

Coastal Aquaculture Authority Rules, 2005

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Coastal Aquaculture Authority Rules, 2005

In exercise of the powers conferred by Sec. 24 of the Coastal Aquaculture Authority Act, 2005 (24 of 2005), the Central Government hereby makes the following rules, namely

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) These rules may be called the Coastal Aquaculture Authority Rules, 2005

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires:

(a) "Act" means the Coastal Aquaculture Authority Act, 2005 (24 of 2005);

(b) "Authority" means the Coastal Aquaculture Authority established under sub-sec. (1) of Sec. 4 of the Act

(c) "Chairperson" means the Chairperson of the Authority;

(d) "Fee" means any fee stipulated in these rules;

(e) "Form" means Form annexed to these rules;

(f) "Guidelines" mean the guidelines made under Sec. 3 of the Act;

(g) "member" means the member of the Authority appointed under sub-sec. (3) of Sec. 4 of the Act and includes the Chairperson and the Member Secretary;

(h) "regulations" means the regulations made by the Authority;

(i) "notification" means a notification published in the Official Gazette;

(j) Words and expressions used herein and not defined but defined in the Coastal Aquaculture Authority Act, 2005 (24 of 2005) or the Environment Protection Act 1986 (29 of 1986) shall have the meaning respectively assigned to them in that Act.

CHAPTER 2

Guidelines

3. Guidelines for regulation of coastal aquaculture under Sec. 3 of the Act are annexed to these rules :-

CHAPTER 3

The Authority and its Committees

4. Terms and conditions of the service of Chairperson and Members :-

(1) The Chairperson shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, and other matters as may from time to time, be fixed by the Central Government for a Secretary to the Government of India.

(2) The Member Secretary of the Authority shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension and other matters as may be fixed by the Central Government for an Additional Secretary to the Government of India.

(3) The members appointed under clauses (b), (c), (d), (e), (f) and (g) of sub-sec. (3) of Sec. 4 of the Act shall be part-time members. They shall not be entitled for any salary and allowances under this Act except that non-official members will be entitled to sitting fees as well as TA, DA, etc. as may be fixed by the Central Government from time to time.

(4) A member appointed under clauses (b), (c), (d), (e), (f) and (g) of sub-sec. (3) of Sec. 4 of the Act shall cease to be a member if he/she ceases to hold the office by virtue of which he/she was appointed.

(5) The Chairperson may resign his/her office by giving notice in writing to the Central Government and upon such resignation being accepted by the Central Government, the Chairperson shall be deemed to have vacated his/her office.

(6) A member may resign his/her office by a letter addressed to the Chairperson. The office of a member shall fall vacant from the date on which the resignation of such member is accepted by the Central Government or on expiry of 30 days from the date of the receipt of the resignation by the Chairperson, whichever is earlier.

(7) The Central Government may remove any member who becomes subject to disqualification under Sec. 5 of the Act.

(8) The Central Government may also remove any member, if he/she without the approval of the Chairperson, fails to attend three consecutive meetings of the Authority.

(9) The Member Secretary shall be responsible for the implementation of the decisions arrived by the Authority or by the Committees set up by it and the discharge of the duties imposed on him/her under the rules.

(10) The Member Secretary shall in consultation with the Chairperson, fix the date time, place and also draw up agenda for every meeting.

(11) The Member Secretary shall have powers of general superintendence, which shall include:

(a) a grant leave to the Officers and Staff of the Authority;

(b) to exercise administrative control over all divisions and officers of the Authority;

(c) to call for documents and record and to inspect or cause to be inspected the accounts and places of storage or of business as required under the rules;

(d) to sanction expenditure for contingencies, supplies and services and purchase of articles required for the working of the office of the Authority;

(e) cause all important papers and matters to be presented to the Authority as early as practicable; and

(f) issue directions as to the method of carrying out the decisions of the Authority.

