

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

Miscellaneous Application No. 3 of 2023

in

Original Application No.91 of 2020

IN THE MATTER OF:

Venkatapathi Raja Yenumula
H.No. 2-232, Kesevadasupalem
RAZOLU Taluka, Sakhinetipalli Mandal,
Eastgodavari District, Andhra Pradesh-533252
Mobile No. 9528345678 & +44 7837 200953
Mail id: rajavr.smile@gmail. ...Petitioner/Applicant

VS

1. Union of India
Through its Secretary,
Ministry of Environment, Forest & CC
Indira Priyadarshini Bhavan,
Jorbagh, New Delhi-110003
Mail: secy-moef@nic.in
Phone: 011- 24695262, 24695265
And 16 others Respondents/Respondents

REPORT FILED BY THE 9TH RESPONDENT APPCB

Date-21-09-2023



**MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD**

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.
Mobile: 98407 98460 / 63831 21322, Email: reddymadhuri09@gmail.com

Counsel for the 9th Respondent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE BENCH AT CHENNAI

Miscellaneous Application No. 3 of 2023

in

Original Application No.91 of 2020

IN THE MATTER OF:

Sri Venkatapathi Yenumula Raju

.... Applicant

Versus

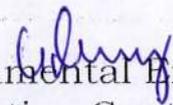
Union of India & Ors

.... Respondent(s)

INDEX

S. No.	Particulars	Page No.
1.	Report in M. A. No. 3 of 2023 in O.A. No. 91 of 2020 (SZ) Order dt.18.07.2022, Hon'ble NGT, (SZ), Chennai.	1- 4
2.	Annexure I: Hon'ble NGT, (SZ), Chennai, Order dt.18.07.2022 in O.A. No. 91 of 2020.	5-41
3.	Annexure II: M. A. No. 3 of 2023 Order dt.28.03.2023 in O.A. No. 91 of 2020 (SZ), Hon'ble NGT, (SZ), Chennai.	42-43
4.	Annexure-III: Letters addressed to the JD Fisheries, Dr.B.R. Ambedkar Konaseema District and the Deputy Director, Mines & Geology Department, Kakinada on 26.07.2022, 23.11.2022, 21.02.2023 and 29.03.2023	44-48
5.	Annexure IV: Coastal Aquaculture Authority (CAA), Act, 2005, Gazette of India, Ministry of Law and Justice. dated 23.06.2005.	49-62
6.	Annexure V: Coastal Aquaculture Authority (CAA), Act, 2005, (Amendment) Gazette of India, Ministry of Law and Justice. dated 14.08.2023.	63-74

Date: 08.09.2023
Place: Kakinada


Environmental Engineer,
A.P. Pollution Control Board,
Regional Office, Kakinada.

ENVIRONMENTAL ENGINEER
A.P.POLLUTION CONTROL BOARD
Regional Office, KAKINADA

A.P.POLLUTION CONTROL BOARD
REGIONAL OFFICE: KAKINADA

**ACTION TAKEN REPORT IN THE MATTER OF HON'BLE NGT,
CHENNAI ORDERS DT. 18.07.2022 AND 28.03.2023 IN M.A.
NO. 3 OF 2023(SZ) IN O.A. NO. 91 OF 2022(SZ) FILED BY SRI
VENKATAPATHI YENUMULA RAJU, S/O Y. TIRUPATHIRAO,
DR. B.R. AMBEDKAR KONASEEMA DISTRICT, ANDHRA
PRADESH.**

1. Preamble

The Original Application (O.A) No. 91 of 2020 (SZ) was filed by Sri Venkatapathi Yenumula Raju, S/o Y. Tirupathirao, Dr. B.R. Ambedkar Konaseema District in the Hon'ble National Green Tribunal (NGT), Chennai against aqua ponds, beach sand mining, damage caused to coastal area and resulting flooding adjoining villages of Pallipalem village, Antravedi Devasthanam and other villages in Malkipuram and Sakhinetipalli mandals of Dr. B.R. Ambedkar Konaseema District.

The Hon'ble NGT vide orders dated 18.07.2022 disposed the case with directions to the regulatory authorities. Whereas, the petitioner in O.A.No.91 of 2020 has filed M.A No. 3 of 2023 (SZ) in O.A.No.91 of 2020 (SZ) to implement the order dated 18.07.2022.

The Andhra Pradesh Pollution Control Board (APPCB) addressed letter to the JD Fisheries, Dr.B.R. Ambedkar Konaseema District and the Deputy Director, Mines & Geology Department, Kakinada on 26.07.2022, 23.11.2022, 21.02.2023 and 29.03.2023 to take necessary action as per the orders of the Hon'ble NGT in O.A.No.91 of 2020, dated 18.07.2022.

The DD, Mines & Geology, Kakinada has addressed letter that 3 vehicles were seized (1-JCB & 2-Tractors). Further, the vehicle

owners were issued notices to pay the penalty as per APMMC Rules, 1966 and deposit and 50% of the market value of the said vehicles in the form of bank guarantee. Whereas, the aggrieved approached the Hon'ble High Court and it was informed that as per the Hon'ble High Court directions the DD, Mines & Geology, Kakinada after collecting the penalty from the petitioners, has requested the Station House Officer, Sakhinetipalli to release the vehicles.

It is to submit that the Coastal Aqua Culture comes under purview of Coastal Aquaculture Authority. The Statement of Objects and Reasons for the Coastal Aquaculture Authority Act, 2005 (Act No 24 of 2005) states among other things as follows:

"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. The 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 lakh 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 the environment. In order to achieve the above 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”.

It is to submit that the Coastal Aquaculture Authority was established under the Coastal Aquaculture Authority Act, 2005 for regulating activities connected with coastal aquaculture in coastal areas and for matters connected therewith or incidental thereto to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible aquaculture is followed.

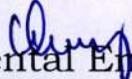
The CAA Act, 2005 and its amendment in 2023 has been enacted by the Parliament to provide for the regulation of farms alone empowering Coastal Aquaculture Authority to register and regulate coastal aquaculture farms.

The aquaculture ponds are not under the purview of the consent management of the Pollution Control Board and the existing Central Pollution Control Board (CPCB) guidelines on the levy of Environmental Compensation (as per the directions of the Hon'ble NGT, Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.) is for the industries, HCFs etc.,

In view of the above, it is requested to exempt the APPCB from the responsibility of levy of Environmental Compensation to the aquaculture ponds.

This report is submitted for kind consideration. The APPCB will abide by all such directions as this Hon'ble Tribunal may deem fit and appropriate.

Date: 08.09.2023
Place: Kakinada


Environmental Engineer,
A.P. Pollution Control Board,
Regional Office, Kakinada.

ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office, KAKINADA

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 91 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Venkatapathi Raja Yenumula

H.No. 2-232, Kesevadasupalem,
Razolu Taluka, Sakhinetipalli Mandal,
Eastgodavari District,
Andhra Pradesh- 533252

with

- 1. Union of India,**
Through its Secretary,
Ministry of Environment, Forest and CC,
Indira Priyadarshini Bhavan,
Jorbagh, New Delhi- 110003
- 2. Union of India,**
Through its Secretary,
Ministry of Mines,
Sastry Bhavan,
New Delhi- 110001
- 3. National Institute of Oceanography,**
Rep by its Regional Director,
176, Lawsons Bay Coloney,
Vishakhapatnam- 530017.
- 4. State of Andhra Pradesh**
Rep by its Chief Secretary,
Interim Government Complex,
Velagapudi, Guntur District
Andhra Pradesh- 522503
- 5. State of Andhra Pradesh,**
Rep by its Principal Secretary,
Department of Mines and Geology,
Interim Government Complex,
Velagapudi, Guntur District
Andhra Pradesh- 522503
- 6. State of Andhra Pradesh,**
Rep by its Principal Secretary,
Department of Agriculture and Animal,
Husbandry, Secretariat, Velagapudi,

Guntur District, Andhra Pradesh- 522503
Chennai, Tamil Nadu 600 001.

7. Andhra Pradesh Coastal Zone Management Authority,

Rep. by its Chairman,
Chalamvari Street, kasturibaipeta,
Vijaywada-520010.

8. Central Pollution Control Board,

Through Member Secretary,
Parivesh Bhawan, CBD-Cum Office Complex,
East Arjun Nagar, Delhi- 110032

9. Andhra Pradesh Pollution Control Board,

Rep by its Member Secretary,
D.No. 33-26-14/D2,
Near Sunrise Hospital, Pusha Hotel Center,
Chalamvari Street, Kasturibaipet,
Vijayawada, Andhra Pradesh- 520010

10. Andhra Pradesh Special Enforcement Bureau (Liquor & Sand)

Rep by its Director General of Police/Ex Officio,
Chief Secretary/Commissioner,
Andhra Pradesh Police Head Quarters,
Mangalagiri, Guntur District, AP-522502

11. Andhra Pradesh State Disaster Management Authority,

Rep by its Managing Director,
Genious JR Towers, D. No. 21/2B, Pathuru Cross,
Road Centre, Kunchanpalli (P.O), Tadepalli Mandal,
Guntur District, Andhra Pradesh- 522501

12. Andhra Pradesh Tourism Development Corporation,

Rep by its Managing Director,
5th Floor, Stalin Corporate Office,
Industrial Estate, Vijayawada- 520007

13. Commissioner of Fisheries/MD of Fisheries of AP,

Rep by its Managing Director,
Bandar Road, Poranki, Vijayawada- 521137

14. District Collector and Magistrate,

Easte Godavari at Kakinada,
Andhra Pradesh- 533001

15. Superintendant Engineer,

Irrigation Circle, Dawalaiswaram,
Rajahmandry, AP- 533125

16. State of Andhra Pradesh,

Rep by its Spl. Chief Secretary,
Department of Environment, Forest,

4th Block, Ground Floor, Room No. 268
AP Secretariat, Velagapudi, Guntur District.

