



The Andhra Pradesh Aqua- culture Seed (Quality Control) Act, 2006

Act 24 of 2006

Keyword(s):

Aqua Farm, Aqua Culture, Aqua Culture Seed, Aqua Farmer

Amendment Append: 36 of 2020

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Registered No. HSE/49

[Price : Rs. 1-80 Paise.



ఆంధ్రప్రదేశ్ రాజపత్రము

**THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 27] HYDERABAD, FRIDAY, APRIL 21, 2006.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 19th April, 2006 and the said assent is hereby first published on the 21st April, 2006 in the Andhra Pradesh Gazette for general information.

ACT No. 24 OF 2006.

**AN ACT TO PROVIDE FOR REGULATING THE
QUALITY OF AQUA-CULTURE SEED FOR
SALE AND FOR MATTERS CONNECTED
THEREWITH OR INCIDENTAL THERE TO.**

Be it enacted by Legislative Assembly of the State of Andhra Pradesh in the Fifty seventh Year of the Republic of India as follows:-

[1]

A. 17-1

Short title, extent and commencement. 1. (1) This Act may be called the Andhra Pradesh Aqua-culture Seed (Quality Control) Act, 2006.
(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

(1) 'Aqua-culture' includes culture of fish or prawn or shrimp or crab or any other aquatic animals and aquatic plants in fresh water or marine waters or brackish waters;

(2) 'Aqua Farm' means a place with water body used for Aqua-culture;

(3) 'Aqua Farmer' means an individual or a group of individuals or a firm or a Company or any other juristic person owning or having taken on lease a land or a water body and having taken up Aqua-culture in ponds or in confined waters or in structures erected in them or in any other manner;

(4) 'Aqua-culture Seed' means larval early stages or juveniles or any other classes of seeds of aquatic life, including plant, plants origin, used for stocking in confined waters, such as tanks, lakes, ponds and pens or cages or any other structures erected in water, and includes,-

(i) seeds of cultivable aquatic animals such as fin fish, cat fish, murel including ornamental fish and larvicidal fish, reared in fresh water, marine and brackish water and in aquaria,

(ii) seeds of shell fish, such as prawn, shrimp, lobsters, crab, gastropods, bivalves and such other crustaceans and mollusees;

(iii) fish larval stages (called as egg, hatchlings, spawn, fry, fingerlings, advanced fingerlings, yearlings), larval stages of

prawn, shrimp, lobsters, crabs (called as nauplius, metanauplius, zoea, megalopa mysis, post larvae) and larval stages of molluscs (called veliger, spat etc.);

(5) 'Aqua-culture Seed Laboratory' means the Aqua-culture Seed Laboratory established under section 9 and this includes State Aqua-culture Seed Laboratory and Regional Aqua-culture Seed Laboratories;

(6) 'Aqua-culture Seed Analysis' means procedures of Aqua-culture Seed Analysis to verify the required standards of size, purity and freedom from infectious diseases;

(7) 'Aqua-culture Seed Analyst' means an Aqua-culture Seed Analyst appointed under section 20;

(8) 'Aqua-Culture Seed Inspector' means an Aqua-culture Seed Inspector appointed under section 21;

(9) 'Committee' means the Aqua-culture Seed Committee constituted under sub-section (1) of section 3; and sub-section (1) of section 4.

(10) 'Container' means a box, bottle, casket, tin, barrel, case, receptacle, sack, wrapper or other thing in which any aqua-culture seeds are placed;

(11) 'Export' means taking Aqua-culture seed from India and Andhra Pradesh State to a place outside India and Andhra Pradesh State;

(12) 'Fisherman' means a person who is involved in capture fishery activity by occupation and also includes fishermen by birth;

(13) 'Fish Seed Farm' means a place with structures for rearing of early stages of fish seed such as spawn or hatchlings to the stages of fry or fingerlings or advanced fingerlings;

(14) 'Government' means the State Government of Andhra Pradesh;

(15) 'Hatchery' means a place where brooders are maintained and used for production of Aqua-culture seed and further rearing of the seed for supply to Aqua farmers; and this includes back yard hatchery or part of the farm including rearing in nurseries.

(16) 'Import' means bringing Aqua-culture seed into India and Andhra Pradesh State from a place outside India and Andhra Pradesh State;

(17) 'kind' means one or more related species or such species of aquatic animals or aquatic plants each individually or collectively are known by one common name such as Carps, Shrimp, Prawn, Crab, Lobsters, Sea weeds, Aquarium plants etc;

(18) 'Notification' means a notification published in the Andhra Pradesh Gazettee and the word 'Notified' shall be construed accordingly;

(19) 'Notified kind or variety' in relation to any Aqua-culture seed means any kind or variety thereof notified under section-10;

(20) 'Prescribed' means prescribed by rules made under this Act;

(21) 'Quarantine' means a place of isolation for the purpose of observing animals and or plants suspected of harbouring an infectious disease prior to the introduction of / import of such species to the new environment / country;

(22) 'Variety' means a sub-division of a kind identifiable by morphology, growth, yield, seed or other characteristics;

(23) 'Court' means any Court not less than Ist Class Munsif Magistrate as notified by the Government for the purpose.

CHAPTER - II

3. (1) The Government may, as soon as may be after the commencement of this Act, constitute a committee called the State Aqua-culture Seed Committee (a) to advise the Government on matters arising out of the administration of this Act at state level; (b) to carry out such functions as to Registration and Seed Certification; and (c) any other functions assigned to it by or under this Act.

**Con-
stitution
of State
Level
Aqua-
culture
Seed
Comm-
tee.**

(2) The committee shall consist of the following members, namely:-

(i) a chairman to be nominated by the Government;

(ii) Commissioner of Fisheries / Director of Fisheries shall be the Member Convenor;

(iii) six persons to be nominated by the Government to represent such interests as the Government thinks fit of whom not less than two persons shall be representatives of Aqua farmers or hatching operators;

(iv) three persons having knowledge in aqua-culture or working in an organisation connected with it to be nominated by the Government.

(3) the members of the committee shall, unless their seats become vacant earlier by resignation, death or other-wise, be entitled to hold office for a period of two years and shall be eligible for re-nomination not exceeding two terms at a stretch.

(4) The Committee may subject to the previous approval of the Government make bye-laws fixing the quorum and regulating its own procedures and the conduct of all business to be transacted by it.

(5) The committee may appoint one or more sub-committees consisting wholly of members of the committee or wholly of other persons or partly of members of the committee and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such sub-committee or sub-committees by the committee.

(6) The functions of the committee or any such sub-committee thereof may be exercised notwithstanding any vacancy therein.

(7) The Government may appoint an officer to be the Secretary of the committee from the Department of Fisheries, not below the rank of Joint Director of fisheries and shall provide the committee with such clerical and other staff as the Government considers necessary.

C H A P T E R - III

Constitution of District Level Aqua-culture Seed Committee.

4. (1) The Government may, by notification constitute Aqua-culture Seed Committee at district level, to advise the State Aqua culture Seed Committee on all matters relating to registration and certification of hatcheries of fish / shrimp / scampi hatcheries and to enforce the provisions of the Act and the rules made thereunder.

(2) This District Committee shall consist of the following members, namely:

(i) the District Collector will be the Chairman of the District Committee;

(ii) a nominee of Commissioner of Fisheries / Director of Fisheries shall be a Member;

(iii) one member not below the rank of District Officer of fisheries department of the concerned district;

(iv) two members, to be nominated by the Government from out of the persons employed by the Marine Products

Export Development Authority or Sri Venkateswara Veterinary University not below the rank of Associate Professors;

(v) four persons, to be nominated by the Government to represent such interests as it thinks fit of whom not less than two persons shall be representatives of Hatcheries and Aqua farmers.

(3) A member of the District Committee may, unless his seat becomes vacant earlier by resignation or otherwise, be entitled to hold office for a period of two years from the date of assumption:

Provided that a person nominated under clause (iii) or clause (iv) of sub-section (2) shall hold office, so long as he holds the appointment by virtue of which his nomination was made.