5. Functions of the Authority :-

The Authority shall perform the following functions to

(i) ensure that the agricultural lands, salt pan lands, mangroves, wet lands, forest land, land for village common purposes and the land meant for public purposes and national parks and sanctuaries shall not be converted for construction of coastal aquaculture farms so as to protect the livelihood of coastal community;

(ii) deal with any issues pertaining to coastal aquaculture including those which may be referred to it by the Central Government;

(iii) survey the entire coastal area of the country and advise the Central Government and the State/Union territory Governments to formulate suitable strategies for achieving eco-friendly coastal aquaculture development;

(iv) advise and extend support to the State/Union territory Governments to construct common infrastructure viz., common water in-take and discharge canals by the coastal aquaculture farms and common effluent treatment systems for achieving eco-

friendly and sustainable development of coastal aquaculture;

(v) fix standards for all coastal aquaculture inputs viz., seed, feed, growth supplements and chemicals/medicines for the maintenance of the water bodies and the organisms reared therein and other aquatic life;

(vi) carryout and sponsor investigations and studies/schemes relating to environment protection and demonstration of eco-friendly technologies in coastal aquaculture;

(vii) collect and dissemination of data and other scientific and socio-economic information in respect of matters related to coastal aquaculture;

(viii) prepare manuals, codes and audio visual material relating to sustainable development of coastal aquaculture and activities relating there to;

(ix) organise through media and other means of communication a comprehensive programme regarding sustainable utilization and fair and equitable sharing of the coastal resources for aquaculture purpose;

(x) plan and organise training of personnel engaged or likely to be engaged in programmes for sustainable utilization of the coastal resources for aquaculture purposes;

(xi) constitute various technical committees, sub-committees, working groups, subgroups comprising the Members and Officers of the Authority, Scientists and Officers of the National Research Institutes/State Governments/Representatives of the Civil Society for preparation of technical manuals, code of conduct, etc. (xii) direct the owners of the farm to carry out such modifications to minimize the impacts on coastal environment including stocking density, residual levels/use of antibiotics, chemicals and other pharmacologically active compounds.

(xiii) order seasonal closure of farms for ensuring sustainability of the coastal aquaculture practices;

(xiv) order closure of coastal aquaculture farm in the interest of maintaining environmental sustainability and protection of livelihoods or for any other reasons considered necessary in the interest of coastal environment.

(xv) cancel the certificate of registration where it is satisfied that any person has obtained a certificate of registration under sub-rule (1) of Rule 11 by furnishing false information or that he/she has contravened any of the provisions of these rules or of the conditions mentioned in the certificate of registration, without any prejudice to any other action, that may be taken against such person; Provided that before cancelling such certificate, the person concerned shall be given an opportunity to make his/her representation. Provided further that a copy of the order together with the reasons for the cancellation shall be communicated to the person concerned;

(xvi) frame recruitment rules for the posts created for the Coastal Aquaculture Authority and till such time issue order that the recruitment to the posts be made on the basis of recruitment rules for analogous posts in the Central Government.

(xvii) determine the pay, leave, allowances and other terms and conditions of the service of the employees of the Authority; Provided that the pay, leave, allowances, other conditions of service and other facilities and concessions such as advances of pay advances of conveyance, construction of houses and the like in respect of all employees in Coastal Aquaculture Authority shall be regularised in accordance with such rules and orders as are for the time being applicable to officers and employees of the Central Government of the corresponding grades or status stationed at those places till separate regulations are made by the Coastal Aquaculture Authority.

(xviii) make suitable recommendations to the Government for amending the guidelines under Rule 3 from time to time taking into account the changes in technology, farming practices, etc., and incorporating such modifications in the guidelines to ensure environmental protection and the livelihoods of the coastal communities.

CHAPTER 4

Powers and functions of the one man Authority

6. Powers and functions of the one man Authority :-

(a) The one man authority to be appointed under sub-sec. (2) of Sec. 11 of the Act shall exercise the powers of a District Magistrate with regard to the compensation as may be settled between the workers and the management

(b) While settling the compensation to be paid to the workers factors such as the likely loss of income for the workers, the alternate employment opportunities for them and the paying capacity of the employer may be taken into account.