**17. Coastal Aquaculture Authority,
Union Ministry of Fisheries, Animal Husbandry and Dairying,**
Rep by Member Secretary,
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai- 600035

... Respondent(s)

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. Ashik Ahamed for Mr. G.M. Syed Nurullah
Sheriff for R1.
Mr. Basu for Mr. Madhuri Donti Reddy for R3
to R7, R9 to R15, R17
Mr. R. Thirunavukarasu for R8

Judgment Reserved on: 8th July.2022

Judgment Pronounced on: 18th July, 2022

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. The grievance in this application is that along the coastal stretch of Bay of Bengal touching the adjoining villages of Pallipalem, Gogunnamatam of Rajole Mandalam, Kesavadasupalem, Chintalamori, Sankaraguptam, Padmatipalem, Turpupalem, Gollapalem, Karavaka, Kesinipally in Malikipuram and Sakhinetipalli mandals of East Godavari District of Andhra Pradesh, there were large scale illegal beach sand mining happening. Apart from this, there were shrimp farms (Aqua farms) being operated along the beach without

getting any necessary permission or clearances from the respective departments.

2. It was also alleged in the application that it is against the directions laid down in the decision reported in **Sri. S. Jagannath Vs Union of India & others**¹ where in the Hon'ble Apex Court had considered the impact of operating commercial aqua farms along the sea coast and its impact on marine ecology and it has been specifically mentioned that there must be a regulation for permitting such activities along the coastal line.

3. Apart from this, several directions were given by the National Green Tribunal regarding the regulation of sand mining but it was not followed by the authorities in the State thereby, allowing the unauthorised miscreants to indulge in illegal mining causing heavy loss to the exchequer.

4. According to the applicant, the sand mounds which are along the beach side were being removed illegally without following proper procedure using heavy machineries for the purpose of filling up other areas with the connivance of the officials of the State machineries as well.

5. Though representations were made to the authorities, no action was taken that prompted the applicant to file this application seeking the following reliefs:

- I. Appoint an independent experts committee consisting of respondent No.1,3,7,8,16 etc to assess the loss, damage caused due to illegal beach sand mining, sand mining in assigned lands in 25 Kms stretch of Bay of Bengal situated in Gollapalem, Turupapalem, Kesanapally, Padamatipalem,

¹ (1997) 2 SCC 87

- Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh to collect environment compensation and to conducting restoration, rejuvenation and remedial measures similar to O.A. No.76 of 2019 (PB).
- II. Direct the respondents No.1,4,7,9 and District Collector of East Godavari districts to remove all illegal and unauthorized Aqua/fish ponds situated in sea coast/CRZ area of Gollapalem, Turupupalem, Kesanapally, Padamatipalem, Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh as it was done in O.A. No.23 of 2019.
 - III. Direct respondent No.1 to 16 to conduct cumulative study on damage caused due to flooding of sea water into agriculture fields of Kesavadasupalem, Chintalamori, Srugavarapupadu etc villages in East Godavari District of Andhra Pradesh for paying compensation to the victims, farmers.
 - IV. Direct the respondent No.10 to investigate and register cases on the persons caused damage to the environment by conducting massive illegal mechanical sand mining in beaches and assigned lands for recovering the money earned through beach sand at Gollapalem, Turupupalem, Kesanapally, Padamatipalem, Shankaraguptam, Chintalamori, Kesavadasupalem, Antarvedikara, Antarvedi Devastanam, Palliapalem, Gagannamatam, Karavaka Villages of Sakhinetipalli, Malikipuram, Rojole mandals of East Godavari District in Andhra Pradesh and also direct the respondent No.10 to submit the status of past FIRs and action taken such as imposing fine, attaching properties etc. including in FIR No.65 of 04.05.2016.
 - V. Direct respondent No.1,4,9,13,14 to submit action taken report on the directions passed by the Hon'ble Supreme Court of India in S. Jagannath Vs. Union of India and Ors. (1997) 2 SCC 87.
 - VI. Direct respondent No.1,4,5,9,14 to indentify the government officials who have allowed the damage to environment, coast and causing disaster for fixing the responsibility including taking criminal and civil action,
 - VII. Direct respondent No.4,6,7,11,14 & 15 to assess the damage caused due to disaster occur on 25.05.2020 in the form of sea water entering through drains into fertile agriculture lands.
 - VIII. Direct respondent No.4,12,14,16 to restore the beach park at Beach nagar, Chintalamori and recover the loss/environment compensation from the persons responsible for occupation and damage.
 - IX. Direct respondent 4, 15 to setup Locks for the Sankaraguptam drain at Chintalamori and other drains in East Godavari district to stop entering sea water into villages and agriculture fields,
 - X. Direct respondent No.4,5,6,12,13,14 to take stringent action on government officials under their jurisdiction for failing to take action illegal sand mining and illegal aqua/fish ponds in East Godavari district,
 - XI. Direct the APPCB and District Collector of East Godavari to submit the compliance report on the directions passed by the Hon'ble Tribunal in Farmer Community Kadali, AP Vs. State of Andhra Pradesh, O.A. No.23 of 2019 dated 13.09.2019,

XII. Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

6. This Tribunal dispensed with notice to 16th respondent as they were not necessary party to the proceedings and no relief was claimed against them as well. So this Tribunal deleted 16th respondent from the party array.
7. This Tribunal reiterated the various directions issued by the Hon'ble Apex Court, High Courts and the National Green Tribunal expressing displeasure on the part of the State machinery on their failure regarding the regulation of sand mining in the State. Since there were allegations that illegal sand mining was going on without obtaining necessary permissions and clearance and also against the guidelines issued by the MoEF&CC in this regard and the Tribunal was satisfied that there arose a substantial question of environment, this Tribunal admitted the matter and issued notice to the respondents. This Tribunal also appointed a Joint Committee consisting of 1) a Senior Scientist from Regional Office of Ministry of Environment, Forests and Climate Change (MoEF & CC), Chennai, 2) a Senior Scientist from the Regional Office of Central Pollution Control Board, Chennai, 3) a Senior Officer from the Andhra Pradesh State Coastal Zone Management Authority, 4) a Scientist nominated by National Centre for Sustainable Coastal Management (MoEF), Anna University, Chennai, 5) a Senior Officer from Andhra Pradesh State Pollution Control Board and 6) the District Collector of East Godavari District to inspect the places mentioned in the

application along the sea coast in East Godavari District and ascertain the genuineness of the allegations made in the application and submit a factual as well as action taken report if there is any violation is found.

8. The committee was also directed to go into the question as to whether any illegal beach sand mining was being conducted along the coastal area in that place, whether any unlawful commercial or illegal shrimp farm culture (aqua farm) were being operated in that area and if any violations found, the committee was directed to recommend the action to be taken against those persons including launching of prosecution and assessment of environmental compensation for the damage caused to the environment.

9. The committee was also directed to go into the question regarding the allegations of encroachment into beach area by the aqua farms and if so, what was the action taken to remove the same in accordance with law. They were directed to specify the mechanism by which beach sand mining and aqua farms which are carried on along the coastal zone are being regulated in the State of Andhra Pradesh. Was there any prosecution launched or any steps taken against the persons who were committing any illegal beach sand mining and also gave the details of the same in the report.

10. The Committee was also directed to consider the allegation as to whether any agricultural land had been converted for the purpose of conducting aqua farms in that area and, if any,

damage has been caused to the environment, assess the environmental compensation and the loss of income caused to the agricultural land and also ascertain whether soil or ground water had been affected, if so, what is the remediation to be taken for that purpose.

11. The Committee was also given the liberty to include any other officials for the purpose of getting the necessary details for preparing the report in compliance with the direction given by this Tribunal.

12. The Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai was designated as nodal agency for co-ordination and for providing necessary logistics for this purpose.

13. 9th respondent filed a reply affidavit contending as follows: They denied the allegations made in the application regarding the connivance of officials in promoting illegal sand mining and aqua cultural activities. The application for registration of fresh aqua culture ponds were being scrutinized and site inspections conducted by Mandal Level Committee comprising of Revenue Department, Irrigation Department, Fisheries Department and Agricultural Department. The Mandal Level Committee along with its remarks shall forward the application to District Level Committee.

14. As per G.O. Ms. No. 7 issued by Animal Husbandry, Dairy Development and Fisheries Department dated 16.03.2013, the District Level Committee is the Competent Authority to permit

fresh water aqua culture evidenced by annexure-I produced along with the counter affidavit. The District Collector is the Chairperson and the District Fisheries Officer is the Member Convener of the District Level Committee. The Environmental Engineer, Andhra Pradesh Pollution Control Board of the District is a member of the Committee.

15. The Government of Andhra Pradesh framed new sand mining policy as per G.O. Ms. No. 70 dated 04.09.2019 evidenced by Annexure-II and issued operational guidelines to implement the same scrupulously by M/s Andhra Pradesh Mineral Development Corporation and District Collectors.

16. The Committee appointed by the Tribunal visited the alleged areas mentioned by the applicant and submitted a detailed report to this Tribunal and the observations made by the Committee regarding the aqua farms and sand mining was sought to be treated as part of this counter affidavit and they prayed for passing appropriate orders accepting their contentions.

17. 8th respondent filed counter affidavit contending as follows: They denied the allegations made in the application. The Government of Andhra Pradesh has framed new sand mining policy as per G.O.Ms.No.70, dated 04.09.2019 and has issued operational guidelines to be implemented by M/s. Andhra Pradesh Mineral Development Corporation and District Collectors. Sand mining in the state has to be carried out in compliance with the A.P Sand Mining Policy and the

Sustainable Sand Mining Guidelines issued by MOEF&CC. The Coastal Aquaculture Authority has published “Guidelines for Regulating Coastal Aquaculture” which are annexed to Coastal Aquaculture Rules, 2005. Aqua/shrimp farms have to be established and operated in compliance with the Coastal Aquaculture Authority guidelines.

18. The leases for sand mining are issued by State Department of Mines and Geology and State Mineral Development Corporation, Environmental Clearance for sand mining is issued by MoEF&CC. The Coastal Aquaculture Authority and State Fisheries Department are empowered for regulating aqua farms, and Consent is issued by State Pollution Control Board (SPCB) so as to prevent water or air pollution. The Department of Mines and Geology & State Mineral Development Corporation and State Pollution Control Board are responsible for ensuring compliance of conditions stipulated in Mining lease and EC/Consent, respectively, and CAA and State Fisheries department are responsible for implementation of Coastal Aquaculture Rules, 2005. The Central Pollution Control Board has no role in issuing the lease or Environmental Clearance for mining lease or license or consent for aqua farms. The above said authorities are expected to take action against those persons.

