since in many States large areas such as wetlands and paddy fields are kept fallow for more than 20 years. Such areas can be used for aquaculture and hence should be notified as aquaculture areas;
- ix. To focus on reducing penalty for non-registration and non-compliance of the Act in case of Traditional Aquaculture Activity;
- x. To do away with demolition of farm structures and standing crops as suggested in the amended Act in case of Traditional Coastal Aquaculture.
- xi. Every Coastal State should be given representation in the Authority;
- xii. Definition of different types of culture like intensive, semi-intensive, extensive, and traditional may be clarified in the Act;
- xiii. Clarity should be sought from the Department on the issue of reducing the No Development Zone from 200 metres to 50 metres in the State of Odisha;
- xiv. It should be ensured that the States are represented in various committees formed under the Coastal Aquaculture Authority;
- xv. To focus on setting up of time limit for clearing of applications received for Registration of Coastal Aquaculture Units {Section 7(2)};

- xvi. To examine the issue, wherein, due to change in boundaries of Wildlife Sanctuaries some of the registered Aquaculture Units which were previously outside such boundaries have fallen within such redrawn boundaries of Wildlife Sanctuaries (particularly in the case of Odisha State);
- xvii. To focus on issues relating to restricting/controlling the sale of banned antibiotics/chemicals to Aquaculture Unit Holders, etc.

5. The Representatives of the State Fisheries Departments responded to most of the queries raised by the Members. The Chairperson, thereafter, thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information, which was not readily available with them to the Committee Secretariat.

The Meeting then adjourned.

(A copy of the Verbatim Proceedings of the Sitting has been kept)

**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY AND FOOD
PROCESSING
(2022-23)**

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 16th June, 2023 from 1100 hrs to 1240 hrs in Committee Room No.'3', First Floor, Block-A, Extension to Parliament House Annexe Building, New Delhi.

Present

Shri P. C. Gaddigoudar – Chairperson

Members

Lok Sabha

2. Shri A. Ganeshamurthi
3. Shri Bheemrao Baswanthrao Patil
4. Shri Vinayak Bhaurao Raut
5. Shri Pocha Brahmananda Reddy
6. Mohammad Sadique

Rajya Sabha

7. Smt. Ramilaben Becharbhai Bara
8. Shri Masthan Rao Beeda
9. Dr. Anil Sukhdeorao Bonde
10. Shri Kailash Soni
11. Shri Ram Nath Thakur

Secretariat

- | | | | |
|----|----------------------------|---|----------------------|
| 1. | Shri Shiv Kumar | – | Additional Secretary |
| 2. | Shri Uttam Chand Bharadwaj | – | Director |
| 3. | Shri Prem Ranjan | – | Deputy Secretary |

Witnesses
Ministry of Fisheries, Animal Husbandry and Dairying
[Department of Fisheries]

	Name	Designation
1.	Dr. Jujjavarapu Balaji	Joint Secretary (Marine Fisheries)
2.	Shri Sagar Mehra	Joint Secretary (Inland Fisheries)
3.	Dr. Vasant Kripa	Member Secretary (Coastal Aquaculture Authority)

Ministry of Law and Justice
[Legislative Department]

	Name	Designation
1.	Ms. Veena Kothawale	Joint Secretary and Legislative Council
2.	Shri Prashant Singh	Deputy Legislative Council

2. At the outset, the Chairperson welcomed the Members and the Representatives of the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries) and the Ministry of Law and Justice (Legislative Department) to the Sitting of the Committee, convened for taking oral evidence on '**The Coastal Aquaculture Authority (Amendment) Bill, 2023**' and apprised the Representatives of the provisions of Direction 55 of the 'Directions by the Speaker, Lok Sabha' regarding confidentiality of the proceedings.

3. After the witnesses introduced themselves, the Representatives of the Department of the Fisheries and Legislative Department presented their views and clarified on various important issues raised by the Members.

