

		Coastal Aquaculture Authority (Amendment) Bill, 2022	
		A Bill	
	1.	to amend the Coastal Aquaculture Authority Act, 2005.	
	2.	BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—	
	3.	This Act may be called the Coastal Aquaculture Authority (Amendment) Act, 2022.	
	4.	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 and any reference in any such provision to the commencement of this Act, shall be construed as reference to the coming into force of that provision.	Short Title and Commencement
	5.	In the Coastal Aquaculture Authority Act, 2005, (hereinafter referred to as the principal Act),	
Definitions.	I	<p>In section 2 of the principal Act,—</p> <p>(1) after clause (a), the following clause shall be inserted, namely—</p> <ul style="list-style-type: none"> b) “Aquaculture input” means seed, pesticides, fertilizers, feeds, growth supplements and chemicals/medicines used as input in coastal aquaculture for the maintenance of the water bodies and the organisms reared or other aquatic life available therein; c) “Aqua mapping” means computergenerated and ultimately, expert reviewed coastal area distribution maps depicting areas potential and suitable for coastal aquaculture; d) “Aqua zonation” means the zones of spatial planning declared for different species or methods of coastal aquaculture by the respective State Government or this Authorityfor sustainable coastal aquaculture; e) “Bio-security” means any measure or strategic and integrated approach adopted, as may be prescribed for the purpose of this act, to analyse and manage relevant risks, to prevent the introduction and/or spread of harmful organisms (e.g. viruses, bacteria, etc.) within the coastal aquaculture activity and to minimize the risk of transmission of infectious disease; f) “Bio secured facility” means coastal aquaculture activity that has adopted the biosecurity measures for ensuring freedom from disease causing pathogens as may be prescribed in the guidelines for such activity; g) “Brackish water” means water that is in estuarine area and is saltier than fresh water, but not as salty as seawater that is water with a salinity more than 5ppt or as prescribed from time to time; h) “Brood Stock Multiplication Centre (BMC)”means such coastal aquaculture activity which receives the Specific Pathogen Free (SPF) post larvae (PL) from a Nucleus Breeding Centre (NBC) and rears post larvae up to adult 	Amendment of Section 2