19. The Joint Committee has inspected the area and submitted a report and the violations of any of the above activity have to be monitored and action to be taken by Department of Mines and

Geology, State Mineral Development Corporation and District Collectors, Coastal Aquaculture Authority and State Fisheries Department for monitoring the implementation of AP Sand Mining Policy and regulating the aqua culture farming respectively. So they prayed for accepting their contention and passing appropriate orders.

20. MoEF&CC, namely, 1st respondent filed the counter affidavit in the form of affidavit wherein they denied the allegations made in the application. They further submitted that invoking the powers under 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, Ministry of Environment and Forest had notified the Coastal Regulation Zone Notification, 1991 on 19th February, 1991, which, inter-alia, provided classification of various zones and permitted, non-permitted and regulated activities in each zone.

21. The CRZ Notification, 1991 was superseded by CRZ Notification, 2011 notified on 06.01.2011 for the same purpose. They have given the details of the zoning regulations, permissible activities, non-permissible activities, procedure to be followed for getting the clearance for permissible/regulated activities under the said notification.

22. They have further submitted that any violations of the same have to be dealt with by State Coastal Zone Management Authority. So they have no role in enforcing the regulations as

they are only the policy makers. They prayed for passing appropriate orders accepting their contentions.

23. The Fisheries Department had filed a detailed counter affidavit contending that the application is not maintainable. They denied the allegations that illegal aqua culture farms are functioning in the coastal area in East Godavari District without getting any permission.

24. Most of the areas mentioned in the application are located at tail end of the coastal villages and there is no scope for supply of irrigated water to all the lands in said villages. There is surge of saline water into these lands due to tidal influence through Rallakalava in Sakhinetipalli Mandal and Shankaraguptam major drain or Uppukaluva in Malkipuram Mandal. Whereas Karvaka Village has tidal influence of Shankaraguptam drain and Gogannamatham Village is under the tidal influence of Uppukaluva. They have also given the salinity rate in these drains. There is no scope of getting fresh water through surface bore wells in these villages since bore well contains minimum salinity of 5 PPT and not suitable for human consumptions. In most of these mandals drinking water is being supplied to the tail end villages through tanker lorries and limited water from Tekisettipalem Irrigation Canal for catering the needs of domestic and cattle purpose. In Malkipuram Mandal, drinking water is being supplied to the villagers through Gudimellanka overhead service balancing reservoir and at Mamidikuru

Mandal drinking water is being supplied through water containers and existing fresh water overhead tanks.

25. Most of the lands were barren/inundated wherein farmers used to depend on naturally available fishery resources. After introduction of Aqua culture, the farming community has started resorting to aquaculture practices for their livelihood. The coastal aqua culture Authority and Department of Fisheries are the licensing authorities for brackish water and fresh water aqua culture as per the prevailing statutes. The Marine Products Export Development Authority is jointly conducting farm audit along with Fisheries Department to ensure that no banned antibiotics are used in Aqua Culture, since the Aqua culture produce is being exported to International market according to European Standards. There is provision for collection of penalties from the hatcheries, aqua farms in case of committing any violation as per the prevailing statutes i.e. Coastal Aquaculture Authority Act, 2005 and Rules and Andhra Pradesh State Aquaculture Development Authority Act, 2020 and Rules framed thereunder.

26. In spite of making sincere efforts by Department of Fisheries through paper publications and conducting village level awareness meeting to the aqua farming community to regulate their unregistered aqua culture farms, unauthorized and abandoned aquaculture farms are still existing and identified among the villages mentioned by the applicant. The details of which is as follows:

Gen Sl. No.	Name of the Mandal	Village Sl. No.	Name of the Village	No. of Unauthorized /Abandoned Farms	Extent in Hectors
1	Sakhinetipalli	1	Antharvedi Pallipalem	28	23.84
		2	Antharvedi Devasthanam	74	50.08
		3	Antharvedi Kara	99	60.33
		4	Kesavadasupalem	216	30.25
2	Mamidikuduru	5	Karavaka	22	78.01
		6	Gogannamatham	57	75.13
3	Malkipuram	7	Turupupalem	4	0.80
		8	Padamatipalem	1	1.20
		9	Gollapalem	19	4.72
		10	Kesanapalli	11	2.04
		11	Chintalamori	54	37.36
		12	Shankaraguptam	3	1.12

27. The details of the unauthorised activity and action taken in each area was described as follows:

5. **At Antharvedi Pallipalem Village of Sakhinetipalli Mandal,** it is submitted that, as mentioned at village Sl.No.1 of above table, there is no Agriculture activity in the Village. There are 28 unauthorized / abandoned Aquaculture farms in an extent of 23.84 Hectors which belong to Community Collective Farming Society (CCF Society) and the same is under the possession of different Members of the CCF Society who belong to SC, BC & Weaker Sections, Small and Marginal Farming community. As per the guidelines of the Coastal Aquaculture Authority / Department of Fisheries the land should be in the name of the applicant and linked to Aadhar card of the individual to make the applicant as eligible for granting License for Aquaculture. Whereas, in the present case the lands are in the names of CCF Society in the web land records of Revenue Department.

6. **At Antharvedi Devasthanam Village of Sakhinetipalli Mandal,** it is submitted that as mentioned at village Sl.No.2 of above table, there is no Agriculture activity in the Village. There are 74 unregistered / abandoned Aquaculture farms in an extent of 50.08 Hectors. Among which, 54 Farms are existing in a total extent of 27.18 Hectors belong to CCF Society, the land of remaining 20 Farms in an extent of 22.90 Hectors are identified as Private Lands.

7. **At Antharvedi Kara Village of Sakhinetipalli Mandal,** it is submitted that as mentioned at village Sl.No.3 of above table, there are 99 unregistered / abandoned Aquaculture farms in an extent of 60.33 Hectors. In which, 35 Farms are existing in a total extent of 12.51 Hectors belong to CCF Society. The lands of remaining 64 Farms in an extent of 47.82 Hectors are identified as Private Lands.

8. **At Kesavadasupalem Village** of Sakhinetipalli Mandal, it is submitted that as mentioned at village Sl.No.4 of above table, there are 216 unregistered / abandoned Aquaculture farms in an extent of 30.25 Hectors. In which, 12 Farms in an extent of 3.98 Hectors belong to Endowment Department. As per the guidelines of the Coastal Aquaculture Authority / Department of Fisheries the land should be in the name of the applicant and linked to Aadhar card of the individual to make the applicant as eligible for granting License for Aquaculture. Whereas, in the present case the lands are in the names of Endowment Department in the web land records of Revenue Department. The lands of remaining 204 Farms in an extent of 26.27 Hectors are identified as Private Lands.

9. **At Karavaka Village of Mamidikuduru Mandal**, it is submitted that, as mentioned at Sl.No.5 of above table is not having any Agriculture activity. There are 22 unregistered / abandoned Aquaculture farms in an extent of 78.01 Hectors in which 8 Farms in an extent of 66.44 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society. The lands of remaining 14 Farms in an extent of 11.60 Hectors are identified as Private Lands.

10. **At Gogannamatham Village** of Mamidikuduru Mandal, it is submitted that as mentioned at Sl.No.6 of above table there are 57 unregistered / abandoned Aquaculture farms in an extent of 75.13 Hectors. In which, 3 Farms are existing in a total extent of 39.91 Hectors belong to CCF Society. The land of remaining 54 Farms in an extent of 35.22 Hectors are identified as Private Lands.

11. **At Turupupalem of Malkipuram Mandal**, it is submitted that, as mentioned at village Sl.No.7 of above table there are 4 unregistered / abandoned Aquaculture farms in an extent of 0.80 Hectors CCF Society. Whereas, the total

extent of 0.80 Hectors is under the possession of different Members of the CCF Society. Whereas, in the present case the lands are in the names of CCF Society in the web land records of Revenue Department.

12. **At Padamatipalem** of Malkipuram Mandal, it is submitted that, as mentioned at village Sl.No.8 of above table there is One Aquaculture farm in an extent of 1.20 Hectors which belongs to Endowments Department and the said Farm is in abandoned state.

13. **At Gollapalem** of Malkipuram Mandal, it is submitted that, as mentioned at village Sl.No.8 of above table there are 19 unregistered / abandoned Aquaculture farms in an extent of 4.72 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society.

14. **At Kesanapalli of Malkipuram Mandal**, it is submitted that, as mentioned at village Sl.No.10 of above table there are 11 unregistered / abandoned Aquaculture farms in an extent of 2.04 Hectors belong to CCF Society and the same is under the possession of different Members of the CCF Society.

15. **At Chintalamori Village** of Malkipuram Mandal, it is submitted that as mentioned at village Sl.No.12 of above table, there are 54 unregistered / abandoned Aquaculture farms in an extent of 37.36 Hectors. Among which, One Farm in an extent of 1.20 Hectors is in abandoned state in un-surveyed land of Government of Andhra Pradesh. One Farm in an extent of 0.40 is in abandoned state and the lands of remaining 52 Farms in an extent of 35.76 Hectors are identified as Private lands.

16. **At Shankaraguptam Village** of Malkipuram Mandal, it is submitted that as mentioned at village Sl.No.13 of above table, there are 3 unregistered / abandoned Aquaculture farms in an extent of 1.12 Hectors. Among which, 2 Farms in an extent of 0.72 Hectors belong to CCF Society and the same is under the possession of its Members. The remaining One farm in an extent of 0.40 Hectors is identified as Private land.

