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Coastal aquaculture Bill 2023

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Why is in news? The Government recently introduced the Coastal Aquaculture Authority (Amendment) Bill, 2023, through its Union Minister of Fisheries, Animal Husbandry, and Dairying

About Coastal Aquaculture Authority Act 2005

The Coastal Aquaculture Authority Act was enacted by Parliament on June 23, 2005, and it came into force on December 22, 2005.

The Act was introduced for the establishment of a "Coastal Aquaculture Authority" for regulating activities connected with coastal aquaculture in the coastal areas.

Under Section 2 (1) (d) of the Act, "coastal area" meant the area declared as the Coastal Regulation Zone, for the time being, in the government notification dated February 19, 1991, "to regulate activities in the coastal area under section 3 of India's Environment Protection Act, 1986."

For the last three decades, this 1991 notification or "subordinate legislation" was the only source of managing coastal zones of India and was intended to balance developmental needs with the protection of natural resources.

Section 4 of the 2005 Act allowed the Centre to establish an authority called the Coastal Aquaculture Authority for regulating coastal aquaculture activities in coastal areas, which would consist of a chairperson who is a current or former HC judge, a coastal aquaculture expert and members nominated by the Central Department of Ocean Development, Ministry of Environment and Forests, Ministry of Agriculture, Ministry of Commerce along with four members representing coastal States on a rotation basis and one member secretary.

The penalties and punishment under the Act

Section 13 of the 2005 Act relates to the registration for coastal aquaculture. It states that except for the manner provided under it, "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".

Section 14 was the only penal provision under the 2005 Act, which punished coastal aquaculture or traditional coastal aquaculture in contravention of Section 13, with imprisonment of up to 3 years or a maximum fine of Rs 1 lakh or both.

However, no court could take cognizance of an offence under section 14 without a "written complaint filed by an officer of the Authority authorized in this behalf by it."

Coastal Aquaculture Authority (Amendment) Bill, 2023

The Bill seeks to amend certain provisions of the Coastal Aquaculture Authority Act, 2005 and decriminalise offences under it for "promoting ease of doing business" and fine-tuning the "operational procedures of Coastal Aquaculture Authority".

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Besides amending the Coastal Aquaculture Authority Act, 2005, the Bill seeks to clarify that “coastal aquaculture and activities connected therewith” shall continue to be regulated by “the Coastal Aquaculture Authority Act and no other Acts.”

However, this is not the first time that the Centre is proposing an amendment to the 2005 Act. Last year, in October, the government sought to introduce the Coastal Aquaculture Authority (Amendment) Bill, 2022, in the Winter Session of the Parliament along with 15 other new bills.

Key Changes proposed

Under Section 2 (1)(c) of the 2005 Act, “coastal aquaculture” means culturing or cultivating, 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 freshwater aquaculture.

Additionally, it aims to promote newer forms of environment-friendly coastal aquaculture such as “cage culture, seaweed culture, bi-valve culture, marine ornamental fish culture and pearl oyster culture”, which, it adds, has the potential for creating employment opportunities on a large scale for coastal fisher communities and especially fisherwomen.

It also aims to encourage the establishment of facilities in areas having direct access to seawater to produce genetically improved and disease-free broodstocks and seeds for use in coastal aquaculture. Moreover, the Bill seeks to prevent the use of antibiotics and “pharmacologically active substances”, which are harmful to human health in coastal aquaculture.

The 2023 Bill seeks to change this by inserting Section 13A, which allows the CAA to “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.

Under Section 14, the Bill also seeks to bring about a systematic method for punishments and penalties under the Act.

Provisions for “biosecurity”

The Bill also includes new provisions for “biosecurity”, which refers to measures and strategies for analysing, managing, and preventing the risk of introducing or spreading harmful organisms like viruses and bacteria within the coastal aquaculture unit, which could lead to infectious diseases.

It provides for the introduction of a “Brood Stock Multiplication Centre” which receives “post-larvae or juvenile which are specific pathogen free” or tolerant or resistant to such pathogens or other post-larvae or juveniles from a “Nucleus Breeding Centre”, to be reared under strict biosecurity and disease surveillance.

Many of these biosecurity measures also find a mention in the 2015 “Guidelines for Regulating Establishment and Operation of SPF Shrimp Broodstock Multiplication Centres”, published by the National Fisheries Development Board, which is part of the Department of Animal Husbandry, Dairying, and Fisheries, which used to be a part of the Ministry of Agriculture and Farmers Welfare.

Formed in 1991, the Department of Animal Husbandry, Dairying, and Fisheries (DAHDF) was earlier responsible for overseeing matters related to animal husbandry, dairy, and fisheries. It advised states and UTs on the formulation of policies and programmes.

However, in 2019, under the Modi government, the Department of Animal Husbandry and Dairying was subsumed under the newly created Ministry of Fisheries, Animal Husbandry & Dairying

Conclusion

The bill seeks to reduce the regulatory compliance burden on stakeholders without diluting the core principles of environment protection in coastal areas. It also proposed to decriminalise offences under the Act and to expand the scope of the law to bring all coastal aquaculture activities under its ambit.