5. The District Committee may appoint as many committees as it deems fit consisting wholly of the members of the District Committee or wholly of other persons or partly of members of the District Committee and partly of other persons as it thinks fit to exercise such powers and perform such duties as may be delegated to them, subject to such conditions as the District Committee may think fit.

**Other
Commi-
tees.**

6. No proceedings of the District Committee or any Committee thereof shall become invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof.

**Proceed-
ings of
District
Comm-
ittee not
to be
invalid
by
reason
of any
vacancy
therein.**

7. The District Committee may, subject to the previous approval of the State Aqua-culture Seed Committee, make bye-laws for the Committee for the purpose of regulating its own

**Procedure
for
District
Comm-
ittee.**

procedure and the procedure of any sub-Committee thereof and the conduct of all business to be transacted by the Committee or as the case may be the sub-committees.

**Secretary
and
Other
Officers.**

8. The Government may,-

(i) appoint an Officer of the Fisheries Department not below the rank of Assistant Director of the concerned district as Member Secretary of the District Committee; and

(ii) provide the District Committee with such technical and other staff as the Government considers necessary.

C H A P T E R - I V

**Establish-
ment of
Aqua-
culture
Seed
Labo-
ratory.**

9. (1) The Government may, by notification establish one State level and one or more Regional Aqua-culture Seed Laboratories or declare any seed laboratory as an Aqua-culture Seed Laboratory where analysis of seeds of any notified kind or variety shall be carried out by Seed Analysts under this Act in the prescribed manner and to carry out any other functions entrusted to it by or under this Act.

(2) such laboratories referred to under sub-section (1) shall also act as nodal labs for control and harmonisation of laboratories established in the private sector.

C H A P T E R - V

**Powers
to notify
kinds or
varieties
of
Aqua-
culture
seeds.**

10. (1) If the Government, after consultation with the State Aqua-culture Seed Committee, is of opinion that it is necessary or expedient to regulate the quality of Aqua-culture seed of any kind or variety to be sold for purposes of Aqua-culture, it may, by notification declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different Districts or for different areas thereof.

(2) Government may also by notification ban/ prohibit collection/ sale of aqua seed from natural sources for any reason as a conservation measure.

11. The Government may, after consultation with the State Aqua-culture Seed Committee and by notification specify,-

Powers to specify size, purity and freedom from disease, infections of Aqua-culture seed.

(a) the minimum limits of size, purity and freedom from disease infections of aqua-culture seed with respect to any aqua-culture seed of any notified kind or variety;

(b) the mark or label to indicate that such Aqua-culture seed confirms to the minimum limits of size, purity, source of seed and freedom from disease, infections specified under clause (a) and the particulars as may be specified from time to time by Government which such mark of label may contain.

12. No person shall, himself or by any other person on his behalf, carry on the business of selling, keeping for sale, offering to sell, bartering or otherwise supply any aqua-culture seed of any notified kind or variety, unless,-

Regulation of sale of Aqua-culture seeds of notified kinds or varieties.

(a) such aqua-culture seed identifiable as to its kind or variety;

(b) such aqua-culture conforms to the minimum limits of size, purity and freedom from disease, infections specified under clause (a) of section 11;

(c) such aqua - culture seed conforms to the standards for quarantine measures, as may be prescribed from time to time;

(d) the container of such Aqua-culture seed bears in the prescribed manner, the mark or label containing the correct particulars thereof, specified under clause (b) of section 11; and

(e) he complies with other requirements as may be prescribed.

**Powers
of Aqua-
culture
Seed
Inspec-
tor.**

13. (1) The Aqua-culture Seed Inspector may,-

(a) enter and search the premises of hatcheries and fish seed farms at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any seed in respect of which the offence has been or is being committed, not to dispose of any stock of such aqua-culture seed for a specific period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessor of the aqua-culture seed, restrict the stock of such aqua-culture seed from being sold;

(b) take samples of any aqua-culture seed of any notified kind or variety from,-

(i) any 'Hatchery' or 'Fish Seed Farm' or any person selling or offering to sell such aqua-culture seed; or

(ii) any person who is in the course of conveying or delivering or preparing to deliver such aqua-culture seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such aqua-culture seed to him.,

(c) send such sample for analysis to the aqua-culture seed analyst for the area within which such sample has been taken;

(d) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he has any reason to believe that it may provide evidence of the commission of an offence punishable under this Act; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule made thereunder.

(2) Where any sample of any aqua-culture seed of any notified kind or variety is taken under clause (a) of sub-section (1), its cost, calculated at the rate at which such aqua-culture seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(3) The power conferred by this section includes power to break-open any container in which any aqua-culture seed of any notified kind or variety may be contained or to collect the aqua-culture seed from hatchery or pond where any such aqua-culture seed may be kept for sale:

Provided that, the power to collect the aqua-culture seed from Hatchery or Fish Seed Farm shall be exercised only after the owner or any other person in occupation of the premises, if present, therein, refuses to allow collection of the aqua-culture seed from hatchery or fish seed farm on being called upon to do so.

(4) Where the Aqua-culture Seed Inspector takes any action under clause (a) of sub-section (1), he shall, as far as possible, call not less than two persons to be present at the time

when such action is taken and take their signatures on a memorandum to be prepared in such form as may be prescribed.

**Central
Act 2 of
1974.**

(5) The provisions of the Code of Criminal Procedure, 1973 shall, so far as the case may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

**Grant of
certi-
ficate
by State
Aqua-
culture
Seed
Comm-
ittee.**

14. (1) Any 'Hatchery' or 'Fish Seed Farm' or any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any aqua-culture seed of any notified kind or variety, may if he desires to have such aqua-culture seed certified by the State Aqua-culture Seed Committee, apply to the State Aqua-culture Seed Committee for grant of a certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed by the Government from time to time.

(3) On receipt of any such application for the grant of a certificate through the District Aqua-culture Seed Committee, the State Aqua-culture Seed Committee may, after such enquiry as it thinks fit and after satisfying itself that the aqua-culture seed to which the application relates to conforms to the prescribed standards, grant a certificate in such form and on such conditions as may be prescribed:

Provided that such standards shall not be lower than the minimum limits of size, purity and freedom from disease infections as specified for that aqua-culture seed under clause (a) of section 11.

**Revoca-
tion of
Certificate.**

15. If the State Aqua-culture Seed Committee is satisfied, either on a reference made to it in this behalf or otherwise, that,-

(a) the certificate granted by it under section 14 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made thereunder, then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the State Aqua-culture Seed Committee may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

16. (1) Whenever an Aqua-culture Seed Inspector intends to take sample of any Aqua-culture seed of any notified kind or variety for analysis, he shall.-

**Proce-
dure to
be
followed
by Aqua-
culture
Seed
Inspector.**

(a) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;

(b) except in special cases provided by rules made under this Act, take three representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

(2) when samples of any Aqua-culture seed of any notified kind or variety are taken under sub-section (1) the Aqua-culture Seed Inspector shall,-

(a) deliver one sample to the person from whom it has been taken;

(b) send in the prescribed manner another sample, for analysis to the Aqua-culture Seed Analyst for the area within which such sample has been taken; and

(c) send the remaining sample in the prescribed manner to the State Aqua-culture Seed Laboratory for analysis as and when required under sub-section (2) of section 17.

(3) If the person from whom the samples have been taken refuses to accept one of the samples, the Aqua-culture Seed Inspector shall send intimation to the Aqua-culture Seed Analyst of such refusal and thereupon the Aqua Culture Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Aqua-culture Seed Inspector who shall retain it for production in case legal proceedings are taken.

(4) Where an Aqua - culture Seed Inspector takes any action under clause (c) of sub-section (1) of section 13.-

(a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 12 and if it is ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or as the case may be, take such action as may be necessary for the return of the stock of the seed seized;

(b) if he seizes the stock of the seed, he shall, as soon as may be, inform a Court and take its order as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, he shall on being satisfied that the defect has been so rectified, forthwith revoke the order passed under the said clause.