4. The Chairperson and the Members of the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from the Department:

- i) To ensure that only the Authority can give permission to enter any Coastal Aquaculture Unit for inspection;
- ii) To focus on development of fishermen villages/ colonies and to provide assistance in their relocation;

- iii) To explore the possibility of laying of pipelines for providing sea water for Aquaculture Units through forest areas;
- iv) To examine the possibility of introducing a time limit under which the appellate authority disposes off any appeal;
- v) To ban, or contain, LED fishing in the sea;
- vi) To examine the possibility of reduction in penalty with regard to Traditional Fishers;
- vii) To encourage Ornamental Fisheries and explore the possibilities for providing subsidy for such Units;
- viii) To explore and develop markets for Shrimps and Ornamental Fisheries;
- ix) To request State Governments to check/restrict the movement of vessels engaged in LED fishing within their State territorial waters itself;
- x) To promote Seaweed cultivation and encourage Coastal Fisherman to take up seaweed cultivation;
- xi) To strengthen domestic marketing channels for Shrimps/Fish;
- xii) To impart training to the traditional fishermen in Aquaculture Farming;
- xiii) To achieve self reliance in the genetically improved variety of Monodon Shrimp;
- xiv) Dissemination of information with respect to Central Schemes to the Members of Parliament from Coastal areas through local fishery officers;
- xv) To strengthen content labeling and take measures to contain diseases in Aquaculture Units;
- xvi) To explore the possibility of giving representation to all the Coastal States in the Coastal Aquaculture Authority;
- xvii) To expedite the process of establishing Nucleus Breeding Centers for L. Vannamei Shrimp;
- xviii) To explore the possibility of bringing all the Fisheries Research Institutes functioning in the country under the Department of Fisheries;

- xix) To explore the possibilities of including the format for appointment to important positions in the Committees in the Legislation itself;
- xx) To ensure that the power of the Authority to enter any coastal aquaculture unit, pond, pen and enclosure for inspection is not misused;
- xxi) To ensure that ecologically harmful substances and inputs are identified and the authority which would certify such inputs/substances should be recognised as well;
- xxii) To ensure that Local Representatives/Stakeholders are represented in the District level Committees;
- xxiii) The issue of absence of the provision in the Bill about who will chair the meeting of the Coastal Aquaculture Authority in case post of the Chairperson of the Authority is vacant; and to make explicit provision in the Bill itself in this regard; etc.

5. The Representatives of the Department of Fisheries and Legislative Department responded to most of the queries raised by the Members. The Chairperson, thereafter, thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information, which was not readily available with them to the Committee Secretariat.

The Meeting then adjourned.

(A copy of the Verbatim Proceedings of the Sitting has been kept)

**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY AND FOOD
PROCESSING BRANCH
(2022-23)**

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 14 July, 2023 from 1100 hrs. to 1140 hrs. in Committee Room '3', Block-A, First Floor, Extension to Parliament House Annexe, New Delhi.

PRESENT

Shri P.C. Gaddigoudar, Chairperson

MEMBERS

LOK SABHA

2. Shri A. Ganeshamurthi
3. Shri Mohan Mandavi
4. Shri Devji Mansingram Patel
5. Smt. Sharda Anilkumar Patel
6. Shri Rajiv Pratap Rudy

RAJYA SABHA

7. Smt. Ramilaben Becharbhai Bara
8. Dr. Anil Sukhdeorao Bonde
9. Shri Surendra Singh Nagar
10. Shri Kailash Soni

SECRETARIAT

- | | | | |
|----|----------------------------|---|----------------------|
| 1. | Shri Shiv Kumar | - | Additional Secretary |
| 2. | Shri Uttam Chand Bharadwaj | - | Director |
| 3. | Shri Prem Ranjan | - | Deputy Secretary |

2. At the outset, Chairperson welcomed the Members to the Sitting of the Committee. Thereafter, the Committee took up for consideration the following Draft Reports:

(i) Draft Report on 'The Coastal Aquaculture Authority (Amendment) Bill, 2023' pertaining to the Ministry of Fisheries, Animal Husbandry and Dairying (Department of Fisheries); and

(ii)* XXXX XXXX XXXX XXXX XXXX

3. After some deliberations, the Committee adopted the Draft Reports without any modifications and the Committee authorized the Chairperson to finalize and present these Reports to Parliament.

The Committee then adjourned.

