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THE COASTAL AQUACULTURE AUTHORITY ACT, 2005

ACT NO. 24 OF 2005

[23*rd June*, 2005.]

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

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

CHAPTER I

PRELIMINARY

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

(*2*) Provisions of section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

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

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

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

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

(*ac*) "Authority" means the Coastal Aquaculture Authority established under sub-section (*1*) of section 4;

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

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

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

(*b*) "Chairperson" means the Chairperson of the Authority;

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

1.16th December, 2005, ss. 2 to 26 (both inclusive), *vide* notification No. S.O. 1771(E), dated 16th December, 2005, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

2. Subs. by Act 27 of 2023, s. 2, for clause (*a*) (w.e.f. 12-9-2023).

3. Subs. by s. 2, *ibid.*, for clause (*c*) (w.e.f. 12-9-2023).

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

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

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

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

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

(*e*) "member" means the member of the Authority appointed under sub-section (*3*) of section 4 and includes the Chairperson [2]***;

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

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

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

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

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

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

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "regulations" means the regulations made by the Authority under this Act.

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

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

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

CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

3. Power of Central Government to take measures to protect environment.—The Central Government shall take all such measures as it deems necessary or expedient for regulation of coastal aquaculture by prescribing guidelines, to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible coastal aquaculture contained in such guidelines

1. Subs. by Act 27 of 2023, s. 2, for clause (*d*) (w.e.f. 12-9-2023).
2. The words "and the member-secretary" omitted by s. 2, *ibid.* (w.e.f. 12-9-2023).
3. Ins. by s. 2, *ibid*. (w.e.f. 12-9-2023).

shall be followed in regulating the coastal aquaculture activities to protect the livelihood of various sections of the people living in the coastal areas.

CHAPTER III

THE COASTAL AQUACULTURE AUTHORITY

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

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

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

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

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

(*c*) one member who is an expert in the field of coastal ecology nominated by the [1][Ministry of Earth Sciences] of the Central Government;

(*d*) one member who is an expert in the field of environment protection or pollution control nominated by the [2][Ministry of Environment, Forest and Climate Change] of the Central Government;

(*e*) one member to represent the [3][Ministry of Agriculture and Farmers Welfare] of the Central Government;

(*f*) one member to represent the [4][Ministry of Commerce and Industry] of the Central Government;

[5][(*fa*) one member to represent the Ministry of Fisheries, Animal Husbandry and Dairying of the Central Government;]

[6][(*g*) one member to represent each of the coastal States and Union territories;]

[7]* * * *.

[5][(*3A*) When the office of the Chairperson is vacant, the Central Government may, till the appointment of a new incumbent to the said office, nominate any member of the Authority to exercise such of the powers, and perform such of the functions, of the Chairperson as may be prescribed.]

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

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

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

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

(*b*) is an undischarged insolvent; or

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

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

1. Subs. by Act 27 of 2023, s. 3, for "Department of Ocean Development" (w.e.f. 12-9-2023).
2. Subs. by s. 3, *ibid*., for "Ministry of Environment and Forests" (w.e.f. 12-9-2023).
3. Subs. by s. 3, *ibid*., for "Ministry of Agriculture" (w.e.f. 12-9-2023).
4. Subs. by s. 3, *ibid*., for "Ministry of Commerce" (w.e.f. 12-9-2023).
5. Ins. by s. 3, *ibid*. (w.e.f. 12-9-2023).
6. Subs. by s. 3, *ibid*., for clause (*g*) (w.e.f. 12-9-2023).
7. Clause (*h*) omitted by s. 3, *ibid*, (w.e.f. 12-9-2023).

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

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

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

[1][(*2*) If the Chairperson is unable to attend a meeting of the Authority, any other member of the Authority nominated by the Chairperson in this behalf, and in the absence of both Chairperson and nominated member, any other member chosen by the members present from amongst themselves, shall preside over the meeting.]

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

[2][**7A. Committees of Authority.**—(*1*) Subject to any rules made in this behalf, the Authority may from time to time constitute such committees as may be necessary for the efficient discharge of its functions.