(c) For the purpose of ensuring that the account of compensation settled is paid to the workers, the one man authority shall exercise the powers of the Collector and District Magistrate under the land revenue laws of the respective States.

7. Power to enter on any coastal aquaculture land :-

The powers of a person authorised by the Authority to enter on any coastal aquaculture land, pond, pen or enclosure shall be subject to the following:

(i) the person authorized by the Authority shall have the powers to take one or more persons including police personnel to carry out the functions mentioned in this section;

(ii) the Authority's decisions to make any inspection, survey, measurement, valuation or inquiry as well as removal or demolition of any structure shall be intimated to the owner of the coastal aquaculture land pond, pen or enclosure or his/her representative at least 24 hours in advance in writing and delivered to him/her by registered post or by messenger. In addition such notice shall also be pasted at a prominent place in the premise of the coastal aquaculture farm. In case of refusal by the owner to accept the notice, such pasting shall be deemed to be due service of the notice on him;

(iii) the activities mentioned in the Sec. 12 of the Act shall be carried out in the presence of the owner or his/her representative if he desires to do so. The owner may also be permitted to bring his/her own staff (not more than two) to assist in the inspection, survey, measurement, valuation or inquiry;

(iv) removal or demolition of any structure should be carried out under a panchanama and wherever possible a representative of the local body should be included in the team and his/her signature recorded in the panchanama;

(v) the person (s) authorized by the Authority to perform the functions as mentioned under clauses (a) and (b) of Sec. 12 of the Act shall do so only during the daytime, i.e., after sunrise and

before sunset;

(vi) the person (s) authorized by the Authority to perform the functions under clause (a) of Sec. 12 of the Act shall endeavour that such functions are carried out without causing any damage to the civil structures, equipment, machinery or the standing crop.

8. The acts or things which are to be done under clause (c) of Sec. 12 of the Act :-

Any person authorised by the Authority shall:

(1) take samples of water, soils and the farmed animal for the purpose of detection of banned antibiotics, chemicals and other pharmacologically active compounds and to adopt appropriate procedures for collection, analysis, reporting and follow up action;

(2) subject to the provision of Rule 7, remove or demolish any coastal aquaculture farm which is causing pollution and which was not removed or demolished after an order to that effect, passed under clause (d) of sub-sec. (1) of Sec. 11 of the Act.

(3) drain the water from the coastal aquaculture farm or destroy the crop which is causing pollution in respect of which an appropriate order passed under clause (e) of sub-sec. (1) of Sec. 11 of the Act has not been complied with.

(4) authorize/recognize laboratories to carry out analysis of soil, water, farmed animals/other farmed aquatic life for the purpose of detection of banned antibiotics, chemicals and other pharmacological active compounds.

CHAPTER 5

Registration and Renewal

9. Application for registration and the fees to be paid under sub-sec(4) of Sec. 13 :-

(1) Every application for the registration of a coastal aquaculture farm shall be made to the District Level Committee as set up by the Authority in Form I, obtainable from the office of the District Level Committee or the office of the Authority or be downloaded from the website of the Authority.

(2) Every application under sub-rule (1) for the registration of coastal aquaculture farm specified in column (1) of the Table below shall be accompanied by the fee specified in the corresponding entry in column (2) of the said Table.

TABLE

	(1)	(2)
1.	Up to 5.0 hectare (ha) water spread area	Rs. 200 per ha (or fraction of a ha), subject to a minimum of Rs. 500/-
2.	From 5.1 to 10 ha water spread area	Rs. 1000 plus Rs. 500 per ha (or fraction of a ha) in excess of 5 ha.
3.	From 10.1 ha water spread area and above	Rs. 3500 plus Rs. 1000 per ha (or fraction of a ha) in excess of 10 ha.

(3) The fees for registration shall be payable in the form Demand Draft in favour of the Member Convenor of the District Level Committee set up by the Authority.