28. They have also reiterated the various rules dealing with this activity and the awareness and capacity building steps taken from their side. They have also mentioned all the official authorized under the respective Acts and statutes were taking appropriate action against the illegal activities and imposing heavy penalties. Regular inspections were also done and certain unauthorized aqua culture units which were not registered and found in CRZ zones were demolished on 29.02.2021. Prior to demolishing of the tanks, show cause notice dated 07.09.2021 was served by Executive Engineer, River Conservator, Head Works Division, Dowleswaram to various units which are found to be illegal unauthorised without any documents and names of such units were shown below:

Sl. No.	Name of the Pattadhar	Khatha No.	Rs.No.	Extent in Acres
1	Sri. Sasi Vera Venkata Satya Subrahmanya varma	2153	320-1B,320-1B 320-2B	1.33
2	Smt. Sagi padmavathi	2170	320-1B,320-1B1 320-B, 320-3A	0.97
3	Sri. Bhupathiraju Satyanarayanaraju	2179	320-2B,320-2B1 320-3A,320-3A1	1.00
4	Sri. Kothapalli Balaramakrishnam Raju	1166	330-2B	1.39

29. They have also given the activities carried on by the people illegally to augment their income and steps taken by them for removal of the same and regularise the same and they further mentioned that they will further carry out the same in same manner to protect the environment. So they prayed for passing appropriate orders.

30. The Joint Committee filed the report dated nil, e-filed on 23.03.2021 which reads as follows:

Joint Committee Report

V. Status of Aqua farms

It is alleged in the application that unlawful commercial or illegal shrimp farm culture (aqua farm) is taking place in Pallipalem, Antarvedi Devastanam, Antharvedi, Kesavadasupalem, Chintalamori, Sankaraguptam, Padamatipalem, Turpupalem, Gollapalem, Karavaka, Kesinapally in Malkipuram and Sakinetipalli mandals of East Godavari District in Andhra Pradesh. In order to verify the facts, the committee visited these areas during December 08-12, 2020, collected water samples and observed historical satellite images.

Fisheries department of Andhra Pradesh has permitted to carry out Aquaculture in Malkipuram, Sakinetipalli and Mamidikuduru mandals as detailed below:

Table 1: Permitted aqua farms by Fisheries department in alleged villages

S. No	Name of the Mandal	Name of the village	Extent in Ha	No. of farmers involved
1	Malkipuram	Gollapalem	27.2	32
2		Turupupalem	4.86	8
3		Kesanapalli	7.54	9
4		Pedamatapalem	4.84	6
5		Sankaraguptam	64.06	74
6		Chintalamori	68.69	80
7	Sakinetipalli	Kesavadasupalem	76	302
8		Antharvedi	285	436
9		Antharvedi pallipalem	25.46	38
10	Mamidikuduru	Gogannamatam	193.676	144
Total			757.326	1129

In addition to the permitted aqua farms, the committee observed illegal farms in the area for which the Fisheries department informed that they have already taken action against these illegal farms.

VI. Observations of the committee w.r.t Aqua farms in East Godavari district:

1. The aqua farms located within 2KM of high tide line (HTL) or waters of creek, estuarine etc. having salinity of 5 PPT fall under the jurisdiction of Coastal Aquaculture Authority (CAA) and these aqua farms have to be registered with CAA. Aqua farms located outside the jurisdiction of CAA have to be registered with the Andhra Pradesh Fisheries department. It implies that Coastal farms have to be registered with CAA and fresh water aqua culture farms have to be registered with A.P Fisheries department. The

registration has to be renewed once in five years. The farms that are not registered with CAA or Fisheries department or which have not renewed the registration are considered as illegal.

2. Many aqua farms operating in Malkipuram, Sakinetipalli and Mammidikuduru in East Godavari district did not provide registration/ renewal certificate to the committee. Though the Fisheries department informed that the farms operating in Malkipuram, Sakinetipalli and Mamidikuduru mandals are registered with them however during the time of inspection the Fisheries department did not have the updated information on the validity of the registrations.
3. Coastal Aquaculture Authority (CAA) has published "Guidelines for Regulating Coastal Aquaculture" which are annexed to CAA Rules, 2005. Copy of the guidelines is enclosed as Annexure-II. The aqua/ shrimp farms may be established and operated in compliance with these guidelines.
4. The aqua farms are located adjacent to each other. Though numerous farmers may be involved but in a single piece of land the ponds are constructed. There is no spacing between the shrimp/ aqua farms. Each farmer may have less than 5Ha of aqua pond but combined area involved in aqua farming is varying from 27.3 ha to 285 ha. The farmers have obtained permission and then contracted into a single contractor who will be operating most of the ponds.
5. There is no clear demarcation of area for aqua farms. The extent of area permitted by the Fisheries department or other concerned Authorities is not strictly complied with. The committee humbly submits that CAA and Fisheries department shall define the area permitted for construction of aqua farm and same shall be demarcated in the field.
6. Fisheries department and other concerned departments have given separate permissions to all the ponds operating in the same area but the committee suggests that it shall be either treated as a single large farm or cluster of aqua farms and appropriate environmental safeguards shall be implemented.
7. Though the aqua farming in the region is taking place in a full-fledged manner in all 10 villages in an area varying from 27.3 ha to 285 ha, there are no effluent treatment systems for treating the wastewater generated from these farms. Effluent Treatment System (ETS) is mandatory for farms above 5 ha. At least 10 per cent of the total pond area should be earmarked for the effluent treatment systems which may be used for secondary aquaculture projects, particularly for culture of mussels, oysters, seaweed other fin fishes, etc. In this particular case, since cluster of farms are operating, concerned departments shall enforce that the aqua farms shall collectively construct & operate either common effluent treatment systems or individual effluent treatment systems as per CAA Rules 2005. The effluent discharged shall comply with the Standards for treatment of wastewater discharged from the aquaculture farms stipulated by CAA. The aqua farms shall install real time monitoring system at the outlet of the CETP for the parameters notified by CAA and connect the real time monitoring system to APPCB server.
8. The farms are not properly designed and there are no independent intake and outfall points. The committee observed that the wastewater so generated from the farms are directly discharged without any treatment into drains or nearby water

course which ultimately joins sea.

9. The aqua farms are not maintaining any records on the quantity of water used and quantity of effluent generated. CAA/ Fisheries department shall enforce the aqua farms to maintain records on the quantity of water utilized and effluent discharged.
10. Fisheries department, Ground Water department and APPCB shall regularly monitor the water quality.
11. The list of coastal aqua farms that have registered and have renewed the registration in east Godavari district is published in the website of CAA. As per the list, it was observed that very few coastal farms have registered and renewed their registration and are indicated as Active ponds in the list. CAA may take action against the coastal aqua farms that have not registered/ renewed the registration with CAA in accordance with CAA Rules, 2005. Similarly, for fresh water aqua farms, Fisheries department may take action against illegal farms.
12. In Antharvedi and Kesadasupalem many aqua farms are established near to high tide line which fall under the jurisdiction of CAA but only few of these coastal aqua farms are registered with CAA while others are operating without any registration. Hundreds of both coastal and fresh water aqua farms are established in Kesavadasupalem, Atharvedi and Antharvedi Pallipalem without any arrangement of ETS. The cumulative pollution load from these farms may be very high. The committee humbly submits that Hon'ble NGT may direct CAA and Fisheries department, Govt. of AP to carry out carrying capacity and assimilative capacity of receiving water bodies before registration/ renewal of the registration of these farms.
13. The committee submits that CAA, Fisheries department, APPCB, Revenue and District Collector, East Godavari shall permit the operation of these cluster of farms only if common effluent treatment systems are constructed and are put in operation. The effluent generated from these hundreds of farms shall not be directly let out into any drain/ marine water, estuarine/ land etc. The effluent so generated shall be treated in ETS and only after complying with the standards stipulated by CAA, the effluent shall be discharged.
14. The submissions made by Fisheries department is enclosed as Annexure-III. The fisheries department have issued notice to 30 aqua farms operating without permission.
15. The committee also observed that few aqua farms are not complying with the siting guidelines stipulated in CAA Rules, 2005. The farms are located at a distance of less than 200m of HTL which is not permitted as per CAA Rules. Few farms in Karavaka and Chintalamori are located adjacent to a natural drain. The Committee submits to Hon'ble NGT to direct CAA and Andhra Pradesh aqua farms constructed in violation of CAA siting guidelines shall be demolished by CAA/ Fisheries department.
16. The committee had collected samples during the visit and the analysis results are as follows (Copy of the analysis results is enclosed as **Annexure-IV**:

Table 2: Analysis results aqua ponds and drain located in aqua ponds

S.No	Parameters	Coastal marine waters	Creek/estuarine waters	Aquaculture pond near seashore - Chintalamoori (illegal)	Drain near aquaculture pond in Mamidikuduru	Drain near Gogannamattam, Mamidikuduru	Aqua farm sample at Gogannamattam
1.	pH	6.0-8.5	6.0-8.5	7.13	8.32	8.52	8.45
2.	Total Suspended Solids at 105°C	100	100	62	24	18	12
3.	Biochemical Oxygen Demand	50	20	16	14	11	16
4.	Chemical Oxygen Demand	100	75	76	68	52	72
5.	Phosphates	0.4	0.2	0.19	0.17	0.15	0.77
6.	Ammonical Nitrogen			0.14	0.08	0.11	0.09
7.	Total Kjeldhal Nitrogen			0.56	1.1	1.6	1.1

All parameters except pH are in mg/L. The values marked in bold are above acceptable limits

17. From the analysis results, it is observed that COD in Chintalamoori pond is 76mg/L against standard of 75mg/L and pH in Gogannamattam drain is 8.52 against standard of 8.5. The drain samples are slightly varying from the standards.