(5) Where an Aqua-culture Seed Inspector seizes any record, register, document or any other material object under clause (d) of sub-section (1) of section 13, he shall, as soon as

may be, inform a Magistrate and take his orders as to the custody thereof.

17. (1) The Aqua-culture Seed Analyst shall, as soon as may be after the receipt of the sample under sub-section (2) of section 16 analyse the sample at the Regional Aqua - culture Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of the result of the analysis to the Aqua-culture Seed Inspector and another copy thereof to the person from whom the sample has been taken.

**Report
of
Aqua-
Culture
Seed
Analyst.**

(2) After the institution of a prosecution under this Act, the accused vendor or the complainant may on payment of the prescribed fee, make an application to the Court for sending the sample mentioned in clause (a) of sub-section (2) of section 16 to the State Aqua-culture Seed Laboratory for its report and on receipt of the application, the Court shall first ascertain that the mark and the seal or fastening as provided in clause (b) of sub-section (1) of section 16 are intact and may then despatch the sample under its own seal to the State Aqua - culture Seed Laboratory which shall thereupon send its report to the Court in the prescribed form within one week from the date of direction of Court, specifying the result of the analysis.

(3) The report sent by the State Aqua - culture Seed Laboratory under sub-section (2) shall supersede the report given by the Aqua - culture Seed Analyst under sub-section (1).

(4) Where the report sent by the State Aqua - culture Seed Laboratory under sub-section (2) is produced in any proceedings under section 22 it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

Restriction on export and import of Aqua-culture seed of notified kinds or varieties.

18. No person shall, for the purpose of culture / recreation (including himself) export or import or cause to be exported or imported any Aqua -culture seed of any notified kind or variety unless,-

(a) it conforms to the minimum limits of size, purity and freedom from disease, infections specified for that Aqua-culture seed under clause (a) of section 11; and

(b) its container bears, in the prescribed manner, the mark or label with the correct particulars thereof specified for that Aqua-culture seed under clause (b) of section 11.

Recognition of Aqua-culture seed certification agencies of foreign countries.

19. The Government may, on the recommendation of the State Aqua-culture Seed Committee and, by notification, recognise any culture seed certification agency established in any foreign country for the purposes of this Act.

CHAPTER - VI

Aqua-culture Seed Analysts.

20. The Government may, by notification appoint such persons as it thinks fit, having the prescribed qualifications, to be Aqua Culture Seed Analysts and define the areas within which they shall exercise jurisdiction.

Aqua-culture Seed Inspectors.

21. The Government may, by notification, appoint such persons as it thinks fit, having the prescribed qualifications, to be Aqua culture Seed Inspectors and define the areas within which they shall exercise jurisdiction.

CHAPTER - VII

22. If any person,-

Penalty.

(a) contravenes any provision of this Act or any rule made thereunder; or

(b) prevents an Aqua-culture Seed Inspector from taking sample under this Act; or

(c) prevents an Aqua-culture Seed Inspector from exercising any other power conferred on him by or under this Act,

shall, on conviction, be punishable,-

(i) for the first offence with fine which may extend to minimum of five thousand rupees; and

(ii) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term which may extend to minimum of six months or with fine which may extend to minimum of ten thousand rupees or with both.

23. Where a person has been convicted of any offence punishable under this Act or the rules made thereunder, the Aqua-culture seed in respect of which the offence has been committed, may be forfeited to the Government.

Forfeiture of property.

24. (1) Where an offence under this Act has been committed by a Company, every person who at the time of the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by Companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act, if he proves that the offence was committed without his

knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section-

(a) 'Company' means any body corporate and includes a firm or other association of individuals; and

(b) 'Director' in relation to a firm, means a partner in the firm.

CHAPTER - VIII

Appeal. 25. (1) Any person aggrieved by a decision of the District Aqua-culture Seed Committee may within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the State Aqua-culture Seed Committee.

(2) Any person aggrieved by a decision of the State Aqua-Culture Seed Committee may within thirty (30) days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the Government:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) On receipt of an appeal under sub-section (1) and sub-section (2), the appellate authority shall, after giving an opportunity of being heard dispose of the appeal as expeditiously as possible.

(4) Every order passed by the State Aqua-Culture Seed Committee on an appeal preferred to it and the orders passed by the Government on an appeal preferred to them under this section, shall be final.

26. No suit, prosecution or other legal proceedings shall lie against the Government or any officer or employee of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

27. Any person acting under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Persons acting under this Act to be Public Servants. Central Act 45 of 1860

28. Nothing in this Act shall apply to any Aqua-culture seed of any notified kind or variety grown by a person and sold or delivered by him in his own premises direct to another person for being used by that person for the purpose of recreation.

Exemption.

CHAPTER - IX

29. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) the functions of the members of State Aqua-culture Seed Committee and District Aqua-culture Seed Committees and the travelling and daily allowances payable to members of the Committees and members of any Sub-committee appointed under sub-section (5) of section 3 and section 5;

(b) the functions of the Aqua-culture Seed Laboratory;

(c) the functions of State Aqua-culture Seed Committee and District Aqua-culture Seed Committee;

(d) the manner of marking or labelling the container of Aqua-culture seed of any notified kind or variety under clause (d) of section 12 and under clause (b) of section 18;

(e) the requirements which may be complied with by person carrying on the business referred to in section 12;

(f) the form of application for the grant of a certification under section 14, the particulars it may contain, the fees which should accompany it, the form of the certificate and the conditions subject to which the certificate may be granted;

(g) the standards to which Aqua-culture seeds should confirm;

(h) the form and manner in which and the fee on payment of which an appeal may be preferred under section 25 and the procedure to be followed by the Appellate Authority in disposing of the appeal;

(i) the qualifications and duties of Aqua-culture Seed Analysts and Aqua-culture Seed Inspector;

(j) the manner in which samples may be taken by the Aqua-culture Seed Inspector, the procedure for sending such samples to the Aqua-culture Seed Analyst or the Aqua-culture Seed Laboratory and the manner of analysing such samples;

(k) the form of report of the result of the analysis under sub-section (1) or sub-section (2) of section 17 and the fees payable in respect of such report under the said sub-section (2);

(l) the records to be maintained by a person carrying on the business referred to in section 12 and the particulars which such records shall contain;

(m) issue of licences to 'Hatcheries, 'Fish Seed Farms';

(n) safeguarding brood fish or prawn or any parent stock of Aquatic animals or plants; and

(o) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act, shall, immediately after it is made, be laid down before the Legislative Assembly of the State, if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

T. MADAN MOHAN REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 36]

AMARAVATI, MONDAY, 28th DECEMBER, 2020.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 24th December, 2020 and the said assent is hereby first published on the 28th December, 2020 in the Andhra Pradesh Gazette for general information :

ACT No. 36 of 2020.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
AQUACULTURE SEED (QUALITY CONTROL) ACT, 2006 AND TO
PROVIDE FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First Year of the Republic of India as follows,-

- | | | |
|----|---|--|
| 1. | (1) This Act may be called the Andhra Pradesh Aquaculture Seed (Quality Control) (Amendment) Act, 2020. | Short title and commencement. |
| | (2) It shall be deemed to have come into force on and from the 10 th September, 2020. | |
| 2. | In the Andhra Pradesh Aquaculture Seed (Quality Control) Act, 2006, (herein after referred to as the Principal Act), for Section 2, the following shall be substituted, namely,- | Substitution of section 2. Act 24 of 2006. |
| | “2. (1) “Accreditation” means the procedure by which a competent authority gives formal recognition that a Hatchery / Larval Rearing Center, having all the facilities required for the production of quality Aquaculture Seed; | Definitions. |