10. The manner of considering application for registration :-

(1) On receipt of an application under sub-rule (1) of rule 9 the District Level Committee shall verify the particulars given in the application in respect of all coastal aquaculture farms irrespective of their seize; and

(a) in the case of coastal aquaculture farms up to 2.0 ha water spread area, the District Level Committee upon satisfaction of the information furnished therein shall recommend the application directly to the Authority for consideration of registration under intimation to the State Level Committee

(b) in the case of coastal aquaculture farms above 2.0 ha water spread area, the District Level Committee shall inspect the concerned farm to ensure that the farm meets the norms specified in the guidelines with specific reference to the sitting of coastal aquaculture farms and recommend such applications to the State Level Committee, which upon satisfaction shall further recommend the application to the Authority for consideration of registration.

(2) In case any defect is noticed in the application, the attention of the applicant shall be drawn in writing, requesting him/her to rectify the defect within a specified period and in case of failure on the part of the applicant to rectify the defect within such period, the registration shall be refused.

(3) The time-frame for consideration of application for registration shall be as specified in the regulations.

(4) For the purpose of this rule, the compositions of District Level and State Level Committees shall be below: A. District Level Committee (a) District Collector \Chairperson (b) Representative of the State/Union Territory Revenue Department \Member (c) Representative of the State/Union Territory Agriculture Department \Member (d) Representative of the State/Union Territory Environment Department \Member (e) Representative of the State/Union Territory Zilaparishad \Member (f) Assistant Director/District Level Fisheries officer of the State/Union Territory Fisheries Department \- Member-Convener B. State Level Committee (a) Secretary-in-charge of Fisheries of the State/Union Territory Government \- Chairperson (b) Secretary-in-charge of Revenue of the State/Union Territory Government \- Member (c) Secretary-in-charge of Environment of the State/Union Territory Government \- Member (d) Representative of the Marine Products Export Development Authority - Member (e) Director/Commissioner-in-charge of Fisheries of the State/Union Territory Government - Member-Convenor

(5) Where the applications for registrations is refused, the reasons for such refusal shall be recorded in writing and a copy of the same along with the order of refusal shall be furnished to the applicant;

(6) The Authority or any officer authorised by the Authority may require the applicant to furnish within a specified period such additional information as he/she may consider necessary for the purpose of registration/renewal and every such applicant shall be bound to furnish such information within the specified period.

(7) The Authority may, by order, refuse an application for registration/renewal of a coastal aquaculture farm if the applicant fails to furnish the information asked for or furnishes incorrect information; a copy of the order together with reasons for such refusal shall be communicated to the applicant.

(8) Nothing in sub-rule (5) shall preclude the applicant to apply afresh for registration after six months of the rejection made there under if the applicant has rectified the defects and has reasons to believe that he can fully comply with the standards specified by the Authority.

(9) If during the period when the registration of the coastal aquaculture farm is in force the owner thereof desires to make any change, he/she shall apply to the Authority at least thirty days in

advance and the Authority shall make such enquiries, as considered necessary before order can be passed for effecting the change. Where the Authority agrees to the change, details of such change shall be entered in the certificate of registration.

(10) Any person aggrieved by an order of refusal under sub-rule (5) of Rule 10 may within thirty days from the date of receipt by him of a copy of the order of refusal or cancellation, as the case may be, appeal to the Chairperson who may either affirm, vary or set-aside such order.

11. The form for using a certificate of registration :-

Where the application for registration is not refused, a certificate of registration shall be granted in Form II and shall be subject to the terms and conditions specified in the certificate.

12. Application for renewal of registration and the fees to be paid :-

(1) Every application for renewal of registration of a coastal aquaculture farm shall be made before two months of the expiry of such registration to the Authority in Form III and the Authority shall renew the registration for a further period of five years.

(2) The fees payable for renewal of registration shall be same as specified under sub-rule (2) of Rule 9 for registration.

(3) Every application for renewal of registration of a coastal aquaculture farm shall be made to the District Level Committee, which upon examination shall forward it to the Authority through the State Level Committee.

(4) The time frame for consideration of renewal of registration shall be as specified in the regulations.