18. In addition the committee had also collected ground water samples in the area to assess whether there are any impacts on the ground water quality due to aquaculture and the results are as follows:

Table 3: Ground water analysis results in alleged villages

Sl. No.	Parameter	W-148	W-149	W-150	Drinking Water Standards	
					Acceptable Limit	Permissible Limit
1.	pH	8.12	8.24	8.46	6.5-8.5	No relaxation
2.	Total Dissolved Solids at 105°C	240	1328	210	500 mg/l	2000 mg/l
3.	Chlorides (as Cl ⁻)	39.1	406.0	19.5	250 mg/l	1000 mg/l

4.	Total Hardness (as CaCO ₃)	92	536	136	200 mg/l	600 mg/l
5.	Total Alkalinity (as CaCO ₃)	88	244	212	200 mg/l	600 mg/l
6.	Sulphates (as SO ₄ ²⁻)	15.4	173.4	2.0	200 mg/l	400 mg/l
7.	Fluorides (as F ⁻)	BDL	0.03	BDL	1.0 mg/l	1.5 mg/l
8.	Nitrates (as NO ₃)	1.99	68.17	1.46	45 mg/l	No relaxation
9.	Calcium (as Ca ⁺²)	11.2	99.2	22.4	75 mg/l	200 mg/l
10.	Magnesium (as Mg ⁺²)	15.5	69.9	19.4	30 mg/l	100 mg/l
11.	Ammonical Nitrogen(as NH ₃ -N)	0.10	BDL	BDL	0.5 mg/l	No relaxation
12.	Chromium (as Cr)	0.0025	0.0008	0.0002	0.05 mg/l	No relaxation
13.	Manganese (as Mn)	0.0543	0.7397	0.0718	0.1 mg/l	0.3 mg/l
14.	Iron (as Fe)	0.1062	0.1134	0.0596	0.3 mg/l	No relaxation
15.	Cobalt (as Co)	<0.0001	0.0002	0.00001	--	--
16.	Nickel (as Ni)	0.0017	0.0078	0.0016	0.02 mg/l	No relaxation
17.	Copper (as Cu)	0.0147	0.0155	0.0116	0.05 mg/l	1.5 mg/l
18.	Zinc (as Zn)	0.0281	0.04135 5	0.0295	5.0 mg/l	15.0 mg/l
19.	Arsenic (as As)	0.0015	0.0014	0.0208	0.01 mg/l	0.05 mg/l
20.	Cadmium (as Cd)	<0.0001	0.0005	<0.0001	0.003 mg/l	No relaxation
21.	Lead (as Pb)	0.0031	0.0027	0.0018	0.01 mg/l	No relaxation

All parameters are in mg/L except pH. The values marked in orange are above acceptable limits

W-148: Bore well sample collected house of Smt R. Shobana, Chinthalamori (V), Malkipuram(M), East Godavari District

E-149: Bore well sample collected house of Sri K. Subba Rao, Karavaka (V), Mamidikuduru (M), East Godavari District

E-150: Bore well sample collected house of Sri Bhupathi Raju Rambhadra Raju, D.No.2-61/2, Gogannamatam (V), Mamidikuduru (M), East Godavari District

19. From the ground water analysis results it is observed that bore well sample (ground water sample) collected in Mamidikuduru is not complying with drinking water standards w.r.t alkalinity, hardness, calcium, magnesium and nitrates however the increased concentration of these parameters depends on multiple factors.

VII. **Illegal Aqua farming at Chintalamoori:**

The committee observed full-fledged aqua farming operations at two locations in Chintalamoori without obtaining

any permissions from the concerned departments. At one location, it is clear from the satellite images that since 2017 onwards the ponds are established and illegal aqua/ shrimp farming is taking place. The total area of illegal farming is around 4.5 hectares. In other location, from 2018 onwards illegal aqua farming is taking place. The wastewater so generated is discharged into sea. It was informed that Fisheries department has issued notice on 26-10-2020 to stop the activity and have destroyed the bunds. During committee visit no activity was taking place. The District Collectorate/ Fisheries department/ Revenue department have not levied compensation or fine against illegal operation taking place from December, 2017 to October, 2020. The committee also observed that the bunds are not fully destroyed. The activity was carried out in violation of CRZ provisions.

The committee observed that few coastal farms in Antharvedi, Gogunnamatam are Chinthalamori are less than 200m from HTL which is not permitted as per CAA Rules, 2005.

The committee humbly submits to Hon'ble NGT to direct CAA, Fisheries department and District Collectorate, East Godavari to take action against these farms which are operating at a distance less than 200m from HTL as per provisions of CAA Rules, 2005.

VIII. Findings of the Committee regarding Beach Sand Mining

Department of Mines and Geology, Rajamahendravaram informed to the committee that the department has not given permission for beach sand mining. The committee was informed that the Ministry of Mines GOI have issued an order dated 01.03.2019 on premature termination of all mineral concessions of beach sand minerals found in the teri or beach sand held by private companies under the provisions of section 4A(1) of the MMDR Act, 1957. However committee observed sand/ silt was removed from Shankarguppan drain. The committee interacted with local villagers and the villagers informed to the committee that sand is being removed from the drain. The committee enquired with revenue and irrigation departments and it was informed that the Irrigation department has accorded permission for decasting of Shankarguppan drain from 0.2KM to 1.4 KM chainage upto 1m depth. It was reported by Irrigation department, Govt. of A.P that due to siltation in the drain, during monsoon the storm water was not getting drained into sea resulting in water logging/ stagnation of storm water. To prevent stagnation of storm water and to enhance the drainage capacity, decasting of Shankarguppan drain was taken up from 01.05.2020 onwards. During committee visit, there was no activity. The irrigation department and Mines department did not provide any records on the quantity of silt/sand that was removed from the drain and how the decasted sand was utilized.

The department has not given any permission for mining of beach sand and has not taken any measures exclusively for regulating the beach sand mining activity. During the visit, the committee did not observe any illegal beach mining activity. The committee humbly submits to Hon'ble NGT to direct Department of Mines & Geology, Police Department and District Collectorate,

East Godavari to devise a monitoring mechanism to check on illegal beach sand mining.

Though the Government of A.P have not taken any specific measures exclusively to curb illegal beach sand mining, but measures are taken to curb sand mining in general. No. of cases booked by the Inspector of Police in Razole circle from 01-12-2019 to 09-12-2020 are as follows:

Table 4: sand cases information from 01-12-2019 to 09-12-2020 of Razole circle

Sl.	Name of the Police Station	Total no. of sand cases registered	Total no. of vehicles seized				Total no. of accused arrested
			Tractors	Lorries	JCB/Proclain	Boats	
1	Razole	8	15	0	1	1	19
2	Nagaram	16	17	3	0	0	27
3	Malkipuram	14	31	5	3	0	40
4	SK. Palli	8	12	0	1	1	27
	Total	46	75	8	5	2	113

During the period from 01-12-2019 to 09-12-2020, 46 sand cases are registered in Razole circle that includes 75 tractors, 8 lorries, 5 JCB/ poclainers and 2 boats were seized and 113 accused persons were arrested.

IX. Conclusions

1. The aqua farms located within 2KM of high tide line (HTL) or waters of creek, estuarine etc. having salinity of 5 PPT fall under the jurisdiction of Coastal Aquaculture Authority (CAA) and these aqua farms have to be registered with CAA. Aqua farms located outside the jurisdiction of CAA have to be registered with the Andhra Pradesh Fisheries department. The registration has to be renewed once in five years. The farms that are not registered with CAA or Fisheries department or which have not renewed the registration are considered as illegal.
2. As per the list active ponds mentioned in CAA website and information provided by Fisheries department, the committee is of the view that only few aqua farms operating in the region are registered with CAA/ fisheries department and have timely renewed their registration and remaining farms are operating without proper permissions. The committee humbly submits Hon'ble NGT to direct CAA and the Fisheries department, Government of Andhra Pradesh to take action against the coastal aqua farms/ freshwater aqua farms that have not registered/ renewed the registration with CAA/ Fisheries department in accordance with CAA Rules, 2005.
3. In Antharvedi and Kesadasupalem many aqua farms are established near to high tide line. The aqua farms constructed in violation of the siting criteria (mandatory points) stipulated in CAA

Rules, 2005 like located at a distance of less than 200m of HTL(encroachment of beach area) which is not permitted as per CAA Rules OR located adjacent to a natural drain OR located near to human habitation at a distance of less than 100m OR located at a distance of less than 100m from drinking water source OR other siring criteria; the committee humbly submits Hon'ble NGT to direct CAA & A.P Fisheries department to demolish these aqua farms constructed in violation of CAA Rules, 2005 or to take appropriate action in accordance with CAA Rules, 2005.

4. The aqua/ shrimp farms may be established and operated in compliance with

“Guidelines for Regulating Coastal Aquaculture” which are annexed to CAA Rules, 2005. Fisheries department and other concerned departments may grant permissions to those aqua/ shrimp farms which are complying with the Coastal Aquaculture Authority Rules, 2005.

5. District Collectorate, East Godavari and all concerned departments, East Godavari shall conduct awareness programmes among the farmers operating the aqua farms to sensitize them about CAA Rules, 2005.
6. From the water samples collected from the drains and from bore well samples, the committee observed that there is no significant damage to surface and ground water samples. There was no visual damage to the soil, hence the committee has not calculated Environmental Compensation. The committee humbly submits to Hon'ble NGT to direct CAA and Fisheries Department to levy penalty from illegal aqua farm owners.
7. Hundreds of both coastal and fresh water aqua farms are established in Atharvedi, Antharvedi Pallipalem, Kesavadasupalem, Malkipuram without any arrangement of ETS. The cumulative pollution load from these farms may be very high. The committee observed water logging in several areas in the region. The causes for water logging may be poor drainage in the region and another cause may be due to hundreds of aqua farms operating in the region. The committee humbly submits to Hon'ble NGT to direct Coastal Aquaculture Authority, Fisheries Department, APPCB, Irrigation department, Ground water department and revenue department of State of Andhra Pradesh to jointly study the assimilative and carrying capacity (including surface & ground water quality, ground water depth) of the receiving water body and also drainage capacity before permitting such large number of aqua farms and before renewing the registration of these farms.
8. The aqua farming in the region is taking place in a full-fledged manner in an area varying from 27.3 ha to 285 ha, there are no effluent treatment systems for treating the wastewater generated from these farms. Effluent Treatment System (ETS) is mandatory for farms above 5 ha. As per CAA Rules, 2005 at least 10 per cent of the total pond area should be earmarked for the effluent treatment systems. The committee submits that CAA, Fisheries department, APPCB, Revenue and District Collector in the state of AP shall permit the operation of these cluster of farms only if common effluent treatment systems are constructed and are put in operation. The effluent generated from these hundreds of farms shall not be directly let out into any drain/ marine water, estuarine/ land etc. The effluent so generated shall be treated in ETS and only after complying with the standards stipulated by CAA, the effluent shall be discharged. The aqua farms shall maintain records on the quantity of water used and quantity of effluent generated/ disposed.