- (2) "Act" means the Andhra Pradesh Aquaculture Seed (Quality Control) Act, 2006;
- (3) "APSADA" means the Andhra Pradesh State Aquaculture Development Authority;
- (4) "Aquaculture Farm" means any place with water holding facility to do Aquaculture;
- (5) "Aquaculture Farmers" means the person / firm / company undertaking aquaculture;
- (6) "Aquaculture Seed Analysis" means procedures to verify whether the Aquaculture Seed confirms to the Quality Standards prescribed under this Act or not;
- (7) "Aquaculture Seed Analyst" means the designated by Controlling Authority under this Act, for person carrying out the analysis of Aquaculture Seed in the Aquaculture Seed Laboratory;
- (8) "Aquaculture Seed Inspector" means Fisheries Development Officer or any other Gazetted Officer of Department of Fisheries appointed as the Aquaculture Seed Inspector under section 21;
- (9) "Aquaculture Seed Laboratory" means the Aquaculture Seed Laboratory established/ notified under section 9;
- (10) "Aquaculture Seed" means any stage of life cycle of any aquatic organism, which is used for growing it to table size through aquaculture;
- (11) "Aquaculture" means growing of aquatic organism in confined waters with human intervention from smaller size to larger size;
- (12) "Aquatic Organism" means an animal or plant of any species or hybrid thereof, and includes gametes, seeds, egg, sperm, larvae, juvenile and adult stages, any one of which is required to be in water (of any salinity) during that stage of its life. It includes but not limited to cartilaginous and bony fishes, freshwater and marine prawn and shrimp, crustaceans, molluscs, echinoderms, amphibians, tortoises, plankton, seaweeds, aquatic plants and all other aquatic organisms at all stages of their life cycle and any other animal/s declared from time to time by the Government through notification;
- (13) "Aquatic Quarantine Facility (AQF)" means any place approved for maintaining a group of live aquatic organisms in isolation with no direct or indirect contact with other aquatic animals or aquatic environment, in order to test them for the presence of pathogens, for a specified length of time period;

- (14) "Biosecurity" means the integrated approach to analyze and manage relevant risks of pathogens to aquatic organisms;
- (15) "Brooder Multiplication Center (BMC)" means a place where specific pathogen free aquatic organisms are reared from early stage of their life cycle to sexually matured adult stage for using them as brooders for aquaculture seed production;
- (16) "Broodstock" means a group of sexually matured male and female aquatic organisms maintained and used in hatcheries for the purpose of aquaculture seed production;
- (17) "Certification" means the procedure by which written assurance is given that a product/process/service conforms to specific requirement;
- (18) "Certified Seed" means the Aquaculture Seed certified by means of the certification under this Act;
- (19) "Committee" means the Aquaculture Seed Committee and other Committees constituted under sections 3, 4 and 5;
- (20) "Company" means company as defined in the Companies Act, 2013;
- (21) "Container" means a box, bottle, casket, tin, barrel, case, receptacle, sack, wrapper or other thing in which any aquaculture seeds are packed;
- (22) "Controlling Authority" means the officer who is responsible for the overall enforcement of this Act in the entire State of Andhra Pradesh;
- (23) "Court" means any Court not less than a Court of Judicial Magistrate of First Class in the State of Andhra Pradesh;
- (24) "Designated Committee" means the Committee in the presence of which the Aquaculture Seed Inspector shall act under sub-section (4) of section 13;
- (25) "Endorsement" means endorsement done under this Act to any license/ registration issued before commencement of this law under any other Act. Once endorsement is done, it shall be deemed to be a fresh license issued under this Act and will be governed by provisions of this Act and Rules made thereunder;
- (26) "Export" means taking Aquaculture seed from the State or Country to a place outside State or Country;
- (27) "Firm" means a firm / partnership firm registered under the Indian Partnership Act, 1932;
- (28) "Fish Seed Farm" means a place with structures for rearing of early stages of fish seed such as spawn or hatchlings to the stages of fry, fingerlings, advanced fingerlings, sub-adults;

Central Act No.
18 of 2013.

Central Act No 9 of
1932.

- (29) "Fish" means all cartilaginous and bony fishes, freshwater and marine prawn and shrimp, crustaceans, molluscs, echinoderms, amphibians, tortoises and all other aquatic organisms at all stages of their life cycle and any other animal/s declared from time to time by the Government through notification;
- (30) "Fisherman" means a person who is involved in capture fishery activity by occupation and also includes fishermen by birth;
- (31) "Government" means the State Government of Andhra Pradesh;
- (32) "Hatchery" means a production unit, where brooders are maintained and used for production of seed of any stage of life cycle of any aquatic organism by following established methods for rearing them to advanced stage through aquaculture;
- (33) "Import" means bringing Aquaculture seed into the State or Country from a place outside the State or Country;
- (34) "Kind" means one or more related species or such species of aquatic organisms each individually or collectively are known by one common name such as Carps, Shrimp, Prawn, Crab, Lobsters, Sea weeds, Aquarium plants etc;
- (35) "Larval Rearing Center" means the unit in which nauplii or any other life stage of any species is brought from a hatchery and reared in the unit up to a later stage of its life cycle. These units will not have facilities for maintenance and usage of brooders;
- (36) "License" means any license given under this Act in favour of any person or company / firm for operating hatchery / Larval Rearing Center or any other Unit;
- (37) "Licensing Authority" means the officer who is empowered to grant licenses to under this Act;
- (38) "Notification" means a notification published in the Andhra Pradesh Gazette;
- (39) "Notified kind or variety" means any kind or variety of aquatic organism notified under this Act;
- (40) "Nucleus Breeding Centre (NBC)" means a facility where Specific Pathogen Free (SPF) aquatic organisms are raised over a number of generations in a highly bio-secure environment, excluding a number of pathogens of concern from the facility. A strict surveillance protocol is followed to ensure that the pathogens are excluded. A highly bio-secure NBC is used for producing multiple generations of the SPF stock;

- (41) "Ornamental Seed" means the early life stages of aquatic organisms used for the purpose of recreation;
- (42) "Pathogen" means an infectious agent capable of causing disease;
- (43) "Prescribed" means prescribed by rules made under this Act;
- (44) "Specific Pathogen Free (SPF)" means aquatic organism that have been produced and are tested and held under rigorous conditions of biosecurity that provide assurances that they are free of certain specified pathogens. Once animals leave an SPF facility, they are no longer considered to have an SPF status;
- (45) "Standard Aquaculture Seed" means any Aquaculture Seed complying standards prescribed under this Act or rules made thereunder;
- (46) "Standard Operating Procedures (SOPs)" means a set of instructions having the force of a directive, covering those features of operations that lend themselves to a definite or standardized procedure without loss of effectiveness;
- (47) "Sub-standard Aquaculture Seed" means any Aquaculture Seed not in compliance with the standards prescribed under the Act and Rules made thereunder;
- (48) "Variety" means a sub-division of a kind identifiable by morphology, growth, yield, seed or other characteristics;"

3. In the principal Act, for section 3, the following shall be substituted, namely,-

"3. (1) The Government may constitute a committee called the State Level Aquaculture Seed Committee consisting of the following members :-

- (i) Special Chief Secretary, AHDD & F Department shall be the Ex-officio Chairman;
- (ii) Commissioner of Fisheries, who shall be the Member Secretary;
- (iii) Technical Director, Coastal Aquaculture Authority (CAA), Chennai shall be one of the member;
- (iv) Dean, Faculty of Fishery Science, Sri Venkateswara Veterinary University, Tirupati shall be the one of the Member;
- (v) One representative from MPEDA not below the rank of Joint Director shall be one of the member;
- (vi) One representative from Rajiv Gandhi Centre for Aquaculture(RGCA) shall be one of the member;
- (vii) One representative from Andhra Pradesh Pollution Control Board (APPCB) shall be one of the member;
- (viii) One member each from Central Institute of Brackish Water Aquaculture(CIBA),Chennai, Central Institute of Fresh Water Aquaculture(CIFA), Bhubaneswar, Drug Controlling Authority (DCA);

Substitution of section 3.

Constitution of State Level Aquaculture Seed Committee.

- (ix) Two representatives from Shrimp Farmers and nominated by the Government-Members;
 - (x) Two representatives from Fish Farmers and nominated by the Government-Members;
 - (xi) Two representatives from Hatcheries / Larval Rearing Centers out of which one shall be a finfish hatchery operator and nominated by the Government-Members;
 - (xii) One representative from Brooder Multiplications Centers and nominated by the Government-Member.
- (2) Powers, functions, roles, responsibilities, terms and conditions of the nominated members, quorum and all such other matters as may be prescribed."