		<p>brood stock for supply to hatcheries. BMC is a facility for developing brood stock from the post larvae to adult, under strict biosecurity and close disease surveillance as may be prescribed;</p> <p>(2) clauses (b) (c) and (d) shall be renumbered as clause (i)(j) and (k) respectively.</p> <p>(3) after clause (d), so renumbered, the following clauses shall be inserted, namely,—</p> <ul style="list-style-type: none"> l) “Coastal environment” means the area of land in the coastal area including the complete system of living organisms and physical surroundings within coastal area as defined in this Act; m) “Coastal aquaculture” or “Coastal aquaculture activity” means rearing and cultivation, under controlled conditions either indoor or outdoor in cement cisterns, ponds, pens, enclosures or otherwise, in coastal areas, of any life stage of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture and shall also mean to include activities such as production of brood stock, seed, grow out etc. n) “Coastal aquaculture facility” means any facility that is engaged in coastal aquaculture and or for allied activities connected therewith; o) “Farm” means an aquaculture farm where 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 is practiced but does not include fresh water aquaculture; p) “Fresh Water” means water with a salinity less than 5 ppt or as prescribed from time to time; q) “Hatchery” means any coastal aquaculture activity that produces seeds of fish including shellfish, crustaceans, molluscs and any other aquatic life in saline or brackish water; but does not include fresh water aquaculture; r) “Member” means member of the this Authority and includes the Chairperson; s) “Nucleus Breeding Centre (NBC)” means such bio secured coastal aquaculture activity having an established freedom from disease causing pathogens engaged in the production of domesticated Specific Pathogen Free (SPF) brood stock. t) “Operator” means any person or firm that is engaged in the operation of the coastal aquaculture activity. u) “Owner” in relation to any costal aquaculture activity includes— <ul style="list-style-type: none"> a) any agent of the owner; and b) a mortgagee, lessee or other person in actual possession of costal aquaculture activity; v) “Pharmacologically active substance” means any substance having therapeutic/medicinal value; w) “Saline water” or “Brackish water” means the water with a salinity more than 5ppt or as prescribed from time to time; x) “Specific Pathogen Free (SPF)” means freedom from the World Organization for Animal Health (OIE) listed pathogens or diseases and any other pathogen or diseases 	
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		<p>listed by the competent authority or Government of India from time to time, specified for that candidate species used in coastal aquaculture. This includes aquatic animals that are bred and raised free of selected pathogens following prescribed guidelines and adopting biosecurity measures;</p> <p>y) “State Government” means State Government and Union Territory Administration having coastal location;</p>	
Establishment of Authority and appointment of Chairperson and members.	II	<p>In Section 4 of the principal Act:—</p> <p>a) In sub-section (2) - after the words “The head office”, the words “and subordinate offices” shall be inserted.</p> <p>b) In sub-section (3) – in Clause (c) for the expression “Department of Ocean Development”, the expression “Ministry of Earth Science ” shall be substituted.</p> <p>c) In sub-section (3) – in Clause (d) for the expression “Ministry of Environment and Forests”, the expression “Ministry of Environment, Forest and Climate Change ” shall be substituted.</p> <p>d) In sub-section (3) – in Clause (e) for the expression “Ministry of Agriculture”, the expression “Ministry of Agriculture and Farmers Welfare ” shall be substituted.</p> <p>e) In sub-section (3) – in Clause (f) for the expression “Ministry of Commerce ”, the expression “Ministry of Commerce and Industries” shall be substituted.</p> <p>f) In sub-section (3) – after Clause (h) the following clause shall be inserted namely:- “(i) one member to represent the Administrative Ministry viz. Ministry of Fisheries, Animal Husbandry and Dairying of the Central Government;”</p>	Amendment of Section 4
Meetings of Authority.	III	<p>For Sub-Section 2 of Section 7 of the principal Act, the following sub-section shall be substituted, namely: —</p> <p>“ (2) If the Chairperson is unable to attend a meeting of the Authority, any other member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any member chosen by the members present from amongst themselves, shall preside over the meeting ”.</p>	Substitution of Section 7
New Section Committees of the Authority	IV	<p>After Section 7 of the principal Act the following section shall be inserted namely :—</p> <p>“ 7A. Committees of the Authority.—(1) The Authority may appoint such Committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.</p> <p>(2) The Authority shall have the power to co-opt as members of any Committee appointed under sub-section (1) such other number of persons who are not members of the Authority, as it may think fit”.</p>	Insertion of Section 7A
Appointment of officers, consultants	V	<p>In Section 9 of the principal Act</p> <p>a) the following sub-sections shall be inserted namely :—</p> <p>1) The Member Secretary of the Authority, to be appointed</p>	Amendment of Section 9

and other employees of Authority.		<p>by the Central Government, not below the rank of Joint Secretary to the Government of India.</p> <p>b) the sub section (1) and sub-section (2) shall be renumbered as sub section (2) and sub-section (3)</p>	
New Section “Functions of the Member Secretary”	VI	<p>After Section 9 of the principal Act the following section shall be inserted namely :—</p> <p>“ 9A. Functions of the Member Secretary:</p> <p>(1) The Member Secretary shall function as the Chief Executive Officer of the Authority and shall be the legal representative of the Coastal Aquaculture Authority and shall be responsible for: –</p> <ol style="list-style-type: none"> 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 Authority carries out its tasks in accordance with the requirements of its 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; and f) developing and maintaining contact with the Central Government, and for ensuring a regular dialogue with its relevant committees. <p>(2) Every year, the Member Secretary shall submit to the Authority for approval –</p> <ol style="list-style-type: none"> (a) a general report covering all the activities of the Authority in the previous year; (b) programmes of work; (c) the annual accounts for the previous year; and (d) the budget for the coming year. <p>(3) The Member Secretary shall, following adoption by the Authority, forward, the general report and the programmes to the Central Government and shall have the general report published.</p> <p>(4) The Member Secretary shall approve all financial expenditure of the Authority and report on the Authority’s activities to the Central Government.</p> <p>(5) The Member Secretary shall have administrative control over the officers and other employees of the Authority.</p>	Insertion of a Section 9A
Functions of Authority.	VII	<p>In Section 11 of the principal Act: —</p> <ol style="list-style-type: none"> i) In subsection (1), after the Clause (d) the following clauses shall be added, namely:— e) 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 programs including aqua zonation and mapping for environmentally sustainable coastal aquaculture as may be notified by the Government ; 	Amendment of Section 11