20. *The committee humbly submits that CAA and Fisheries department shall define the area permitted for construction of aqua farm and same shall be demarcated in the field. Numerous aqua farms in Malkipuram, Sakinetipalli, antharvedi, kesavadasupalem are located adjacent to each other. Though numerous farmers may be involved but in a single piece of land the ponds are constructed. There is no spacing between the shrimp/ aqua farms. Each farmer may have less than 5Ha of aqua pond but combined area involved in aqua farming is varying from 27 ha to more than 200 hectares. The committee submits that it shall be either treated as cluster of aqua farms and appropriate environmental safeguards shall be implemented.*
9. *As a social responsibility, the aqua farms shall collectively take up construction of pucca roads and sanitation arrangements for workers.*
10. *A.P Fisheries department did not furnish any information to the committee on the measures taken by them to regulate aqua farming and monitoring mechanism to prevent illegal activity.*
11. *The Committee humbly submits to Hon'ble NGT to direct Irrigation department to provide records on the quantity of silt/ sand removed during the decasting of Shankarguppam drain and how the decasted material was utilized.*
12. *The committee observed that though District Collectorate and Irrigation department have taken up desilting of drains with a good intent but there was lack of supervision and monitoring due to which the local villagers have developed apprehensions that they are carrying out beach sand mining. The local bodies shall create awareness and sensitize the native village people that regular decasting/ desilting is essential to ensure proper drainage of storm water into sea or else it will result in water logging in upstream areas.*
13. *The committee humbly submits to Hon'ble NGT to direct Department of Mines & Geology, Police Department and District Collectorate, East Godavari to devise a monitoring mechanism to check on illegal beach sand mining."*

31. The applicant filed objections to the Joint Committee in the form of reply wherein he had pointed out the various irregularities in not carrying out the directions issued by this Tribunal in respect of sand mining and aquaculture activities and also the directions of the Hon'ble Apex Court and wanted this Tribunal to issue further directions as follows:

- A. Direct the Chief Secretary of Andhra Pradesh to make the District Administration accountable for the implementation of the directions passed by this Hon'ble Tribunal in the present case as well as earlier judgments,
- B. Direct the Joint Inspection Committee to assess the damage caused to sand mounds in East Godavari district and its effects on coastal villages in the region.

32. Heard the Learned Counsel for the applicant and Learned Counsels for the respondents.

33. The Learned Counsel for the applicant submitted that though they have mentioned that certain actions have been taken in fact those activities are still undergoing. No environmental Compensation was calculated in respect of the violation noted by them as well. He wanted this Tribunal to pass appropriate order giving appropriate directions.

34. On the other hand, Learned Counsel appearing for MoEF&CC and Central Pollution Control Board submitted that they are only policy makers and it is for the State Government and its instrumentalities under the respective statutes to enforce the provisions of CRZ Notification and Aquaculture Authority Act and Rules and regulate the activities as provided therein.

35. Learned Counsel appearing for the State of Andhra Pradesh and its Departments submitted that on the basis of the Joint Committee inspection, certain unauthorised activities were found and strict action had been taken including demolition of those units which were carrying out their operations in the non-permissible areas and without getting any permission from the authorities. They are following the directions issued by this Tribunal in respect of sand mining and also in respect of regulating the activities of aquaculture farms and will abide by any further direction issued by this Tribunal in this regard.

36. Considered the pleadings and submission made by the Learned Counsel for the parties.

37. The points that arise for consideration are:

- i. Whether the allegation of illegal sand mining and aquaculture farms operating in the coastal zones are true?
- ii. What is the nature of directions to be issued, if the allegations are true?
- iii. What are all further directions, if any, to be issued applying the 'Precautionary Principle' to protect the environment?
- iv. Relief and costs?

Points.

38. The main grievance in this application is along East Godavari coastal stretch illegal sand mining and aquaculture operations were going on and in spite of the same brought to the notice of the authorities, no action was taken. Those allegations were denied by the authorities. As when any illegal activities were found, they were taking appropriate action was the stand taken by the State Authorities.

39. In order to ascertain the genuineness of the allegations made in the application, this Tribunal had appointed a Joint Committee and the Joint Committee had inspected the area and submitted a report and made its findings regarding beach sand mining and aquaculture activities in Para 7 and 8 of the report which was already extracted and in the conclusion portion also they have mentioned about the deficiencies found in regulating these activities.

40. In **Sri. S. Jagannath Vs Union of India & others**² the Hon'ble Apex Court has clearly mentioned about the impact of commercial aquaculture activities in coastal regulation zones and the necessity for regulating the same in a scientific manner to avoid its adverse impact on marine ecology. It is on that basis Coastal Aquaculture Authority Act, 2005 and Rules thereunder were framed. Certain amendments were made in Coastal Regulation Zone Notification as well permitting aquaculture activities in certain zones as a regulated activity. In Coastal zones covered by CRZ Notification, where it is permitted aquaculture activities will have to be regulated by the provisions of Coastal Aquaculture Authority Act and in other areas it has to be regulated by the Fisheries Department.

41. The necessity of such regulations and the implementation of respective departments on this aspect including obtaining CRZ Clearance and apart from the regulated mechanism provided under the Aquaculture Authority Act, 2005 was considered by the Special bench of this Tribunal in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters, the directions as to how these activities will have to be regulated and also given directions to the authorities to take appropriate action including removal and imposing compensation and initiating prosecution against such persons.

42. Further as regards the sand mining is concerned, coastal sand mining is strictly prohibited under the CRZ Notification and only certain activities mentioned under Para-3 of the CRZ

² (1997) 2 SCC 87

Notification alone are permissible for which they will have to obtain clearance from the State Coastal Zone Management Authority. Further, certain guidelines were also issued as to how the sand bar removal can be done and how the same will have to be utilised as well. In most of the cases in the guise of desilting and dredging and removal of sand bar illegal mining is also happening and in several cases, this Tribunal has issued several directions as to how this will have to be regulated as well. Further, the use of heavy machinery for these purposes in coastal zone is also prohibited. These aspects were considered by this Tribunal in a Karnataka case and where certain directions have been issued as to how this will have to be regulated, namely, **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and other connected cases.

43. Further in respect of sand mining and dredging also, this Tribunal has issued several directions even in respect of State of Andhra Pradesh in **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 directing them to strictly comply with the sustainable sand mining guidelines of 2016 and Maintenance Enforcement Guidelines, 2020 issued by MoEF&CC in this regard.

44. Though certain action has been taken for removal of the aquaculture units and also seizure of certain vehicles and registering the cases involved in illegal sand mining in beach area, no environmental compensation was imposed and recovered from them. It is time and again reiterated by this

Tribunal that it is not possible for the Tribunal to monitor the discharge of statutory functioning of the regulators perpetually and it is for them to take appropriate steps to implement the laws.

45. Further, the Hon'ble Apex Court in several decisions have mentioned that non-enacting laws protecting environment will be of much lesser evil than non-implementation of the existing environmental laws to protect environment which will be of higher grade impact and that should not be tolerated. It is for regulators to take pro-active steps to evolve mechanism to check illegal sand mining and illegal aquaculture activities in sea shore which is likely to affect the marine ecology adversely. They are expected to take appropriate action against those who are not strictly adhering to these regulatory mechanisms for conducting the respective permissible activities in a permissible manner. So under such circumstances, this Tribunal feel that the application can be disposed by giving following directions:

- i. Andhra Pradesh Aqua Culture Authority, Fisheries Department and the District Collector of the respective Districts are directed to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution as

has been directed by the Special Bench in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters.

- ii. The Department of Mines and Geology and the Andhra Pradesh Pollution Control Board, State Coastal Zone Authority and the District Collector of the respective districts are directed to monitor illegal sea shore sand mining and take action against those persons who are committing such mischief strictly in accordance with law including imposition of environmental compensation for illegal sand mining conducted in those prohibited areas apart from initiating prosecution and recovery of penalties provided under the respective mining rules.
- iii. The Mines and Geology Department and the State Coastal Zone Management Authority are directed to implement the directions issued by this Tribunal in respect of removal of sand bars in various decisions including **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and connected cases and **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 and strictly adhere to the sustainable sand mining policy of 2016 and Regulation of Maintenance and Enforcement of Guidelines, 2020 issued by MoEF&CC in respect of these aspects.
- iv. The Andhra Pradesh Pollution Control Board is also directed to take appropriate action against those persons,

who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking other actions as provided under the respective statutes in accordance with law.

v. The Chief Secretary, State of Andhra Pradesh and Additional Chief Secretary or Principal Secretary for Environment and Forests are directed to issue necessary directions to the implementing authorities to strictly implement the statutory provisions, regulating the aquaculture activities and sand mining in coastal zone areas and other areas strictly in accordance with directions issued by this Tribunal in several matters and also strictly complying with the guidelines issued by the MoEF&CC in this regard.

vi. The Coastal Zone Management Authority and the Fisheries Department, the Aqua Culture Authority and Director of Mines, Andhra Pradesh State Pollution Control Board are directed to take steps to recover the environmental compensation from those persons who are involved in unauthorised aqua culture activity without obtaining permission or license and conducting illegal sea sand mining activities in the coastal zone, apart from initiating prosecution and seizure of vehicles as done by them as huge amount is lost to the Government on

account of such illegal activity and such persons should be dealt with in accordance with law as damage caused to environment including its cost of restoration has to be recovered from them by imposing environmental compensation taking into those aspects as well. When vehicles are seized by the authority, then they are directed to strictly follow the direction given by the Principal Bench to insist for deposit of 50 per cent of market value of the vehicle seized while releasing the vehicle.

The points are answered accordingly.