Insertion of new section 3A.

4. In the Principal Act, after section 3, the following new section shall be inserted, namely,-

Controlling Authority.

"3A. The Commissioner of Fisheries or any officer empowered by him shall be the Aquaculture Seed Controlling Authority under this Act (herein after referred to as "Controlling Authority"). The powers and functions of the Controlling Authority shall be as may be prescribed."

substitution of section 4.

5. In the Principal Act, for section 4, the following shall be substituted, namely,-

Constitution of District Level Aquaculture Seed Committee and its powers & functions

"4. (1) The Government may, by notification constitute Aquaculture Seed Committee at district level, to advise the State Aquaculture Seed Committee on all matters relating to registration and certification of hatcheries of fish / shrimp / scampi hatcheries and to enforce the provisions of the Act and the rules made thereunder.

- (2) To implement provisions of this Act at district level a committee namely "the District Level Aquaculture Seed Committee (hereinafter referred to as "the District Level Committee") shall be constituted with the following members:-
- (i) Collector, who shall be the Chairman;
 - (ii) Joint Collector (*Rythu Bharosa*)- Member;
 - (iii) District Fisheries Officer, who shall be the Member Secretary;
 - (iv) Executive Engineer, APPCB- Member;
 - (v) Deputy Director / Assistant Director, MPEDA- Member;
 - (vi) One progressive shrimp farmer, nominated by the Collector;

(vii) One progressive fish farmer, nominated by the Collector;

(viii) Two progressive Hatchery / Larval Rearing Center Operator out of which one shall be a finfish hatchery operator, nominated by the Collector;

(3) The District Level Committee shall have other powers and functions as may be prescribed."

6. In the principal Act, for section 6, the following shall be substituted, namely,-

Substitution of section 6.

Not to be invalid by reason of any vacancy.

"6. No proceedings of any Committee under this Act shall become invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof."

7. In the principal Act, for section 7, the following shall be substituted, namely,-

Substitution of section 7.

Procedure for committee.

"7. The procedure and functions of the Committees shall be as may be prescribed."

8. In the Principal Act, for section 8, the following shall be substituted, namely, -

Substitution of section 8.

License / Endorsement

"8. (1) License / endorsement under this Act shall be obtained from Andhra Pradesh State Aquaculture Development Authority (APSADA) as per the process prescribed under this section.

(2) Every Hatchery, Larval Rearing Centre (LRC), Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production shall possess License under this Act.

(3) With the approval of the State Level Committee, the Controlling Authority may issue executive orders to bring any unit which rear Aquaculture Seed to an advanced stage, such as juvenile, fry, fingerling etc, under the purview of this Act and Rules.

(4) Licensing Authority: The Collector of the District shall act as the Licensing Authority under this Act.

(5) Process of Issuance of License/Endorsement -

(i) Licenses/Registrations already issued to the Aquaculture Seed Hatcheries, Larval Rearing Centres, Brooder Multiplications Centers or any other unit connected with aquaculture seed production by any Department / Organization under any other Act shall be valid and it is not necessary to apply for license afresh. However, these old licenses / registrations are to be endorsed by the Licensing Authority of this Act in order to consider them to be issued under this Act.

Central Act No.
18 of 2013.

- (ii) The existing licenses endorsed under clause (i) shall be considered as Licenses issued under this Act and hence shall be governed by the provisions of this Act.
- (iii) The applications received, under clause (i) for endorsement of existing licenses/ registration, the process of endorsement shall be completed by the Licensing Authority within fifteen (15) days, by following the prescribed procedure.
- (iv) If acceptance or rejection of the application made under clause (i) is not communicated within the stipulated time of fifteen (15) days, the license shall be deemed to be endorsed.
- (v) Any person/ persons who wish to start a new Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production; any Company registered under Companies Act, which desires to start new Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production shall apply for the license along with the prescribed license fee to the Licensing Authority in the manner prescribed under Rules.
- (vi) If any application under clause (v) is submitted, the Licensing Authority:-
 - (a) If satisfied that the applicant has fulfilled all the terms and conditions prescribed for carrying out operations of Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production, the Licensing Authority shall issue the license within fifteen (15) days from the date of application; or

If the Licensing Authority is of the opinion that the applicant has not fulfilled most of the prescribed terms and conditions, the applicant shall be informed of the same and be given an opportunity to furnish documents before rejecting the application within fifteen (15) days from the date of receipt of notice for additional documents, issued by licensing authority.
 - (b) If acceptance or rejection of application made under clause (v) is not issued within the stipulated time of fifteen (15) days, the license shall be deemed to be issued.

- (vii) If any person/firm, operating Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production without any license immediately before commencement of this law, the person/company/firm shall apply to the Licensing Authority within a period of four (4) months from the issuance of Gazette notification of this Act.
- (viii) If application is not submitted for license within the time limit as prescribed under clause (vii), the Licensing Authority can order for stopping all Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit Operations being undertaken by the person/company/ firm.
- (ix) If any application under clause (vii) is submitted, the Licensing Authority:-
- (a) If satisfied that the applicant has fulfilled all the terms and conditions of application for carrying out the Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit Operations, the Licensing Authority shall issue the license within fifteen (15) days from the date of application; or
- If the Licensing Authority is of the opinion that the applicant has not fulfilled most of the prescribed terms and conditions, the applicant shall be informed the same and be given an opportunity to furnish documents before rejecting the application within fifteen (15) days from the date of receipt of notice for additional documents, issued by licensing authority;
- (b) Till the time of receiving acceptance or rejection of application made under clause (vii), the applicant may continue to operate Hatchery, Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production;
- (c) If acceptance or rejection of application made under clause (vii) is not issued within the stipulated time of fifteen(15) days, the license shall be deemed to be issued,
- (x) The licensing authority shall make sure all the applications for issuance of license / endorsement of existing license are in full shape to minimize the rate of rejection. The licensing authority shall facilitate the application process and shall render all possible support and assistance to the applicants.

- (6) License / Endorsement Fee: License Fee will be fixed by rules.
- (7) Duration of License / Endorsement: Licenses issued / endorsed under this Act shall be valid for lifetime and no renewal is required.
- (8) Suspension / Cancellation of License:

The license is liable to be suspended if the licensing authority is satisfied that either on a reference made to it in this behalf or otherwise, that any offense, listed in rules for which suspension of license is prescribed, was committed by the licensee or his representative, without prejudice to any other penalty to which the holder of the license is liable under this Act and rules made hereunder:

The license is liable to be cancelled if the licensing authority is satisfied that either on a reference made to it in this behalf or otherwise, that any offense, listed in rules for which cancellation of license is prescribed, was committed by the licensee or his representative, without prejudice to any other penalty to which the holder of the license is liable under this Act and rules made hereunder."

substitution of section 9.

9. In the principal Act, for section 9, the following shall be substituted, namely,-

Establishment of Aquaculture seed Laboratory.

- "9. (1) The Government may notify one or more Referral Aquaculture Seed Laboratories and one or more Regional Aquaculture Seed Laboratories as may be prescribed;
- (2) The Controlling Authority may empanel private Aquaculture Seed Laboratories in different areas as per the requirement by issuance of executive orders.
- (3) The Controlling Authority may authorize laboratories run by third party agencies to carryout seed analysis by means of executive orders under this Act."

substitution of section 10.

10. In the principal Act, for section 10, the following shall be substituted, namely,-

Power to regulate wild seed and Ornamental seed.

- "10. (1) The Controlling Authority shall have the powers to regulate and control the collection and sale of wild seed as prescribed.
- (2) The Controlling Authority shall have the powers to regulate the quality of ornamental seed as prescribed"

11. In the principal Act, for section 11, the following shall be substituted, substitution of
namely,- section 11.

Standards of
Aquaculture Seed.