(5) Where the Authority is satisfied that further continuation of the said coastal aqua- culture farm is harmful to the coastal environment it shall refuse to renew the registration: Provided that before refusal to renew the registration, the Authority shall give the concerned person an opportunity to be heard; Provided further that a copy of the order together with the reasons for the refusal to renew the registration shall be communicated to the person concerned.

(6) Any person aggrieved by an order of refusal of renewal may within thirty days from the date of receipt by him of a copy of the

order of refusal, appeal to the Chairman who may affirm, vary or set-aside such order.

13. The form and time for preparation of the budget :-

(1) The Authority shall, in each financial year, prepare a budget for the Coastal Aquaculture Authority for the next financial year and shall submit it for sanction to the Central Government on or before such dates as may be appointed by the Central Government.

(2) No expenditure shall be incurred until the budget is sanctioned by the Central Government and the sanction for that expenditure by the competent authorities is received.

(3) The budget shall be prepared in the following form or as may be directed by the Central Government indicating:

(a) the estimated opening balance;

(b) the estimated receipts referred to in sub-sec. (1) of Sec. 17 of the Act;

(c) the estimated expenditure classified under the following broad heads or such other heads as per the schemes approved by the Central Government, namely: (i) Administration; (ii) Development; (iii) Statistics; (iv) Inspection/Works; (v) Financial and other assistance/subsidy scheme; (vi) Others. Note. Wherever applicable, full details shall be given, under various sub-heads for each broad head, indicating, estimated expenditure including that of pay of officers, pay of establishment, allowance, honoraria, contingencies and the like.

(4) Supplementary estimates of expenditure, if any, shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by it in this behalf.

14. The form and time for preparation and submission of annual report :-

(1) The Chairperson or such employee of the Authority as may be authorized in this behalf, shall prepare, as soon as may be after the commencement of the each financial year the annual report which shall include an account of the activities of the Authority during the previous financial year which shall contain the following information

(a) a statement of corporate and operational goals and objectives of the Authority;

- (b) annual targets and physical and financial terms set for various activities in the background of sub-rule (1) together with a brief review of the actual performance with reference to those targets;
- (c) an administrative report on the activities of Authority during the previous financial year and an account of the activities which are likely to be taken up during the next financial year;
- (d) a summary of the actual financial results during the previous financial year and year of report;
- (e) important changes in policy and specific measures either taken or proposed to be taken, which have influenced or are likely to influence the profitability or functioning of the Authority;
- (f) new projects or expansion schemes contemplated together with their advantages, financial implications and programme for execution;
- (g) important changes in the organisational set up of the Authority;
- (h) report on employer-employee relations and welfare activities of the Authority; and
- (i) report on such other miscellaneous subjects as deemed fit by the Authority or the Central Government for reporting to the letter.

(2) The annual report shall be placed for adoption in the meeting of the Authority and shall be signed by the Chairman or in his absence by two members authorized for the purpose by the Chairman and authenticated by fixing the common seal of the Authority and required copies thereof shall be submitted to the Central Government by the thirty-first day of December of the following year.

15. The form and manner of maintaining the accounts of the Authority :-

- (1) The Authority shall maintain accounts of all receipts and expenditure relating to every financial year.
- (2) A separate bank account shall be maintained for the registration fee.
- (3) The expenditure incurred in a particular financial year shall be shown under separate heads and Sub-heads.
- (4) The opening balance, if any, shall also be stated as such

separately.

(5) The closing balance of the year shall be shown at the foot of the accounts on the expenditure side.

(6) The books of accounts, other books in relation to the accounts, will be maintained in the form as laid down in various General Financial Rules, Central Treasury Rules, Receipts and Payment Rules in force from time to time except as otherwise provided in these Rules, the provisions of the Central Treasury Rules, the Delegation of Financial Power Rules, 1958, and the General Financial Rules, 1962 of the Central Government, for the time being in force, shall subject to such modifications or adaptations as may be made by the Authority therein with the previous approval of the Central Government and shall apply to all financial transactions of the Authority.