46. In the result the application is allowed in part and disposed of with following directions:

- I. Andhra Pradesh Aqua Culture Authority, Fisheries Department and the District Collector of the respective Districts are directed to take appropriate action against those persons who are operating illegal/unauthorised aqua culture farms in the Coastal Zones or other areas without obtaining necessary permission or license from the respective authorities including removal of those units, disconnection of electricity, if any, given, imposing environmental compensation and initiating prosecution as has been directed by the Special Bench in **Mr. A. Paramasivan vs. TNPCB, Chennai & Ors.**-O.A. No. 82 of 2016 and connected matters.
- II. The Department of Mines and Geology and the Andhra Pradesh Pollution Control Board, State Coastal Zone

Authority and the District Collector of the respective districts are directed to monitor illegal sea shore sand mining and take action against those persons who are committing such mischief strictly in accordance with law including imposition of environmental compensation for illegal sand mining conducted in those prohibited areas apart from initiating prosecution and recovery of penalties provided under the respective mining rules.

III. The Mines and Geology Department and the State Coastal Zone Management Authority are directed to implement the directions issued by this Tribunal in respect of removal of sand bars in various decisions including **Janajagriti Samithi vs. Union of India & Ors.**-O.A. No. 26 of 2013 and connected cases and **Gutha Gunasekhar and Ors. vs. Union of India and Ors.**-O.A. No. 137 of 2021 and strictly adhere to the sustainable sand mining policy of 2016 and Regulation of Maintenance and Enforcement of Guidelines, 2020 issued by MoEF&CC in respect of these aspects.

IV. The Andhra Pradesh Pollution Control Board is also directed to take appropriate action against those persons, who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking

other actions as provided under the respective statutes in accordance with law.

V. The Chief Secretary, State of Andhra Pradesh and Additional Chief Secretary or Principal Secretary for Environment and Forests are directed to issue necessary directions to the implementing authorities to strictly implement the statutory provisions, regulating the aquaculture activities and sand mining in coastal zone areas and other areas strictly in accordance with directions issued by this Tribunal in several matters and also strictly complying with the guidelines issued by the MoEF&CC in this regard.

VI. The Coastal Zone Management Authority and the Fisheries Department, the Aqua Culture Authority and Director of Mines, Andhra Pradesh State Pollution Control Board are directed to take steps to recover the environmental compensation from those persons who are involved in unauthorised aqua culture activity without obtaining permission or license and conducting illegal sea sand mining activities in the coastal zone, apart from initiating prosecution and seizure of vehicles as done by them as huge amount is lost to the Government on account of such illegal activity and such persons should be dealt with in accordance with law as damage caused to environment including its cost of restoration has to be recovered from them by imposing environmental

compensation taking into those aspects as well. When vehicles are seized by the authority, then they are directed to strictly follow the direction given by the Principal Bench to insist for deposit of 50 per cent of market value of the vehicle seized while releasing the vehicle.

VII. Considering the circumstances the parties are directed to bear their respective costs.

VIII. The Registry is directed to communicate this order to the Director of Mines and Geology, Chairman, Pollution Control Board, Andhra Pradesh Aqua Culture Authority, Fisheries Department, the District Collector, Additional Chief Secretary, Environment and Forests and Chief Secretary, State of Andhra Pradesh for their information and compliance of above directions.

47. With the above directions and observations, the application is disposed of.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.91 of 2020
18th July, 2022. AM.

Item No. 01:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***(Through Video Conference)***Miscellaneous Application No. 03 of 2023(SZ)****In****Original Application No. 91 of 2020 (SZ)****IN THE MATTER OF:**Venkatapathi Raja Yenumula,
Andhra Pradesh.***Versus***

...Applicant(s)

Union of India,
Rep. by its Secretary,
MoEF&CC, New Delhi and Ors.

...Respondent(s)

Date of hearing: 28.03.2023.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mr. Sravan Kumar.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R1.
Mrs. Madhuri Donti Reddy for R4 to R7, R9 to R15.
Mr. R. Thirunavukarasu for R8.

ORDER

1. This Miscellaneous Application is filed to implement the order of this Tribunal passed on 18.07.2022.
2. The learned counsel Mr. G.M. Syed Nurullah Sheriff accepts notice on behalf of the 1st respondent, Mrs. Madhuri Donti Reddy accepts notice on behalf of respondents Nos.4 to 7 and 9 to 15 and Mr. R. Thirunavukarasu accepts notice on behalf of the 8th respondent.
3. Issue notice to the rest of the respondents through the Tribunal as well as privately.
4. The learned counsel appearing for the State of Andhra Pradesh representing various authorities concerned seeks three weeks time to file an appropriate reply regarding the action taken after the order passed.
5. Post the matter on 21.04.2023.

Sd/-**Smt. Justice Pushpa Sathyanarayana, JM****Sd/-****Dr. Satyagopal Korlapati, EM**

**M.A. No.03/2023(SZ) in
O.A. No.91/2020(SZ)
28th March 2023. Mn.**



ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE

Plot No.2, IDA, Ramanayyapeta, KAKINADA-533005

N. Asok Kumar
Environmental Engineer

Ph: 0884 -2374066
E-mail: rokhd-ee1@appcb.gov.in

Lr. No O.A.No.91 of 2022/PCB/RO-KKD/2023- 632

Date: 26-07-2022.

To
The Joint Director,
Fisheries Department,
AIMS College,
Mummidivaram,
Dr. B R Ambedkar Konaseema District

The Deputy Director,
Mines & Geology Department,
Kakinada,
Kakinada District

Sir,

Sub:- APPCB-RO-KKD -Hon'ble NGT order in O.A.No.91 of 2020 filed by Sri Venkatapathi Yenumula Raju and Ors, S/o Venkatratnam, Dr. B.R. Ambedkar Konaseema District against Large Scale illegal shrimp farms in Dr. B.R. Ambedkar Konaseema District - Communicated for taking necessary action - Reg.

Ref:- Hon'ble NGT order in O.A.No.91 of 2020 dated 18.07.2022.

With reference to the above, you are requested to take necessary action on the Hon'ble NGT order dt. 18.07.2022 in O.A.No.91 of 2020 so as to appraise the same to Hon'ble NGT.

Copy of the Hon'ble NGT order is enclosed for ready reference for necessary action..

Submitted for kind information.

Yours faithfully,

N. Asok Kumar

ENVIRONMENTAL ENGINEER

Encl: A/a.



ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE
Plot No.2, IDA, Ramanayyapeta, KAKINADA-533005

N. Asok Kumar
Environmental Engineer

Ph: 0884-2374066
E-mail: rokdd-ee1@appcb.gov.in

Lr. No O.A.No.91 of 2020/PCB/RO-KKD/2022-1472

Date: 23-11-2022.

To
The Joint Director,
Fisheries Department,
AIMS College,
Munmidivaram,
Dr. B.R. Ambedkar Konaseema District.

To
The Deputy Director,
Mines & Geology Department,
Kakinada,
Kakinada District.

Sir,

Sub:- APPCB-RO-KKD – Hon'ble NGT order in O.A.No.91 of 2020 filed by Sri Venkatapathi Yenumula Raju, Kesavadasupalem, Razole Taluk, Sakhinetipalli Mandal, Dr. B.R. Ambedkar Konaseema District against Large Scale illegal shrimp farms / illegal beach sand mining in Dr. B.R. Ambedkar Konaseema District – Communicated – Reg.

Ref:- 1. Hon'ble NGT orders in O.A.No.91 of 2020 dated 18.07.2022.
2. Lr. No O.A.No.91 of 2020/PCB/RO-KKD/2022-632, dated 26.07.2022.

It is inform that the Hon'ble NGT in O.A.No.91 of 2020 disposed of the original application vide reference 1st cited with certain directions.

As per the Hon'ble NGT order the Coastal Zone Management Authority, the Fisheries Department, the Aquaculture Authority and Director of Mines and the Andhra Pradesh Pollution Control Board are directed to take appropriate action against those persons, who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking other actions as provided under the respective statutes in accordance with law to recover Environmental Compensation from those persons, who are involved in unauthorized aquaculture activity without obtaining permission or license and conducting illegal sand mining activities in the Coastal Zone. Copy of the Hon'ble NGT order is enclosed for ready reference.

The CPCB formulated guidelines / formula for levy of Environmental Compensation and same was enclosed for ready reference.

The Environmental Compensation shall be based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC is Environmental Compensation in Rs.
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (Rs.) for EC
S = Factor for scale of operation
LF = Location factor

In view of the above, it is requested to take necessary action as per the Hon'ble NGT order dated 18.07.2022, including levy of Environmental Compensation on illegal Aqua Culture activities & illegal sand mining in CRZ area.

Yours faithfully,

Nawrudu Asole
ENVIRONMENTAL ENGINEER

Encl: A/a.



ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE
Plot No.2, IDA, Ramanayapeta, KAKINADA-533005

N. Asok Kumar
Environmental Engineer

Ph: 0884 -2374066
E-mail: rokkd-ee1@appcb.gov.in

Lr. No O.A.No.91 of 2022/PCB/RO-KKD/2022-2153

Date: 21-02-2023.

To
The Joint Director,
Fisheries Department,
AIMS College,
Mummidivaram,
Dr. B.R. Ambedkar Konaseema District.

The Deputy Director,
Mines & Geology Department,
Kakinada,
Kakinada District.

Sir,

Sub:- APPCB-RO-KKD - Hon'ble NGT order in O.A.No.91 of 2020 filed by Sri Venkatapathi Yenumula Raju, Kesavadasupalem, Razole Taluk, Sakhinetipalli Mandal, Dr. B.R. Ambedkar Konaseema District against Large Scale illegal shrimp farms in Dr. B.R. Ambedkar Konaseema District - Communicated for taking necessary action - Reg.

Ref:- 1. Hon'ble NGT order in O.A.No.91 of 2020 dated 18.07.2022.
2. Lr No.OA No.91 of 2020/PCB/RO-KKD/2022-1472, dt.23.11.2022.

With reference to the above, you are once again reminded to furnish action taken report on the Hon'ble NGT Oder dt.18.07.2022 in O.A.No.91 of 2020 so as to appraise the same to Hon'ble NGT.

Copy of the Hon'ble NGT order is enclosed for ready references for necessary action.