“11. (1) Standards for Aquaculture Seed/ brooders to be maintained by Aquaculture Seed Hatcheries, Larval Rearing Centers, Brooder Multiplications Centers, Fish Seed Farm or any other unit connected with aquaculture seed production for any aquaculture seed / brooder to be sold in the State shall be prescribed by rules.

(2) The standards prescribed under this section shall be applicable to :-

(i) the Aquaculture seed produced in the State and sold within the State;

(ii) Aquaculture seed produced in other States and brought into the State for distribution / sales;

(iii) Aquaculture seed produced in other countries and imported into the State for distribution and sales in the State.”

12. In the principal Act, for section 12, the following shall be substituted, substitution of
namely,- section 12.

Regulation of sale of
Aquaculture seeds
and brooders.

“12. (1) After enactment of this Act, all the aquaculture seed / brooders intended / offered to be sold in the State shall comply with the quality prescribed under section 11 of this Act.

(2) With the approval of the State Level Seed Committee, the Controlling Authority shall have the powers to issue instructions to all licensees to follow any method / procedure for ensuring the traceability of the brooders / seed.”

13. In the principal Act, for section 13, the following shall be substituted, substitution of
namely,- section 13.

Powers, role and
responsibilities of
the Aquaculture
Seed inspector.

“13. (1) The Aquaculture Seed Inspector may,-

- (i) enter and search the premises of any Hatchery , Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms Center or any other unit connected to the aquaculture seed production at all reasonable times, with such assistance, if any, when he/she receives any complaint or if he/she considers necessary, any place in which he/she has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any Aquaculture Seed/ brooder in respect of which the offence has been or is being committed, not to dispose of any

stock of Aquaculture Seed / brooder for a specific period not exceeding seven (7) days or, unless the alleged offence is such that the defect may be rectified by the possessor of the Aquaculture Seed/ brooder, restrict the stock of such Aquaculture Seed/ brooder from being sold;

- (ii) take samples of Aquaculture Seed/brooder,-
 - (a) from Hatchery , Larval Rearing Centre, Brooder Multiplications Centers, Fish Seed Farms or any other unit connected to the aquaculture seed production, selling or offering to sell such Aquaculture Seed / brooder; or
 - (b) from any person who is in the course of conveying or delivering or preparing to deliver such Aquaculture Seed / brooder to a purchaser or a consignee; or
 - (c) upon receipt of complaint, from any consignee or purchaser after delivery of such Aquaculture Seed / brooder to him/her by following procedure prescribed.
- (iii) send such sample for analysis to the Aquaculture Seed Analysis Laboratory;
- (iv) in case of *L. vannamei* or any other speices, examine and count the number of brooders in a hatchery and verify whether the count of brooders is tallying with the imported brood stock or not;
- (v) examine any record, register document or any other material object found in any place mentioned in sub- clause (a) and seize the same if he/she has any reason to believe that it may provide evidence of the commission of an offence punishable under this Act; and
- (vi) exercise such other powers as may be necessary for carrying out the purposes of this Act or any Rule made thereunder.

(2) Where any sample of any Aquaculture Seed/ brooder is taken under sub-clauses (a) and (b) of clause (ii) of sub-section (1), its cost, calculated at the rate at which such Aquaculture Seed is usually sold shall be paid in cash to the person from whom it is being taken under proper cash bill/ invoice.

- (3) The power conferred under this section includes power to break-open any facility / container in which any Aquaculture Seed/ brooder may be contained or to collect the Aquaculture Seed/brooder from Hatchery, Larval Rearing Centre (LRC), Brooder Multiplications Centers, Fish Seed Farms or any other unit connected to the aquaculture seed production where any such Aquaculture Seed/ brooder may be kept for sale and distribution:

Provided that, the power to collect the Aquaculture Seed from Hatchery, Larval Rearing Centre, Brooder Multiplication Center, Fish Seed Farms or any other unit connected to the aquaculture seed production shall be exercised only after the owner or any other person in occupation of the premises, if present, therein, refuses to allow collection of the Aquaculture Seed sample on being called upon to do so.

- (4) Where the Aquaculture Seed Inspector takes any action under sub-section (3), he shall, as far as possible, ask the Committee, designated for the purpose under rules of this Act, to be present at the time when such action proposed to be taken and take the signatures of the Designated Committee members on a memorandum to be prepared in such form as may be prescribed.
- (5) The provisions of the Code of Criminal Procedure, 1973 shall, as the case may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.
- (6) To ensure transparency in the functioning of the Aquaculture Inspector, there shall be a mechanism for inspection of the Aquaculture Inspectors as prescribed.
- (7) The Controlling Authority may outsource sample collection task to any Technical Agency. APSADA shall issue identity cards to sample collectors employed by such agency and their details shall be entered on web-portal. Such sample collectors shall be allotted sample collection tasks under randomization by computer software. These sample collectors shall carryout the sample collection work, allotted to them, on behalf of APSADA. The concerned outsourced agency or the sample collector employed by it shall not be having any powers of Aquaculture Inspector or APSADA, their job shall be limited to sample collection alone."

Central Act No 2
of 1974.

Insertion of new
Section 13A.

14. In the principal Act, after section 13, the following new section shall be inserted, namely,-

“13A.

Responsibility of
Licensee.

- (1) In case of *L. vannamei* or any other prescribed species, the licensee shall enter the details of imported brood-stock on the web-portal maintained by the Department of Fisheries/ APSADA. The licensee shall also enter the details of discarded/ dead brood-stock on daily basis. At any given point of time, brood-stock available in the Hatchery shall tally with the records on web portal. Any deviation in this regard shall be treated as an offense under this Act and shall be punishable as prescribed.
- (2) With the approval of the State Level Seed Committee, the Controlling Authority shall have the powers to specify additional methods or procedures for tracing the brooders, the license shall follow such approved methods / procedures in addition to the procedure described under sub-section (1).
- (3) Whenever Aquaculture Seed Inspector enters into premises of a licensee,-
 - (i) The Licensee or every person found therein shall provide the Aquaculture Seed Inspector best possible assistance in his/her power/capacity to enable the Aquaculture Seed Inspector to carry out his/her duties and functions under this Act and shall furnish him/her with such information with respect to the administration of this Act and the regulation as he/she may reasonably require.
 - (ii) No person shall obstruct or deceive or mislead Aquaculture Seed Inspector in carrying out his/her duties or functions under this Act.
 - (iii) If any offense is committed under clause (ii), the Aquaculture Seed Inspector shall take the assistance of one or two witnesses and shall discharge his/her duties.
 - (iv) In case if same offence is repeated by the Licensee or occupier or any person found in the premises, the Aquaculture Seed Inspector shall lodge a complaint in the nearest police station,

(v) Offence committed under clauses (ii) and (iv) shall be punishable under the Code of Criminal Procedure, 1973 and/or any other appropriate law.

Central Act No. 2
of 1974.

(4) Whenever any Sample Collector authorized by APSADA enters into the premises of the licensee for sample collection, the licensee shall provide the sample after verifying the identity of such sample collector. In case if any doubt arises about the authenticity of such sample collector, the licensee shall cross check with the concerned Aquaculture Inspector or any other officer of APSADA.”.

15. In the principal Act, for section 14, the following shall be substituted, namely, -

Substitution of
section 14.

Accreditation and
Certification.

“14. (1) The Licensing Authority shall have the power for granting accreditation and certification.

(2) Hatcheries /Larval Rearing Centers shall obtain accreditation & certification as per the prescribed procedure.

(3) With the approval of the State Level Seed Committee, the Controlling Authority shall be empowered to make Accreditation and Certification compulsory for any other unit, which is not covered under sub-section(2), by issuing executive orders.

(4) The Controlling Authority shall be empowered to outsource the job of sample collection, analysis or any other work connected with the accreditation and certification to empanelled Third Party Agency. Such empanelled third party agency shall regularly inspect facilities of such accredited units as prescribed.

(5) Procedure of according accreditation & certification, fee payable, documents to be produced by the applicant, duration of accreditation & certification and other terms and conditions shall be as prescribed.”.

16. In the principal Act, for section 15, the following shall be substituted, namely, -

Substitution of
section 15.

