

Bill Summary

Coastal Aquaculture Authority (Amendment) Bill, 2023

- The Coastal Aquaculture Authority (Amendment) Bill, 2023 was introduced in Lok Sabha on April 5, 2023. It amends the Coastal Aquaculture Authority Act, 2005. The Act established the Coastal Aquaculture Authority for regulating coastal aquaculture, which refers to rearing and cultivation of fish under controlled conditions. Key features of the Bill include:
 - **Regulation of allied coastal aquaculture activities:** The Act regulates coastal aquaculture farms which carry out activities such as culturing of shrimp, prawns or any other aquatic life under controlled conditions in saline or brackish water. The Bill adds that any facility that is engaged in coastal aquaculture or any allied activity will be regulated as a coastal aquaculture unit. Allied activities include nucleus breeding centres, hatcheries, brood stock multiplication centres and farms. The Bill provides for the registration and regulation of such units.
 - **Some allied activities to be allowed in certain protected areas:** The Act prohibits coastal aquaculture: (i) within 200 metres from high tide lines and (ii) in creeks, rivers, and backwaters within Coastal Regulation Zones under the Environment (Protection) Act, 1986. These prohibitions do not apply to: (i) coastal aquaculture farms which existed in such areas as on February 19, 1991 and (ii) non-commercial and experimental farms operated by government research institutes. The Bill replaces this to prohibit coastal aquaculture activities in: (i) ecologically sensitive areas or in geo-morphological features such as mountains, valleys, or volcanoes, (ii) no-development zones in seas and buffer zones in creeks, rivers, and backwaters, and (iii) creeks, rivers, and backwaters within Coastal Regulation Zones. Allied activities are provided certain exemptions. For instance: (i) hatcheries, nucleus breeding centres and brood stock multiplication centres will be allowed in no-development zones, and (ii) seaweed culture, pen culture, raft culture, and cage culture activities will be allowed in Coastal Regulation Zones. This will apply from December 16, 2005.
 - **Coastal Aquaculture Authority:** Functions of the Authority include: (i) regulating the construction and operation of aquaculture farms in coastal areas, (ii) registering coastal aquaculture farms, and (iii) removing/demolishing farms that cause pollution. The Bill adds that the Authority shall: (i) fix standards or prohibit coastal aquaculture inputs, such as probiotics, in order to prevent harm to coastal aquaculture/environment, (ii) fix standards, monitor, and regulate such units to prevent diseases, and (iii) fix standards for emission/discharge of effluents from coastal aquaculture units.
 - Under the Act, the Authority may authorise any person to enter any coastal aquaculture land/pond/enclosure, carry out inspections/survey, and remove/demolish any structures. The occupier of the land/enclosure must be given a notice of at least 24 hours before entering such premises. The Bill empowers the Authority to waive the notice requirement. Further, the owner of a coastal aquaculture unit will be liable to pay any cost of demolition during inspection/survey or demolition of structures, and cost of damage to the environment.
 - **Composition of the Authority:** The Authority comprises 11 members including: (i) a High Court judge (Chair), (ii) experts in the fields of coastal aquaculture and coastal ecology, (iii) representatives from the ministries of agriculture and commerce, and (iv) four members from coastal states. The Bill adds a representative from the Ministry of Fisheries, Animal Husbandry and Dairying as a member.
 - **Penalties:** The Act penalises carrying out coastal aquaculture without registering with the Authority with imprisonment up to three years, or a fine of up to one lakh rupees, or both. The Bill replaces the provision and specifies that if coastal aquaculture in contravention with the provisions of the Act is carried out: (i) the activity may be suspended, (ii) the structure may be removed/demolished, (iii) the standing crop may be destroyed, (iv) the registration may be cancelled, and/or (v) a penalty may be imposed. The Bill provides for different penalties for different contraventions. For instance, non-registration of a coastal aquaculture farm will attract a penalty of Rs 10,000/hectare for the first offence.
 - **Adjudication and appeals:** Under the Bill, the central government may authorise an officer of at least Under Secretary level to adjudicate penalties. It may also authorise an officer of at least a Deputy Secretary level as an Appellate Authority for orders passed by the adjudicating officer.

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