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

8. Vacancy in Authority not to invalidate proceeding.—No act or proceeding of the Authority shall be invalidated merely by reason of—

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

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

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

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

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

[3][**9A. Secretary of Authority.**—(*1*) The Central Government may appoint an officer of such rank, as it considers fit, to be a Secretary of the Authority, in such manner and subject to such terms and conditions as may be prescribed.

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

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

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

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

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

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

1. Subs. by Act 27 of 2023, s. 4, for sub-section (*2*) (w.e.f. 12-9-2023).
2. Ins. by s. 5, *ibid.* (w.e.f. 12-9-2023).
3. Ins. by s. 6, *ibid.* (w.e.f. 12-9-2023).

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

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

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

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

(*b*) the programmes of work;

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

(*d*) the budget for the coming year.

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

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

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

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

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

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

(*a*) to make regulations for the construction and operation of [1][coastal aquaculture units] within the coastal areas;

(*b*) to inspect coastal aquaculture [2][units] with a view to ascertaining their environmental impact caused by coastal aquaculture;

(*c*) to register coastal aquaculture [2][units];

[3][(*d*) to order removal or demolition of any coastal aquaculture unit which is causing pollution after hearing the occupier of such unit;]

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

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

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

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

1. Subs. by Act 27 of 2023, s. 7, for "aquaculture farms" (w.e.f. 12-9-2023).
2. Subs. by s. 7, *ibid.*, for "farms" (w.e.f. 12-9-2023).
3. Subs. by s. 7, *ibid.*, for clause (*d*) (w.e.f. 12-9-2023).
4. Ins. by s. 7, *ibid.* (w.e.f. 12-9-2023).

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

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

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

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

12. Power to enter.—Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, wherever it is necessary to do so for any purposes of this Act, at all reasonable times, enter on any coastal aquaculture [2][unit] and—

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

(*b*) remove or demolish any structure therein; and

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

Provided that no such person shall enter on any coastal aquaculture [2][unit] without giving the occupier of such aquaculture [2][unit] at least twenty-four hours' notice in writing of his intention to do so.

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

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

[4][**12A. Prohibition of certain materials.**— The Authority may, by an order, prohibit the use, in any coastal aquaculture activity of—

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

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

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

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

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

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

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

1. Subs. by Act 27 of 2023, s. 7, for "farm" (w.e.f. 12-9-2023).
2. Subs. by s. 8, *ibid.*, for "land, pond, pen or enclosure" (w.e.f. 12-9-2023).
3. Ins. by s. 8, *ibid*, (w.e.f. 12-9-2023).
4. Ins. by s. 9, *ibid*, (w.e.f. 12-9-2023).
5. Subs. by s. 10, *ibid.*, for "farm" (w.e.f. 12-9-2023).

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

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

(*4*) A person who intends to carry on coastal aquaculture shall make an application for registration of his [2][coastal aquaculture unit] before the Authority in such form accompanied with such fees as may be prescribed for the purpose of registration under sub-section (*5*).

(*5*) On receipt of an application for registration of a [2][coastal aquaculture unit] under sub-section (*4*), the Authority shall consider the application in the prescribed manner and after considering the application either register the [2][coastal aquaculture unit] or reject the application:

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

(*6*) The Authority shall, after registering a [2][coastal aquaculture unit] under sub-section (*5*), issue a certificate of registration in the prescribed form to the person who has made the application for such registration.

[3][(*7*) In the case of a farm comprising more than two hectares of water spread area and any other coastal aquaculture unit, no application for registration to commence any activity connected with coastal aquaculture shall be considered under sub-section (*5*) unless the Authority, after making such inquiry as it thinks fit, is satisfied that registration of such coastal aquaculture unit shall not be detrimental to the coastal environment.]

(*8*) Notwithstanding anything contained in this section,—

[4][(*a*) no coastal aquaculture shall be carried on in the ecologically sensitive areas or the geo-morphological features;

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

(*c*) no coastal aquaculture, except seaweed culture, pen culture, raft culture and cage culture activities shall be carried on in creek, rivers and backwaters within the Coastal Regulation Zone:]

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

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

[5][*Explanation*.—For the purposes of this sub-section,—

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

(*ii*) the expressions "ecologically sensitive areas", "geo-morphological features", "No Development Zone", "buffer zone" and "Coastal Regulation Zone" shall have the same meanings as defined in the Coastal Regulation Zone notification issued under the Environment (Protection) Act, 1986 (29 of 1986).]