Revocation of accreditation and certification.

"15. Conditions under which the accreditation and certification is liable to be suspended / cancelled shall be as may be prescribed."

Substitution of section 16.

17. In the principal Act, for section 16, the following shall be substituted, namely,-

Collection and forwarding of Sample.

"16. (1) To prevent any sort of bias, the sample collection process shall be randomized. The randomization of Aquaculture Inspector / Sample Collector and Licensee from whom sample is to be collected shall be done by system generated randomization. The detailed procedure of randomization shall be as may be prescribed.

(2) In case if there are more than one empanelled laboratory in the area, the laboratory for analysis of the sample shall be chosen by system generated randomization process.

(3) The Aquaculture Seed Inspector is empowered to take any sample of any brooder, feed, live feed, chemicals, medicines, aquaculture seed, water, fecal matter of brooders or any other material from a licensee for the purpose of analysis.

(4) Whenever the Aquaculture Seed Inspector intends to take sample from licensee, he/she shall give notice as may be prescribed.

(5) While taking live samples, Aquaculture Seed Inspector shall take three representative samples of required quantity, shall preserve, mark, seal or fasten up each sample as may be prescribed.

(6) When live samples are taken the Aquaculture Seed Inspector shall,-

- (i) deliver one sample (1st representative sample) to the licensee from whom it has been taken under proper acknowledgement;
- (ii) send one of the sample (2nd representative sample) to the Regional Aquaculture Seed Analysis Laboratory, for analysis.
- (iii) send another sample (3rd representative sample), for analysis to the empanelled Aquaculture Seed Analysis Laboratory for the locality from which such sample has been collected; and

- (iv) If the licensee from whom the sample/s taken refuses to accept one of the samples, the Aquaculture Seed Inspector shall send such refused portion also to the Regional Aquaculture Seed Analysis Laboratory with an intimation of such refusal and thereupon the Analyst at Regional Aquaculture Seed Analysis Laboratory shall preserve the refused sample and shall deliver it to the Aquaculture Seed Inspector in case legal proceedings.
 - (v) Additional procedures in case of brooder samples collected from Brooder Multiplications Centers or any other unit connected with aquaculture seed production shall be as may be prescribed.
 - (vi) The Aquaculture Inspector / Sample Collector shall obtain signatures of the licensee and one witness on a tag and attach the same to the sample in manner as may be prescribed.
- (7) While taking dead samples, such as feed/ chemicals/ medicines or any other non-living material, the Aquaculture Seed Inspector shall take four representative samples of required quantity, shall preserve, mark, seal or fasten up each sample as may be prescribed. When samples are taken the Aquaculture Seed Inspector shall,-
- (i) deliver one sample (1st representative sample) to the licensee from whom it has been taken under proper acknowledgement;
 - (ii) send another sample (2nd representative sample), for analysis to the Regional Aquaculture Seed Analysis Laboratory for the area within which such sample has been collected; and
 - (iii) send one of the sample (3rd representative sample) to the Referral Laboratory, for analysis as and when required. This sample is to be preserved at Referral Aquaculture Seed Laboratory by following standard procedure for a minimum period of thirty (30) days for analysis.
 - (iv) the Aquaculture Seed Inspector shall retain one portion of the sample (4th representative sample) with him/her to use it as and when required.
 - (v) If the licensee from whom the sample/s taken refuses to accept one of the samples, the Aquaculture Seed Inspector shall send such refused portion also to the Regional Laboratory with an intimation of such refusal and thereupon the Analyst at Regional Laboratory shall preserve the refused sample and shall deliver it to the Aquaculture Seed Inspector in case of legal proceedings.

- (vi) The Aquaculture Inspector / Sample Collector shall obtain signatures of the licensee and one witness on a tag and attach the same to the sample and sealed in the manner as may be prescribed”.

Substitution of section 17.

18. In the principal Act, for section 17, the following shall be substituted, namely,-

Sample analysis and reporting of results.

“17. (1) The Aquaculture Seed Analyst at Aquaculture Seed Laboratory, after the receipt of the sample, analyse it and deliver the report of analysis, in duplicate, to the Aquaculture Seed Inspector within seven (7) days from the date of receipt of sample.

(2) Aquaculture Seed Inspector shall serve a copy of the report to the person from whom the sample has been taken under proper acknowledgement.

(3) In case if it is established that the seed / brooder does not comply with the quality standards which can be analyzed only in live condition, the results of the Regional Aquaculture Seed Laboratory shall be final and hence the prescribed penal action shall be initiated against the defaulted licensee.

(4) However, in case if it is possible to analyse the preserved sample for the non-complied quality standards, licensee shall have an option to avail to get the preserved sample in Referral Aquaculture Seed Laboratory by duly following prescribed procedure.

(5) The Analyst at Referral Aquaculture Seed Analysis Laboratory shall analyse such preserved sample and send the analysis report to the Licensee under copy to Licensing Authority and Aquaculture Seed Inspector in the prescribed form within seven (7) days from the date of receipt of the request.

(6) The report sent by the Referral Aquaculture Seed Analysis Laboratory shall be final and supersede the report given by the Regional Aquaculture Seed Laboratory.

(7) Where the report sent by the Referral Aquaculture Seed Analysis Laboratory is produced in any Court proceedings, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

(8) Online procedure by which the laboratory reporting is handled shall be as may be prescribed.

(9) The results of empanelled laboratory shall match with the results of Regional Laboratory with minor variations (<5%), but gross variation (>5%) shall not be there. If gross variations are observed in the results of any empanelled laboratory in comparison with regional laboratory for more than once in 10 samples, calibration of instruments shall be carried out by the owner of such laboratory. If gross variations are continued to be observed even after calibration, it shall be considered as violation. Penalty shall be imposed on such empanelled laboratory for first two violations after calibration and its empanelment shall be suspended in case of third violation and as prescribed under rules.”

19. In the principal Act, after section 17, the following new Section shall be inserted, namely,-

Insertion of new section 17A.

Additional mechanism for quality assurance.

“**17A.** Apart from the regular sample collection and analysis by the Department of Fisheries / APSADA, an additional option of quality assurance shall be available to the Aquaculture Farmers at the time of actual seed packing in the Hatchery / Larval Rearing Center, in which-

(1) the Licensee shall allow the Aquaculture Farmer / buyer to pickup one sample Aquaculture Seed being packed for him/her in the hatchery / Larval Rearing Center.

(2) The picked up seed sample shall be preserved in ethanol in front of the Aquaculture Farmer / buyer and shall be divided into three portions and shall be packed, sealed and marked with code number and seal of the licensee as may be prescribed.

(3) Out of these three portions, one portion is to be retained by the licensee and two portions shall be handed over to the Aquaculture Farmer / buyer.

(4) If the Aquaculture Farmer / buyer wishes to get the preserved sample analysed for the presence of certain pathogens like WSSV, EHP, MBV, IHHNV, HPV etc., he/she may get one of the sample analysed at Regional Aquaculture Seed Laboratory by submitting the sample, invoice and by paying prescribed fees.

(5) In case of which, the analyst at Regional Aquaculture Seed Laboratory shall follow the prescribed procedure for handling and analysis of such preserved sample submitted by Aquaculture Farmer / Buyer.

(6) Upon analysis, if the seed sample is found to be negative for the presence of certain pathogens, Aquaculture Farmer/ Buyer will be informed through SMS and no further action shall be there in this regard.

(7) In case if the sample is found to be positive for the presence of any of the tested pathogen, both the Licensee and the Aquaculture Farmer/Buyer shall be informed through SMS. The Licensee needs to refund the entire amount paid by the Aquaculture Farmer/Buyer for the seed and shall also bear the cost of analysis. This shall be considered as an offense under this Act and penalty for this violation shall be as may be prescribed.”.

Substitution of section 18.

20. In the principal Act, for section 18, the following shall be substituted, namely,-

Ban on sale of uncertified aquaculture seed in the State.

“18. (1) After the enforcement of this Act, there shall be a ban on sale / supply of uncertified seed in the State. No hatchery / LRC located within the State or outside the State shall sell/ supply uncertified seed to Aquaculture Farmers in the State.