		<p>f) To fix or adopt the standards, certify, monitor, regulate or prohibit coastal aquaculture inputs such as seed, feed, growth supplements, probiotics, therapeutants and any 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;</p> <p>g) To fix or adopt the standards for emission or discharge of effluents from whatsoever coastal aquaculture activity:- Provided that different standards for emission or discharge may be laid down under this clause from different coastal aquaculture activity having regard to the quality or composition of the emission or discharge of effluents from such sources;</p> <p>h) collection and dissemination of information in respect of matters relating to coastal aquaculture;</p> <p>ii) the clause (e) shall renumbered as clause (i)</p> <p>iii) in clauses (a), (b), (c), (d), the expression “Farms” shall be substituted by “activities”</p> <p>iv) In sub-section (2), the expression “Farm” shall be substituted by “activity”</p>	
<p>Registration for coastal aquaculture</p>	<p>VIII</p>	<p>In Section 13 of the principal Act, -</p> <p>a) in sub-section (3) shall be substituted by the following namely: —</p> <p>a) shall be valid for such period as may be prescribed b) may be renewed from time to time for such period as may be prescribed ; and c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.</p> <p>Provided the Authority may issue a certificate of Registration for carrying out coastal aquaculture activity on the land allotted or assigned by the Government subject to such procedure and period(s) as may be prescribed not exceeding the period prescribed under this sub section ”</p> <p>b) in sub-section (8) - the following proviso shall be inserted, namely: —</p> <p>“Provided further that nothing in this sub-section shall apply in the case of a coastal aquaculture hatcheries, Nucleus Breeding Centre (NBC), Brood Stock Multiplication Centre (BMC), sea weed culture and cage culture activities and such other activities as may be notified by the Government”</p> <p>c) in sub-section (10) - the following proviso shall be inserted, namely: —</p> <p>“ Provided that the Authority may condone the delay to make an application for renewal with a compounded fee for renewal of registration as may be prescribed”</p>	<p>Amendment of Section 13</p>