1. Ins. by Act 27 of 2023, s. 10, (w.e.f. 12-9-2023).
2. Subs. by s. 10, *ibid*., for "farm" (w.e.f. 12-9-2023).
3. Subs. by s. 10, *ibid.*, for sub-section (*7*) (w.e.f. 12-9-2023).
4. Subs. by s. 10, *ibid*., for clauses (*a*) and (*b*) (w.e.f. 16-12-2005).
5. Subs. by s. 10, *ibid*., for *Explanation* (w.e.f. 16-12-2005).

(*9*) Notwithstanding anything contained in this section, any traditional coastal aquaculture [1][unit] which lies within the Coastal Regulation Zone declared by the notification of the Government of India in the Ministry of Environment and Forest (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 and is not used for coastal aquaculture purposes on the appointed day shall be registered under sub-section (*5*) by producing before the Authority, by the person who is the owner of such [1][unit], the documentary proof of such ownership failing which such [1][unit] shall not be registered under sub-section (*5*) and if such person after such registration does not utilise such [1][unit], within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.

(*10*) A person, who intends to renew the registration of a [2][coastal aquaculture unit] made under sub-section (*5*) or in pursuance of sub-section (*9*), may make an application within two months before the expiry of such registration to the Authority in the prescribed form accompanied with the prescribed fees and the Authority shall, after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (*6*).

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

(*11*) The Authority may refuse to renew the registration of a [2][coastal aquaculture unit] under sub-section (*10*) if the Authority is satisfied that the person to whom such registration is made has failed to utilise such [2][coastal aquaculture unit] for coastal aquaculture purposes or without any reasonable cause has violated any provision of this Act or the rules or regulations made there under or any direction or order made by the Authority in pursuance of section 11:

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

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

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

[3][(*12*) The Authority may vary, amend or modify the certificate of registration issued under this section, in such manner as may be prescribed.

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

[4][**13A. Authorisation of officers.**—(*1*) The Authority may, by order, authorise any officer of the Authority or the State Government or the Central Government, not below the rank of Assistant Director of Fisheries in a District to function as authorised officer to exercise such powers, to discharge such duties and perform such functions, as may be specified in that order.

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

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

1. Subs. by Act 27 of 2023, s. 10, for "farm" (w.e.f. 12-9-2023).
2. Subs. by s. 10, *ibid.*, for "farm" (w.e.f. 12-9-2023).
3. Ins. by s. 10, *ibid*, (w.e.f. 12-9-2023).
4. Ins. by s. 11, *ibid*, (w.e.f. 12-9-2023).

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

(*a*) summoning and enforcing the attendance of witnesses;

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

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

(*d*) receiving evidence on affidavits;

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

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

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

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

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

(*c*) removal or demolition of any structure;

(*d*) destruction of the standing crop therein;

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

Table

Sl. No.	Coastal Aquaculture/use of prohibited materials	Offences	Penalty		
			First time offence	Second time offence	Third time and subsequent offences
(1)	(2)	(3)	(4)	(5)	(6)
1.	Farm	Non-registration.	Rupees ten thousand per hectare (or fraction of a hectare) of water spread area.	Rupees fifteen thousand per hectare (or fraction of a hectare) of water spread area.	Rupees twenty-five thousand per hectare (or fraction of a hectare) of water spread area.
		Non-compliance with the provisions of the Act, rules, regulations, guidelines and notifications, other than non-registration.	Rupees five thousand per hectare (or fraction of a hectare) of water spread area.	Rupees ten thousand per hectare (or fraction of a hectare) of water spread area.	Rupees fifteen thousand per hectare (or fraction of a hectare) of water spread area.

1. Subs. by Act 27 of 2023, s. 12 for section 14 (w.e.f. 12-9-2023).

2.	Hatchery, Brood Stock Multiplication Centre, Nucleus Breeding Centre or such other coastal aquaculture unit	Non-registration.	Rupees fifty thousand.	Rupees seventy-five thousand.	Rupees one lakh.
		Non-compliance with the provisions of the Act, rules, regulations, guidelines and notifications, other than non-registration.	Rupees twenty-five thousand.	Rupees fifty thousand.	Rupees one lakh.
3.	Use of materials prohibited under section 12A	Contravention of the provisions of clause (*a*) or clause (*b*) of section 12A	Rupees fifty thousand.	Rupees seventy-five thousand.	Rupees one lakh.

