

THE COASTAL AQUACULTURE AUTHORITY BILL, 2004

[BILL No. LIV of 2004]

INTRODUCED IN THE RAJYA SABHA

(20th December, 2004)

A BILL 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-fifth 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, 2004.
- (2) Provisions of section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- (1) In this Act, unless the context otherwise requires,--
 - (a) "Authority" means the Coastal Aquaculture Authority established under sub-section (1) of section 4;
 - (b) "Chairperson" means the Chairperson of the Authority;
 - (c) "coastal aquaculture" means culturing, under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture;
 - (d) "coastal area" means the area declared as the Coastal Regulation Zone, for the time being, in the notification of the Government of India in the

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Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;

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

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

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

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

CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

3. Powers 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 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.

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

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

- (a) the Chairperson who is, or has been, a Judge of a High Court;
- (b) one member who is an expert in the field of coastal aquaculture;
- (c) one member who is an expert in the field of coastal ecology nominated by the Department of Ocean Development of the Central Government;
- (d) one member who is an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;
- (e) one member to represent the Ministry of Agriculture of the Central Government;
- (f) one member to represent the Ministry of Commerce of the Central Government;
- (g) four members to represent the coastal States on rotation basis;
- (h) one member-secretary.

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

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

5. 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

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(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.

(2) If for any reason the Chairperson is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

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

8. 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.

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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 aquaculture farms within the coastal areas;
- (b) to inspect coastal aquaculture farms with a view to ascertaining their environmental impact caused by coastal aquaculture;
- (c) to register coastal aquaculture farms;
- (d) to order removal or demolition of any coastal aquaculture farms which is causing pollution after hearing the occupier of the farm; and
- (e) to perform such other functions as may be prescribed.

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

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 land, pond, pen or enclosure and-

- (a) make any inspection, survey, measurement, valuation or inquiry;
- (b) remove or demolish any structure therein; and

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

Provided that no such person shall enter on any coastal aquaculture land, pond, pen or enclosure without giving the occupier of such aquaculture land, pond, pen or enclosure at least twenty-four hours' notice in writing of his intention to do so.

13. 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 farm which lies within the Coastal Regulation Zone referred to in sub-section (9) and is not used for coastal aquaculture purposes on the appointed day unless he has registered his farm with the Authority under sub-section (5) or in pursuance of sub-section (9), as the case may be.

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

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

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

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

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

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

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

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

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

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

(8) Notwithstanding anything contained in this section,--

(a) no coastal aquaculture shall be carried on within two hundred metres from High Tide Lines; and

(b) no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986(29 of 1986):

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

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

Explanation.-For the purposes of this sub-section, "High Tide Line" means the line on the land up to which the highest water line reaches during the spring tide,

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

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

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

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

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

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

14. Punishment for carrying on coastal aquaculture without registration.

If any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of sub-section (1) of section 13, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both.

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.

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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.
- (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.

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(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(45 of 1860) of the Indian Penal Code.

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 regulations or order made thereunder.

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.

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

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

(a) the guidelines under section 3;

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

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

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

(e) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture land, pond, pen or enclosure under that section;

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

(g) the form of application and the fee 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 fee to be accompanied therewith under subsection (10) of section 13;

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

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

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

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

25. Power of Authority to make regulations.

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

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

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

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

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

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

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

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

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. Validations.

(1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 (hereafter referred to in this section as the said notification), in paragraph 2, after sub-paragraph (xiii), the following sub-paragraph shall be inserted and shall

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always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:--

"(xiv) nothing contained in this paragraph shall apply to coastal aquaculture."

(2) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or undertaken shall be deemed to be in contravention of the said notification and shall be deemed to be and to have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture farm's activity or demolition of any structure connected thereunder which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court in Writ Petition (Civil) No. 561 of 1994 has held that aquaculture is an industry and hence it is covered by the prohibition imposed by the sub-paragraph (i) of paragraph 2 of the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 issued under sub-sections (1) and (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986. The Supreme Court has further directed that an Aquaculture Authority shall be established to regulate aquaculture in coastal areas. The intention of the Government was not to treat coastal aquaculture as a prohibited activity within the meaning of the said notification. The effect of this judgment is to close all aquaculture farms, except traditional and improved traditional, in the coastal areas. This activity mainly utilises saline areas along the coastline, which areas are not suitable for other activities and provides employment to approximately three lakh workers. Larger investment of public and private funds has also been made in the farming activity. If these farms are closed down, it may lead to about three lakhs workers being rendered unemployed. Hence, it was considered necessary to save the employment of the workers and also the investment already made in this economic activity and to provide for future growth of aquaculture farming in a manner, which is consistent with the requirement of safeguarding of the environment. In order to achieve the above

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objects and to clear all doubts, it was decided to amend the said notification to clarify that aquaculture was not intended to be a prohibited activity within the meaning of that notification. Since it is necessary to validate all coastal aquaculture farms set up hitherto retrospectively, and achieve the above objects, a Bill titled as "The Aquaculture Authority Bill, 2000" was introduced in the Rajya Sabha on 28th February, 2000. The Bill was referred to the Department-related Parliamentary Standing Committee on Agriculture for examination and report. The Standing Committee, after interaction with various Organisations/ Departments, presented its report on 5th December, 2000 before the Parliament. Since some recommendations made by the said Standing Committee were substantive in nature, it has been considered appropriate by the Government to withdraw the said Bill and to introduce a fresh Bill on the lines recommended by the said Standing Committee.

2. The Notes on clauses appended to the Bill explain in details the various provisions of the Bill.

SHARAD PAWAR

NEW DELHI;

The 23rd August, 2004.

NOTES ON CLAUSES

Clause 2 deals with the definitions of certain expressions used in the Bill.