(2) Provisions of sub-section (1) shall be applicable to the prescribed species only. With the approval of State Level Committee, the Controlling Authority, shall be empowered to bring any other species under purview of sub-section (1) by issuing executive orders at a later stage.

(3) Hatcheries / LRC located outside the State shall also obtain accreditation, certification from the Andhra Pradesh State Fisheries Department / APSADA to be eligible to sell their seed within the State if Hatcheries / LRC located outside the state has already got accreditation & certification from the agencies other than Andhra Pradesh State Fisheries Department / APSADA, they need not to obtain fresh accreditation & certification. However they need to get their accreditation & certification endorsed by Andhra Pradesh State Fisheries Department / APSADA to be eligible to sell their seed in Andhra Pradesh. Endorsement issued under this Act shall be treated as accreditation & certification done under this Act. The list of such endorsed units shall be kept on the web portal. The aquaculture farmers of the State shall purchase seed from such units whose accreditation & certification is endorsed by the Andhra Pradesh State Fisheries Department/ APSADA.”.

21. In the principal Act, for section 19, the following shall be substituted, namely,-

Substitution of
Section 19.

Empanelment of
Third Party Techni-
cal Agencies.

“19. (1) Third Party Technical Agencies shall be empanelled for providing assistance in implementation of this Act by the Department of Fisheries / APSADA.

(2) Services like sample collection, sample analysis, inspections, reporting accreditation & certification process, evaluation and any other services as required shall be rendered by the empanelled Third Party Technical Agencies.

(3) The procedure of empanelment of Third Party Technical Agencies shall be as may be prescribed.

(4) Role, responsibility, duties and other aspects of such empanelled Third Party Technical Agencies shall be as may be prescribed.”

22. In the principal Act, for section 21, the following shall be substituted, namely,-

Substitution of
Section 21.

Aquaculture Seed
Inspector.

“21. Fisheries Development Officer or any other Gazetted Officer of Fisheries Department who is designated by the Controlling Authority shall be the Aquaculture Seed Inspector.”

23. In the principal Act, for section 22, the following shall be substituted, namely,-

Substitution of
section 22.

Offenses &
Penalties.

“22. (1) Offenses under this Act are-

- (i) operating Hatchery / Larval Rearing Center / Brooder Multiplications Centers, Fish Seed Farms or any other unit connected with aquaculture seed production without license;
- (ii) the License/ endorsement was obtained by concealment or misrepresentation as to an essential fact/s;
- (iii) preventing the Aquaculture Seed Inspector from exercising his/her powers delegated under this Act and Rules made thereunder;
- (iv) not providing Aquaculture Seed / brooder samples of required quantity or records when Aquaculture Seed Inspector asks for;

- (v) physical attack on Aquaculture Seed Inspector or any other staff while performing his/her duty under this Act or Rules ;
- (vi) sell or intend to sell of uncertified Aquaculture Seed of prescribed species;
- (vii) sell or intend to sell Aquaculture Seed with residues of antibiotic / pharmacologically active compounds;
- (viii) sell or intend to sell of sub-standard Aquaculture Seed;
- (ix) any other violation under the Act or Rules made thereunder;
- (x) any other offence may be notified by the Government from time to time.

(2) Penalties : Penalties for various offenses committed under this Act shall be punishable by penalties and/ or liable for prosecution as prescribed by Rules.”.

Substitution of section 23.

24. In the principal Act, for section 23, the following shall be substituted, namely, -

Seizure / forfeiture of property.

“**23.** (1) The Aquaculture Seed shall be seized / forfeited if any person/firm or representative commits an offence for which seizure or forfeiture is prescribed under Rules.

(2) Government may notify other offenses by committing which the Aquaculture Seed shall be seized / forfeited.”.

Substitution of section 24.

25. In the principal Act, for section 24, the following shall be substituted, namely,-

Offences by Companies / Firms.

“**24.** (1) While applying for license, Companies/Firms have to nominate a person / persons who are responsible for the complying with the provisions of this Act and rules made there under.

(2) In case of violation of any provisions of this Act and rules made there under, the nominated person / persons as well as the company/firm itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) In case if nominated person/s is/are not working in the company at time of committing violation, for any reason, every person who at the time of the offence, was in-charge of and was responsible for the conduct of the business of the company/ firm, as well as the company/ firm itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly."

26. In the principal Act, for section 25, the following shall be substituted, Substitution of
namely section 25.

Appeal.

"25. (1) Any person/firm aggrieved by the decision of the Licensing Authority, may within thirty (30) days from the date on which the decision is communicated to him/her/it and on payment of such fees as may be prescribed, prefer an appeal to the Controlling Authority.

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty (30) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate authority shall, after giving an opportunity of being heard, dispose of the appeal as may be prescribed.

(3) Every order passed by the Controlling Authority on an appeal preferred to it under this section, shall be final."

27. In the principal Act, for section 28, the following shall be substituted, Substitution of
namely, - section 28.

Exemption.

"28. (1) This Act and Rules made thereunder, shall not be applicable to -

(a) Aquaculture Seed / brooders produced and distributed for the purpose of conducting Research & Development and field trials by the ICAR/ SVVU/ Department of Fisheries/ and other Government agencies/ institutions.

(b) Aquaculture Seed / brooders produced by any person / firm / company on the written order by the ICAR / SVVU/ Department of Fisheries/ and other Government agencies / institutions for the purpose of conducting Research & Development and field trials.

(2) In case if such Aquaculture Seed produced under sub-section (1) is sold to any fish farmer/ user on cost basis, the exemption given under sub-section (1) shall be null and void."

Substitution of section 29.

28. In the principal Act, for section 29, the following shall be substituted, namely,-

Power to make Rules.

"29. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

- (i) the functions of Controlling Authority, Licensing Authority, Aquaculture Seed Inspector, Aquaculture Seed Analyst;
- (ii) the powers, functions and role and responsibilities of members of State Aquaculture Seed Committee, District Aquaculture Seed Committees and other Committees;
- (iii) Notifying one or more Aquaculture Seed Laboratories for different areas and one or more referral laboratories for the State;
- (iv) the functions of the Aquaculture Seed Laboratory;
- (v) the qualifications and duties of Aquaculture Seed Analysts and Aquaculture Seed Inspector;
- (vi) the procedure of collection, packing, sealing, marking / labelling, preservation, forwarding sample to Aquaculture Seed Laboratory, storing and disposal of the Aquaculture Seed sample collected;
- (vii) the manner in which samples may be taken by the Aquaculture Seed Inspector, the procedure for sending such samples to the Aquaculture Seed Analyst or the Aquaculture Seed Laboratory and the manner of analyzing such samples;
- (viii) the form of report of the result of the analysis and the fees payable in respect of such report;
- (ix) the requirements which shall be complied by person/firm carrying out the business of Aquaculture Seed;

- (x) the forms of application for the grant of a license/ endorsement under, the particulars it may contain, the fees which should accompany it, the form of the License / endorsement and the conditions subject to which the License / endorsement may be granted and revoked;
 - (xi) The procedure to issue of licenses / endorsements to Hatcheries, Larval Rearing Centers and other such units ;
 - (xii) the standards to which Aquaculture Seed should confirm;
 - (xiii) the form and manner in which and the fee on payment of which an appeal may be preferred and the procedure to be followed by the Appellate Authority in disposing the appeal;
 - (xiv) the requirements which may be complied with by the licensee;
 - (xv) the form of application for the grant of a accreditation & certification, the particulars it may contain, the fees which should accompany it, the form of the certificate and the conditions subject to which the certificate may be granted and revoked;
 - (xvi) any other matter which is to be or may be prescribed.
- (3) Every rule made under this Act, shall, immediately after it is made, be laid down before the Legislature of the State, if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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."

Repeal of Ordinance
No. 10 of 2020 and
Saving.

29. (1) The Andhra Pradesh Aquaculture Seed (Quality Control) (Amendment) Ordinance, 2020 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.