		<p>d) After sub-section (11) - the following sub-section shall be inserted, namely:—</p> <p>“(12) The Authority may vary, amend or modify the Certificate of Registration issued under this section, as the case may be, as may be prescribed.</p> <p>(13) In the event of the certificate of registration issued under this Act being defaced or mutilated or lost the authority may grant a new certificate in lieu of the original certificate as may be prescribed”.</p> <p>e) In sub-sections (1), (4), (5), (6), (8), (9), (10) and (11)the expression “Farm” shall be substituted by “activity”</p>	
New Section ‘Authorisation of officers’	IX	<p>After Section 13 of the principal Act, the following section shall be inserted, namely: —</p> <p>“ 13A: Authorisation of officers:</p> <p>(1) The Authority by an order authorize :-</p> <p>a. anyofficer not below the rank of “ Assistant Director Fisheries”in the District or any such other officer of the equivalent rank of the State or Central Government as “Authorised officer ” to exercise the powers conferred on, and discharge the duties and perform such functions as may be specified in the order.</p> <p>(2) The Central Government by notification shall authorize:-</p> <p>a. Any officer of the Authority or State Government or Central Government, not being an officer below the rank of “Under Secretary” as “Adjudicating officer” to exercise the powers conferred on, and discharge the duties imposing penalty as may be specified in the order.</p> <p>b. any officer of the Authority or State Government or Central Government as Appellate Authoritywho may either affirm, vary or set aside such order by an Adjudicating officer.</p>	Insertion of Section 13A
Punishment for carrying on coastal aquaculture without registration.	X	<p>For Section 14 of the principal Act, the following section shall be substituted, namely: —</p> <p>“14. Penalty for carrying on coastal aquaculture in contravention of the Act : — (1) 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 any provision of this Act and rules or regulations or guidelines or any notifications made thereunder, shall be liable for: —</p> <p>a) suspension or stoppage of such activity</p> <p>b) a penalty under this section as mentioned in the table Annexed herewith (or)</p> <p>c) removal or demolition of any structure (or)</p> <p>d) destruction of the standing crop therein (or)</p> <p>e) suspension or cancellation of registration (or)</p> <p>f) with all or any of the above</p> <p>by an order of an officer authorised by the Authority.</p>	Substitution of Section 14

<p>New Section Appeal</p>	<p>XI</p>	<p>After Section 14 of the principal Act, the following section shall be inserted, namely: —</p> <p>“ 14A: Appeal:</p> <p>(1) Any person aggrieved by an order of the Adjudicating officer may within thirty days from the date of which the order is made, prefer an appeal to the Appellate authority.</p> <p>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.</p> <p>(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.</p> <p>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 will 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.</p> <p>(3) On 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 the decision of the Appellate authority shall be final, and</p> <p>(b) If the sum deposited by way of penalty under sub-section (2) exceeds the penalty directed to be paid by the Appellate authority the excess amount; or</p> <p>(c) 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.</p>	<p>Insertion of Section 14A</p>
<p>Power of Authority to make regulations.</p>	<p>XII</p>	<p>In Section 25 of the principal Act - in sub-section (2) in clause (d)the expression “Farms” shall be substituted by “activities”</p>	<p>Amendment of Section 25</p>
<p>Validation. 29 of 1986</p>	<p>XIII</p>	<p>In Section 27 of the principal Act, : —</p> <p>a) in sub-section (1) - after the words “(xiv) nothing contained in this”, for the word “paragraph” the word “notification” shall be substituted</p> <p>b) in sub-section (2) - the expression “Farm’s”shall be omitted”</p>	<p>Amendment of Section 27</p>

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Table: The Penalty under Section 14

Sl No	Coastal Aquaculture Activity	Offences	Penalty		
			First time offence	Second time offence	Third and subsequent time offence
1	Farms	Non-registration	Rs.10000/- per hectare (or fraction of a hectare) of water spread area and the cumulative penalty not to exceed Rs 1 lakh	Rs.15000/- per hectare (or fraction of a hectare) of water spread area and the cumulative penalty not to exceed Rs 1 lakh	Rs.25000/- per hectare (or fraction of a hectare) of water spread area and the cumulative penalty not to exceed Rs 1 lakh
		Non-compliance to provisions of the Act, Rules, Guidelines and Notifications other than Non-Registration	Rs.5000/- per hectare (or fraction of a hectare) of water spread area and the cumulative penalty not to exceed Rs 1 lakh	Rs.10000/- per hectare (or fraction of a hectare) of water spread area and the cumulative penalty not to exceed Rs 1 lakh	Rs.15000/- per hectare (or fraction of a hectare) of water spread area and the cumulative penalty not to exceed Rs 1 lakh
2	Hatchery, BMC, NBC Aquaculture inputs	Non-registration	Rs. 50000/-	Rs.75000/-	Rs.1 lakh
		Non-compliance to provisions of the Act, Rules, Guidelines and Notifications other than Non-Registration	Rs. 25000/-	Rs. 50000/-	Rs. 1 lakh