Clause 3 confers certain powers on the Central Government to regulate coastal aquaculture by providing guidelines to ensure that coastal aquaculture shall not be detrimental to the coastal environment and to protect the livelihood of various sections of the people living in coastal areas.

Clause 4 provides for the establishment of the Coastal Aquaculture Authority and appointment of Chairperson and members. Sub-clause (3) of this clause provides that the Authority shall consist of a Chairperson and ten members to be appointed by the Central Government and sub-clause (5) deals with salaries, allowances, other terms and conditions of service of the members.

Clause 5 deals with the disqualifications for being appointed as a member of Authority. Clause 6 deals with the eligibility of members for reappointment.

Clause 7 provides for the meetings of the Authority for transaction of business. It also provides that in the absence of the Chairperson, any other member chosen by the members present and voting and in the event of equality of votes, the Chairperson or in his absence the person presiding, shall and exercise a second or casting vote.

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Clause 8 lays down the circumstances, which will not invalidate the proceedings of the Authority.

Clause 9 deals with the appointment of officers and other employees and consultants or advisers of the Authority.

Clause 10 provides for authentication of the orders and other instruments of the Authority.

Clause 11 provides for the functions of the Authority. This clause provides that the Authority shall have various functions, inter alia, to make regulations for construction and operation of coastal aquaculture farms, their registration as well as removal or demolition of farms for specific reasons. It also provides for appointment of a one-man authority to determine the compensation to workers if the farms are to be removed or demolished as per the orders of the Authority.

Clause 12 empowers any person authorised by the Authority to enter into any coastal aquaculture land, pond, pen or enclosure and to make inspection, survey, measurement, valuation or inquiry and to remove or demolish any structure therein. This clause also provides that said person shall enter into any aquaculture land, pond, pen or enclosure after giving at least twenty-four hours' notice in writing of his intention to do so to the occupier of such aquaculture land, pond, pen or enclosure.

Clause 13 provides detailed procedures for registration of coastal aquaculture farms to undertake aquaculture activities including validity period, renewal, inquiry to ensure protection of coastal environment and the areas where the coastal aquaculture shall not be carried out.

Clause 14 provides for punishment for carrying out coastal aquaculture without registration.

Clause 15 provides that no court shall take cognizance of an offence without a written complaint filed by an officer of the Authority.

Clause 16 provides provision for payment of sum to the Authority by the Central Government to perform its functions under the proposed legislation.

Clause 17 provides that the Authority shall have its own fund, and all its receipts should be credited thereto and all payments should be made therefrom.

Clause 18 imposes obligation on the Authority to prepare the budget in respect of the financial year next ensuing showing the estimated receipts and expenditure and to forward the copies thereof to the Central Government.

Clause 19 imposes obligation on the Authority to prepare and submit to the Central Government, after the end of each financial year, an annual report giving

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a true and full account of its activities during the previous year. The report so submitted by the Authority shall be laid before both Houses of Parliament.

Clause 20 imposes obligation on the Authority to maintain books of account and other books in relation to its accounts.

Clause 21 provides that the Chairperson and other members, officers and employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Clause 22 provides that no suit, prosecution or other proceedings 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 other person authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of the Bill.

Clause 23 seeks to empower the Central Government to make such orders as are necessary for removal of any difficulty which may arise while giving effect to the provisions of this Bill within a period of two years from the date of the commencement of the proposed enactment.

Clause 24 empowers the Central Government to make rules for carrying out the provisions of the proposed enactment. The matters in respect of which rules may be made by the Central Government are enumerated in detail in sub-clause (2).

Clause 25 seeks to empower the Authority to make regulations consistent with the provisions of the proposed legislation and the rules made thereunder to carry out the provisions of the proposed legislation. The matters in respect of which regulations may be made by the Central Government are enumerated in detail in sub-clause (2).

Clause 26 provides that every rule and regulation made under the proposed legislation shall be laid before each House of Parliament.

Clause 27 provides for amending the notification of Government of India in the Ministry of Environment and Forests, number S.O. 114(E), dated the 19th February, 1991 issued under the Environment (Protection) Act, 1986 to clarify that aquaculture was not intended to be a prohibited activity within the meaning of that notification by inserting a sub-paragraph that nothing contained in the notification shall apply to coastal aquaculture. It also provides that this amendment to the above notification shall have and shall be deemed always to have effect for all purposes as if the amendment had been in force at all material times to validate all coastal aquaculture farms set up hitherto retrospectively.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 4 of the Bill provides for the establishment of a Coastal Aquaculture Authority and sub-clause (5) of the said clause relates to the salaries and allowances of the Chairperson and other members of the Authority. Clause 9 provides that the Authority shall appoint officers, consultants and other employees and the terms and conditions of such officers, consultants and other employees of the Authority may be specified in regulations.

2. It is estimated that the Bill, when enacted, will involve a recurring expenditure of rupees seventy-one lakhs and ninety-seven thousand and a non-recurring expenditure of rupees forty-six lakhs during every financial year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. The matters in respect of which rules may be made, inter alia, includes the terms and conditions of the appointment of the members, procedure to be followed by members in the discharge of their functions, the inspection of the aquaculture farms, the form and manner in which the budget and annual report are to be prepared by the Authority and the manner in which the accounts of the Authority are to be maintained.

2. Clause 25 of the Bill empowers the Authority to make regulations consistent with the provisions of the Bill and the rules made thereunder. The matters in respect of which regulations may be made, inter alia, relate to regulating the meetings of the Authority and procedure for conducting business thereat, the terms and conditions of service of the officers and employees of the Authority, regulations for the construction and operation of aquaculture farms within the coastal areas.

3. The matters in respect of which the rules or regulations may be made are matters of procedure and administrative detail, the delegation of legislative powers are, therefore, of a normal character.