*Matter not related to this Report

**OPERATIONAL PART OF THE SUPREME COURT JUDGMENT DATED 11TH
DECEMBER, 1996 IN WRIT PETITION (CIVIL) NO. 561 OF 1994**

The judgement and the orders of the Supreme Court of India on S Jaganath Vs Union of India and ors in WPC (561/1994) is reproduced as follows:

“We, therefore, order and direct as under

1. The Central Government shall constitute an authority under Section 8(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to protect the ecologically fragile coastal areas, seashore, waterfront and other coastal areas and specially to deal with the situation created by the shrimp culture industry in the coastal States/Union Territories. The authority shall be headed by a retired Judge of a High Court. Other members preferably with expertise in the field of aquaculture, pollution control and environment protection shall be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Act and for taking measures with respect to the matters referred to in clauses (v), (vi), (vii), (viii), (ix), (x) and (xii) of sub-section (2) of Section 3. The Central Government shall constitute the authority before 15-1-1997.
2. The authority so constituted by the Central Government shall implement "the Precautionary Principle" and "the Polluter Pays Principle".
3. The shrimp culture industry/the shrimp ponds are covered by the prohibition contained in para 2(i) of the CRZ Notification. No shrimp culture pond can be constructed or set up within the coastal regulation zone as defined in the CRZ notification. This shall be applicable to all seas, bays, estuaries, creeks, rivers and backwaters. This direction shall not apply to traditional and improved traditional types of technologies (as

defined in Alagarswami Report) which are practised in the coastal low-lying areas.

4. All aquaculture industries/shrimp culture industries/shrimp culture ponds operating/set up in the coastal regulation zone as defined under the CRZ Notification shall be demolished and removed from the said area before 31-3-1997. We direct the Superintendent of Police/Deputy Commissioner of Police and the District Magistrate/Collector of the area to enforce this direction and close/demolish all aquaculture industries/shrimp culture industries, shrimp culture ponds on or before 31-3-1997. A compliance report in this respect shall be filed in this Court by these authorities before 15-4-1997.
5. The farmers who are operating traditional and improved traditional systems of aquaculture may adopt improved technology for increased production, productivity and return with prior approval of the "authority" constituted by this order.
6. The agricultural lands, salt pan lands, mangroves, wetlands, forest lands, land for village common purpose and the land meant for public purposes shall not be used/converted for construction of shrimp culture ponds.
7. No aquaculture industry/shrimp culture industry/shrimp culture ponds shall be constructed/set up within 1000 mts of Chilka Lake and Pulicat Lake (including Bird Sanctuaries namely Yedurapattu and Nelapattu).
8. Aquaculture industry/shrimp culture industry/shrimp culture ponds already operating and functioning in the said area of 1000 mts shall be closed and demolished before 31-3-1997. We direct the Superintendent of Police/Deputy Commissioner of Police and the District Magistrate/Collector of the area to enforce this direction and close/demolish all aquaculture industries/shrimp culture industries, shrimp

culture ponds on or before 31-3-1997. A compliance report in this respect shall be filed in this Court by these authorities before 15-4-1997.

9. Aquaculture industry/shrimp culture industry/shrimp culture ponds other than traditional and improved traditional may be set up/constructed outside the coastal regulation zone as defined by the CRZ Notification and outside 1000 mts of Chilka and Pulicat Lakes with the prior approval of the "Authority" as constituted by this Court. Such industries which are already operating in the said areas shall obtain authorisation from the "Authority" before 30-4-1997 failing which the industry concerned shall stop functioning with effect from the said date. We further direct that any aquaculture activity including intensive and semi-intensive which has the effect of causing salinity of soil, or the drinking water or wells and/or by the use of chemical feeds increases shrimp or prawn production with consequent increase in sedimentation which, on putrefaction is a potential health hazard, apart from causing siltation, turbidity of water courses and estuaries with detrimental implication on local fauna and flora shall not be allowed by the aforesaid Authority.
10. Aquaculture industry/shrimp culture industry/shrimp culture ponds which have been functioning/operating within the coastal regulation zone as defined by the CRZ Notification and within 1000 mts from Chilka and Pulicat Lakes shall be liable to compensate the affected persons on the basis of the "Polluter Pays" principle.
11. The Authority shall, with the help of expert opinion and after giving opportunity to the polluters concerned assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The Authority shall further determine the compensation to be recovered from

the polluters as cost of reversing the damaged environment. The authority shall lay down just and fair procedure for completing the exercise.

