

COASTAL AQUACULTURE AUTHORITY (AMENDMENT) BILL, 2023 CLEAR BY BOTH HOUSES OF PARLIAMENT OF INDIA

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

The Coastal Aquaculture Authority (Amendment) Bill, 2023 passed by the both Houses of the Parliament of India. The Government intends to reiterate that the coastal aquaculture and activities connected therewith are permitted activities within the CRZ under the CRZ notifications. The Amendment Bill provides that the registration granted under Coastal Aquaculture Authority Act shall prevail and be treated as valid permission under CRZ Notification with the express intention of enabling lakhs of small marginal aquaculture farmers to avoid the possible need for obtaining CRZ clearances from multiple agencies.

Specific exemption has been granted under the CAA Act, through this amendment for the establishment of aquaculture units like hatcheries, Brood stock multiplication centres (BMC) and Nucleus Breeding Centres (NBC) within the No Development Zone (NDZ) [200m from the HTL] of Coastal Regulation Zone (CRZ).

The principal Act has a provision of imprisonment for a period up to 3 years for carrying out coastal aquaculture without registration. This appears to be a very harsh punishment for an offence of purely civil nature and hence the amendment bill replaces the same with suitable civil instruments such as penalty in line with the principle of decriminalizing civil transgressions.

The Amendment Bill provides for broad basing “coastal aquaculture” to comprehensively cover all activities of coastal aquaculture under the purview of this Act and to remove the ambiguity existing in the Principal Act between the farm and other verticals of coastal aquaculture. This is likely to ensure that no coastal aquaculture activity is left out of the ambit of the Act and operate in an environmentally hazardous manner.

In 2005, coastal aquaculture activity was essentially shrimp farming. Now newer forms of environment friendly coastal aquaculture such as cage culture, seaweed culture, bi-value culture, marine ornamental fish culture, pearl oyster culture etc. have come up which can be done in coastal areas and mostly within CRZ. These activities also have the potential for generating huge revenue and creating large scale employment opportunities for coastal fisher communities especially fisherwoman and hence need to be promoted which can be done by bringing them within the ambit of Coastal Aquaculture Authority Act.

The Government intends to promote ease of doing business in coastal aquaculture by fine tuning some of the operational procedures of Coastal Aquaculture Authority. The present amendment provides for effecting changes to the certificate of registration in case of changes in ownership or size of the activity and for providing new certificate in case of mutilation, damage or loss of certificate etc. It also provides for condoning the delay in applying for renewal of registration with compounded fee which was absent in the principal Act.

Many of the administrative matters such as the powers of Member Secretary of the CAA and normal functioning of the Authority in the absence of Chairperson which were ambiguous have been suitably resolved under the Amended Act for administrative efficiency and accountability.

The Amendments expressly empower the Authority to appoint Committees which can contain

experts, stake holders and public representatives for the efficient discharge of its duties and performance of its functions under Act.

Disease prevention is key to success of coastal aquaculture. Hence, Government intends to create facilities that produce genetically improved and disease-free stocks for use in coastal aquaculture. Such facilities, that is Hatcheries, Brood stock Multiplication centers and Nucleus Breeding Centers can be established only in areas having direct access to seawater and the Government intends to enable and facilitate them. Simultaneously, Government also intends to prevent use of antibiotics and pharmacologically active substances in coastal aquaculture by making express provisions in the Act.

Government envisages introducing global best practices such as mapping and zonation of aquaculture areas, Good Aquaculture Practices, quality assurance and safe aquaculture products, and to facilitate ease of doing business without diluting the core principles of environment protection through introducing suitable provisions in the Act. These will promote production and productivity, traceability, increased competitiveness and entrepreneurship along the value chain and exports in coastal aquaculture sector in a sustainable manner and will lead to sustained raise in incomes and employment in rural areas along the coast.

The Amendment Bill has new provisions for empowering the Coastal Aquaculture Authority to better regulate the activities connected with coastal aquaculture for coastal environment compliance. The amendment bill provides for fixing or adopting the standards for emission or discharge of effluents from coastal aquaculture units, making the owner liable to pay the cost of demolition and cost of damage to the environment, if any, as assessed by the Authority in the true spirit of Polluter Pays Principle and prohibits coastal aquaculture in the ecologically sensitive areas or the geo-morphological features.

With improvements in technology and culture practices, polluting potential of shrimp culture has declined substantially. The sector is now poised to take the next big leap in the form of diversification of species and area expansion with policy space provided through these amendments in the Coastal Aquaculture Authority Act 2005.

Background:

The Coastal Aquaculture Authority Act was enacted in 2005 with an aim to protect coastal environment, while promoting orderly growth of coastal aquaculture farming in coastal areas in a manner consistent with it. The rapid and sustainable, environment friendly development of coastal aquaculture in the coastal states/UTs without causing any environmental hazard has been made possible due to the systems and procedures set in place by Coastal Aquaculture Authority under the provisions of the Act. The Act provisions have also ensured continued operation of coastal aquaculture within Coastal Regulatory Zone (CRZ) area subject to restrictions imposed by the Authority.

This in turn has facilitated creation of millions of jobs, self-employment opportunities, enhanced incomes to aquafarmers, catalyzed growth of businesses and entrepreneurship in aquaculture including development of a vibrant aquaculture support industry. As a result, today, coastal aquaculture is one of the major success stories crafted by diverse and hardworking small farmers and educated youth of 2-4 hectares land holding around the fulcrum of vibrant policy support of government.

During the last 9 years, the shrimp production of the country increased by 267% from 3.22 lakh tons in 2013-14 to a record 11.84 lakh tons (provisional figures) in 2022-23. India's seafood exports doubled from Rs 30,213 crore in 2013-14 to Rs 63,969 crore in 2022-23 with shrimp

contributing the lion's share of exports i.e. Rs. 43,135 crore. Shrimp exports have more than doubled with an increase of 123% from Rs. 19,368 crore in 2013-14 to Rs 43,135 crore in 2022-23 with USA being the largest importer. In fact, the states of Andhra Pradesh, Gujarat, Odisha and Tamil Nadu have contributed substantially to the growth of coastal aquaculture shrimp production and export.

Though the principal Act has specifically excluded Coastal aquaculture from the purview of CRZ notification, there have been ambiguities and interpretations to the contrary as the CRZ notification 1991 was referred to by the legal entities and courts. Further, Section 13(8) of the Principal Act which prohibits coastal aquaculture within the "No Development Zone" of the Coastal Regulation Zone (CRZ) has been misinterpreted to be applicable to the hatcheries as well.

Hence, aquaculture farmers and stakeholders have been requesting to remove the ambiguities and amend some of the provisions of the Coastal Aquaculture Authority Act to make this legislation progressive and decrease the regulatory burden.

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