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

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

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

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

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

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

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

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

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

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

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

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

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

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

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

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

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

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

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

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

CHAPTER VI

MISCELLANEOUS

21. Chairperson and other members, officers and other employees of Authority, etc., to be public servants.—The Chairperson and other members and the officers and other employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the India Penal Code (45 of 1860).

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

[1][**22A. Arrears of cost and penalty recoverable as arrears of land revenue.** — Any cost which is due and not paid as provided for by or under this Act and any sum directed to be recovered by way of penalty under section 14 shall be recoverable in the same manner as an arrear of land revenue.]

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

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

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

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

1. Ins. by Act 27 of 2023, s. 13 (w.e.f. 12-9-2023).

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

(*a*) the guidelines under section 3;

[1][(*aa*) the powers to be exercised and the functions to be performed by the nominated member under sub-section (3A) of section 4;]

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

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

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

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

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

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

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

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

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

(*e*) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture [2][unit];

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

[1][(*fa*) the manner of assessing the cost of damage to the environment under the third proviso to section 12;

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

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

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

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

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

(*j*) the form of application and the fees to be accompanied therewith under sub-section (*10*) of section 13 [1][and the fee for renewal of registration under the proviso thereof;]

[1][(*ja*) the manner of varying, amending and modifying the certificate of registration under sub-section (*12*) of section 13;

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

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

1. Ins. by Act 27 of 2023, s. 14 (w.e.f. 12-9-2023).
2. Subs. by s. 14, *ibid*., for "land, pond, pen or enclosure under that section" (w.e.f. 12-9-2023).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Validation.—[2][(*1*) Notwithstanding anything contained in clause (*v*) of sub-section (*2*) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) or clause (*d*) of sub-rule (*3*) of rule 5 of the Environment (Protection) Rules, 1986, in the Coastal Regulation Zone Notification or the Island Coastal Regulation Zone Notification issued by the Government of India in the Ministry of Environment, Forest and Climate Change, in exercise of the powers conferred under the said Environment (Protection) Act, in the paragraph dealing with prohibited activities, after the last sub-paragraph, the following proviso shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:—

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

(*2*) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or

1. Subs. by Act 27 of 2023, s. 15, for "farms" (w.e.f. 12-9-2023).
2. Subs. by s. 16, *ibid.* for sub-section (*1*) (w.e.f. 12-9-2023).

undertaken shall deemed to be in contravention of the said notification and shall be deemed to be and to have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture [1]*** activity or demolition of any structure connected thereunder which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

[2][**28. Validation of certain provisions and amendments retrospectively.**—(*1*) Where a coastal aquaculture and activities connected therewith has been granted registration under this Act, then, notwithstanding anything contained in clause (*v*) of sub-section (*2*) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), or clause (*d*) of sub-rule (*3*) of rule 5 of the Environment (Protection) Rules, 1986 or in any other law for the time being in force:—

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

(*ii*) such coastal aquaculture and activities connected therewith shall be a permitted activity under the Coastal Regulation Zone Notification or the Island Coastal Regulation Zone Notification issued under the Environment (Protection) Act, 1986 (29 of 1986);

(*iii*) all registrations granted for coastal aquaculture and activities connected therewith under this Act shall be valid permissions under the applicable rules, regulations and notifications notified under the Environment (Protection) Act, 1986 (29 of 1986) from time to time.

(*2*) The provisions of sub-section (*1*), and the provisions of sub-section (*8*) of section 13 as amended retrospectively with effect from the 16th December, 2005 by the Coastal Aquaculture Authority (Amendment) Act, 2023 (27 of 2023), shall have and shall be deemed always to have effect for all purposes as if they had been in force at all material times, and accordingly,—

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

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

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

1. The word "farm's" omitted by Act 27 of 2023, s. 16 (w.e.f. 12-9-2023).
2. Ins. by s. 17, *ibid.* (w.e.f. 12-9-2023).