12. The Authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. A statement showing the total amount to be recovered, the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector/District Magistrate of the area concerned. The Collector/District Magistrate shall recover the amount from the polluters, if necessary, as arrears of land revenue. He shall disburse the compensation awarded by the authority to the affected persons/families.
13. We further direct that any violation or non-compliance of the directions of this Court shall attract the provisions of the Contempt of Courts Act in addition.
14. The compensation amount recovered from the polluters shall be deposited under a separate head called "Environment Protection Fund" and shall be utilised for compensating the affected persons as identified by the Authority and also for restoring the damaged environment.
15. The authority, in consultation with expert bodies like NEERI, Central Pollution Control Board, respective State Pollution Control Boards shall frame scheme/schemes for reversing the damage caused to the ecology and environment by pollution in the coastal States/Union Territories. The scheme/schemes so framed shall be executed by the respective State Governments/Union Territory Governments under the supervision of the Central Government. The expenditure shall be met from the "Environment Protection Fund" and from other sources provided by the respective State Governments/Union Territory Governments and the Central Government.

16. The workmen employed in the shrimp culture industries which are to be closed in terms of this order, shall be deemed to have been retrenched with effect from 30-4-1997 provided they have been in continuous service (as defined in Section 25-B of the Industrial Disputes Act, 1947) for not less than one year in the industry concerned before the said date. They shall be paid compensation in terms of Section 25-F(b) of the Industrial Disputes Act, 1947. These workmen shall also be paid, in addition, six years' wages as additional compensation. The compensation shall be paid to the workmen before 31-5-1997. The gratuity amount payable to the workmen shall be paid in addition.”

The Coastal Aquaculture Authority Act, 2005



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II - खण्ड 1

PART II - Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, जून 23, 2005/ आषाढ 2, 1927

No. 27]

NEW DELHI, THURSDAY, JUNE 23, 2005/ASADHA 2, 1927

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd June, 2005/Asadha 2, 1927 (Saka)

The following Act of Parliament received the assent of the President on the 23rd June, 2005, and is hereby published for general information:-

THE COASTAL AQUACULTURE AUTHORITY ACT, 2005

No. 24 of 2005

[23rd June, 2005]

An Act to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Coastal Aquaculture Authority Act, 2005. Short title and Commencement.

(2) Provisions of section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

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

(b) “Chairperson” means the Chairperson of the Authority;

(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;

(f) “prescribed” means prescribed by rules made under this Act;

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

(2) Words and expressions used herein and not defined but defined in the Environment (Protection) Act, 1986 shall have the meanings respectively assigned to them in that Act. 29 of 1986.

CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

Powers of Central Government to take measures to protect environment.

3. The central government shall take all such measures as it deems necessary or expedient for regulation of coastal aquaculture by prescribing guidelines, to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible coastal aquaculture contained in such guidelines shall be followed in regulating the coastal aquaculture activities to protect the livelihood of various sections of the people living in the coastal areas.

CHAPTER III

THE COASTAL AQUACULTURE AUTHORITY

Establishment of Authority and appointment of Chairperson and members.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purpose of this Act an Authority to be called the Coastal Aquaculture Authority.

(2) The head office of the Authority shall be at such place as the Central Government may decide.

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

(a) the Chairperson who is, or has been, a Judge of a High Court;

(b) one member who is an expert in the field of coastal aquaculture;

(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 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;

(g) four members to represent the coastal States on rotation basis;

(h) one member-secretary.

(4) The term of office of the Chairperson and every other member shall be three years

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the members shall be such as may be prescribed.

5. A person shall be disqualified for being appointed as a member if he—

Disqualifica-
tion(s) for
appointment
as member.

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stand so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or

(e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

6. Subject to sub-section (5) of section 4, any person ceasing to be a member shall be eligible for reappointment as such member for not more than two consecutive terms.

Eligibility of
member for
reappointment.

7. (1) The Authority shall meet at such times and places and shall observe such rules or procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be specified by regulations.

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.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or in his absence the person presiding, shall have and exercise a second or casting vote.

8. No act or proceeding of the Authority shall be invalidated merely by reason of —

Vacancy in Authority not to invalidate proceeding.

(a) Any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as member of the Authority; or

(c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

9. (1) For the purposes of discharging its functions, the Authority shall appoint such number of officers and other employees as it may consider necessary on such terms and conditions as may be specified by the regulations.

Appointment of officers, consultants and other employees of Authority.

(2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary on such terms and conditions as may be specified by the regulations.

10. All orders, decision and other instruments of the Authority shall be authenticated under the Signature of the Chairperson or any other member or any officer of the Authority authorised by the Chairperson in this behalf.

Authentication of orders and other instruments of Authority.

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

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 :-

(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

(e) to perform such other functions as may be prescribed.

(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.

Power to enter.

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 ----

(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.

Registration for coastal aquaculture.

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.

(2) Notwithstanding anything contained in sub-section (1), a person engaged in coastal aquaculture, immediately before the appointed day, may continue to carry on such activity without such registration for a period of three months from that day and if he makes an application for such registration under sub-section (4) within the said period of three months till the communication to him of the disposing of such application by the Authority.

(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

(c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.

(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 or 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 or 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 Forests (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 purpose 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.

Punishment for carrying on coastal aquaculture without 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.

Cognizance of offence.

15. No court shall take cognizance of an offence under section 14 without a written complaint filed by an officer of the Authority authorised in this behalf by it.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Payment to Authority.

16. The Central Government may, after due appropriation made by Parliament, by law, in this behalf, pay to the Authority in each financial year such sums as may be considered necessary for the performance of functions of the Authority under this Act.

Fund of Authority.

17. (1) The Authority shall have its own fund and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Authority (including any sum which any State Government or any other authority or person may hand over to the Authority) shall be credited to the fund and all payments by the Authority shall be made therefrom.

(2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Authority.

(3) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Authority.

Budget.

18. The Authority shall prepare, in such form and at such time each year as may be prescribed, a budget, in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

Annual report.

19. The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Accounts and audit.

20. (1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Authority shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General of India, determine.

(3) The accounts of the Authority shall be audited by the Comptroller and Auditor General of India at such times and in such manner as he thinks fit.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER VI

MISCELLANEOUS

45 of 1860.

21. The Chairperson and other members and the officers and other employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson and other members, officers and other employees of Authority, etc. to be public servants.

22. No suit, prosecution of other legal proceeding shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any person authorised by the Authority or any officer authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation or order made thereunder.

Protection of action taken in good faith.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

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

Power to
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:-

(a) the guidelines under section 3;

(b) the salaries and allowances payable to, and the other terms and conditions of service of, the members under sub-section (5) of section 4;

(c) the other functions of the Authority under clause (e) of sub-section (1) of section 11;

(d) the powers of a District Magistrate to be exercised by the authority under sub-section (2) of section 11;

(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;

(f) the other acts or things under clause (c) of section 12;

(g) the form of application and the fees to be accompanied therewith under sub-section (4) of section 13;

(h) the manner of considering application under sub-section (5) of section 13;

(i) the form of certificate of registration under sub-section (6) of section 13;

(j) the form of application and the fees to be accompanied therewith under sub-section (10) of section 13;

(k) the form and time of preparing budget under section 18;

(l) the form and time of preparing annual report under section 19;

(m) the books of account and other books to be maintained in relation to the accounts of the Authority and the form and manner of maintaining such books of account and other books under sub-section (1) of section 20;

(n) any other matter which is required to be, or may be, prescribed.

Power of Authority to make regulations.

25. (1) The Authority may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.

(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:-

(a) the times and places of the meetings of the Authority and the rules of procedure to be observed in regard to the transaction of business at its meetings (including quorum thereat) under sub-section (1) of section 7;

(b) the terms and conditions of appointment of the officers and other employees under sub-section (1) of section 9;

(c) the terms and conditions of appointment of adviser or consultant under sub-section (2) of section 9;

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

(e) the form and conditions of registration under clause (c) of sub-section (3) of section 13;

(f) generally for better regulation of the coastal aquaculture.

Rules and regulations to be laid before Parliament.

26. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Validation.

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

29 of 1986.

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:—

“(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.

T. K. VISWANATHAN,
Secy. to the Govt. of India

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 (1),— 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 (1) 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

(*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."

Insertion 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:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of documents;

(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."

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:—

(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;

(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)
5	1.	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.
10		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.
15	2.	Non-registration.	Rupees fifty thousand.	Rupees seventy-five thousand.	Rupees one lakh.
20		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.
25	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.
30		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.
35	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.
40		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.
45	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.

5

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:

10

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:

15

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.

20

(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—

25

(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.

30

(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:—

35

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),—

40

(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;

45

(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.

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

A
BILL

to amend the Coastal Aquaculture Authority Act, 2005.

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