Yours faithfully,

Nawudusole
ENVIRONMENTAL ENGINEER

Encl: A/a.



ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE
Plot No.2, IDA, Ramanayyapeta, KAKINADA-533005

N. Asok Kumar
Environmental Engineer

Ph: 0884 -2374066
E-mail: rokdd-ee1@appcb.gov.in

Lr. No O.A.No.91 of 2022/PCB/RO-KKD/2023- 2457

Date: 29-03-2023.

To
The Joint Director,
Fisheries Department,
AIMS College,
Mummediavaram,
Dr. B.R. Ambedkar Konaseema District.

The Deputy Director,
Mines & Geology Department,
Kakinada,
Kakinada District.

Sir,

Sub:- APPCB-RO-KKD - Hon'ble NGT order in O.A.No.91 of 2020 filed by Sri Venkatapathi Yenumula Raju and Ors, S/o Venkatratnam, Dr. B.R. Ambedkar Konaseema District against Large Scale illegal shrimp farms in Dr. B.R. Ambedkar Konaseema District - Action-Requested - Reg.

Ref:- 1. Hon'ble NGT order in O.A.No.91 of 2020 dated 18.07.2022.
2. Lr. No O.A.No.91 of 2020/PCB/RO-KKD/2022-1472, dt.23.11.2022.
3. Lr. No O.A.No.91 of 2022/PCB/RO-KKD/2022-2153, dt.21.02.2023.

With reference to the above, it is to inform that the Hon'ble NGT in O.A.No.91 of 2020 disposed of the original application with certain directions. As per the Hon'ble NGT order the Andhra Pradesh Pollution Control Board is directed to take appropriate action against those persons, who are responsible for causing pollution to the water, soil and air by conducting such illegal activities by taking action including imposition of environmental compensation and initiating prosecution apart from taking other actions as provided under the respective statutes in accordance with law to recover Environmental Compensation from those persons who are involved in unauthorized aqua culture and sand mining activity in the Coastal Zone.

This office vide reference 2nd & 3rd cited requested to furnish action taken report to this office so as to appraise the same to Hon'ble NGT. So far no action taken report was received from your side.

In this regard you are once again requested to submit the details of unauthorized aqua culture and sand mining activity along with extent, number of days of violation, quantity of excavated sand etc., to finalise the Environmental Compensation.

This may be treated as most urgent

Yours faithfully,

N. Asok Kumar

ENVIRONMENTAL ENGINEER

Encl: A/a.

The Coastal Aquaculture Authority Act, 2005



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II - खण्ड 1

PART II - Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 27]

नई दिल्ली, बृहस्पतिवार, जून 23, 2005/ आषाढ 2, 1927

No. 27]

NEW DELHI, THURSDAY, JUNE 23, 2005/ASADHA 2, 1927

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd June, 2005/Asadha 2, 1927 (Saka)

The following Act of Parliament received the assent of the President on the 23rd June, 2005, and is hereby published for general information:-

THE COASTAL AQUACULTURE AUTHORITY ACT, 2005

No. 24 of 2005

[23rd 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 1

PRELIMINARY

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

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

(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 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 shall have the meanings respectively assigned to them in that Act. 29 of 1986.

CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

Powers of Central Government to take measures to protect environment.

3. 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

Establishment of Authority and appointment of Chairperson and members.

4. (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 purpose 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 Department of Ocean Development of the Central Government;

(d) one member who is 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. 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 stand 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
- (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.

Disqualification(s) for appointment as member.

6. 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.

Eligibility of member for reappointment.

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

Meetings of Authority.

(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. No act or proceeding of the Authority shall be invalidated merely by reason of —

Vacancy in Authority not to invalidate proceeding.

(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 member of the Authority; or

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

9. (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.

Appointment of officers, consultants and other employees of Authority.

(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.

10. All orders, decision 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.

Authentication of orders and other instruments of Authority.

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

Functions of Authority.

11. (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.

Power to enter.

12. 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

(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.

Registration for coastal aquaculture.

13. (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 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

(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 or 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 or 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 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.

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.

(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 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).

(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 purpose 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.

Punishment for carrying on coastal aquaculture without registration.

14. 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.

Cognizance of offence.

15. 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

Payment to Authority.

16. 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.

Fund of Authority.

17. (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.

Budget.

18. 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.

Annual report.

19. 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.

Accounts and audit.

20. (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. 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 Indian Penal Code.

Chairperson and other members, officers and other employees of Authority, etc. to be public servants.

45 of 1860.

22. No suit, prosecution of 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.

Protection of action taken in good faith.

23. (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:

Power to remove difficulties.

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

Power to
Central
Government to
make rules.

(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 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;

(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.

Power of Authority to make regulations.

25. (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.

Rules and regulations to be laid before Parliament.

26. 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.

Validation.

27. (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

29 of 1986.

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 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.

T. K. VISWANATHAN,
Secy. to the Govt. of India

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—23

REGISTERED NO. DL—(N)04/0007/2003—23



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-14082023-248093
CG-DL-E-14082023-248093

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 30] नई दिल्ली, सोमवार, अगस्त 14, 2023/श्रावण 23, 1945 (शक)
No. 30] NEW DELHI, MONDAY, AUGUST 14, 2023/SRAVANA 23, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 14th August, 2023/Sravana 23, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2023 and is hereby published for general information:—

THE COASTAL AQUACULTURE AUTHORITY (AMENDMENT) ACT, 2023

No. 27 OF 2023

[12th August, 2023.]

An Act amend the Coastal Aquaculture Authority Act, 2005.

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

1. (1) This Act may be called the Coastal Aquaculture Authority (Amendment) Act, 2023. Short title and commencement.

(2) Save as otherwise provided, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

Amendment
of section 2.

2. In section 2 of the Coastal Aquaculture Authority Act, 2005 (hereinafter referred to as the principal Act), in sub-section (1),—

24 of 2005.

(i) for clause (a), the following clauses shall be substituted, namely:—

'(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;';

(ii) for clause (c), the following clauses shall be substituted, namely:—

'(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;

(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;';

(iii) for clause (d), the following clauses shall be substituted, namely:—

'(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 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;

29 of 1986.

(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;';

(iv) in clause (e), the words "and the member-secretary" shall be omitted;

(v) after clause (e), the following clauses shall be inserted, namely:—

(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;';

(vi) after clause (g), the following clauses shall be inserted, namely:—

(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.'.

3. In section 4 of the principal Act, —

(A) in sub-section (3),—

(i) in clause (c), for the words "Department of Ocean Development", the words "Ministry of Earth Sciences" shall be substituted;

(ii) in clause (d), for the words "Ministry of Environment and Forests", the words "Ministry of Environment, Forest and Climate Change" shall be substituted;

(iii) in clause (e), for the words "Ministry of Agriculture", the words "Ministry of Agriculture and Farmers Welfare" shall be substituted;

(iv) in clause (f), for the words "Ministry of Commerce", the words "Ministry of Commerce and Industry" shall be substituted;

(v) after clause (f), the following clause shall be inserted, namely:—

Amendment
of section 4.

"(fa) one member to represent the Ministry of Fisheries, Animal Husbandry and Dairying of the Central Government;"

(vi) for clause (g), the following clause shall be substituted, namely:—

"(g) one member to represent each of the coastal States and Union territories;"

(vii) clause (h) shall be omitted;

(B) after sub-section (3), the following sub-section shall be inserted, namely:—

"(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."

Amendment of section 7.

4. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(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."

Insertion of new section 7A.

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

"7A. (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."

Committees of Authority.

Insertion of new section 9A.

6. After section 9 of the principal Act, the following section shall be inserted, namely:—

"9A. (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;

(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;

Secretary of Authority.

- (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."

7. In section 11 of the principal Act,—

Amendment
of section 11.

(A) in sub-section (1),—

(i) in clause (a), for the words "aquaculture farms", the words "coastal aquaculture units" shall be substituted;

(ii) in clauses (b) and (c), for the word "farms", the word "units" shall be substituted;

(iii) for clause (d), the following clause shall be substituted, namely:—

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

(iv) after clause (d), the following clauses shall be inserted, namely:—

"(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:

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;"

(B) in sub-section (2), for the word "farm", at both the places where it occurs, the word "unit" shall be substituted.

8. In section 12 of the principal Act,—

Amendment
of section 12.

(a) for the words "land, pond, pen or enclosure", wherever they occur, the word "unit" shall be substituted;

(b) after the proviso, the following provisos shall be inserted, namely:—

"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."

Insertion of
new section
12A.

9. After section 12 of the principal Act, the following section shall be inserted, namely:—

Prohibition of
certain
materials.

"12A. 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)."

Amendment
of section 13.

10. In section 13 of the principal Act,—

(i) in sub-section (1), for the word "farm", the word "unit" shall be substituted;

(ii) in sub-section (3), the following proviso shall be inserted, namely:—

"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.";

(iii) in sub-sections (4), (5) and (6), for the word "farm", wherever it occurs, the words "coastal aquaculture unit" shall be substituted;

(iv) for sub-section (7), the following sub-section shall be substituted, namely:—

"(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.";

(v) in sub-section (8), with effect from the 16th December, 2005,—

(A) for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(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:";

(B) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

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.

(vi) in sub-section (9), for the word "farm", wherever it occurs, the word "unit" shall be substituted;

(vii) in sub-section (10),—

(a) for the word "farm", the words "coastal aquaculture unit" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"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.";

(viii) in sub-section (11), for the word "farm", at both the places where it occurs, the words "coastal aquaculture unit" shall be substituted;

(ix) after sub-section (11), the following sub-sections shall be inserted, namely:—

"(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."

11. After section 13 of the principal Act, the following section shall be inserted, namely:—

"13A. (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.

Insertion of new section 13A.

Authorisation of officers.

(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.

(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 while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(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.

Substitution of new sections 14 and 14A for section 14.

12. For section 14 of the principal Act, the following sections shall be substituted, namely:—

Penalty for carrying on coastal aquaculture in contravention of provisions of Act.

"14. 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.
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.

(1)	(2)	(3)	(4)	(5)	(6)
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.

Appeal.

14A. (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."

13. After section 22 of the principal Act, the following section shall be inserted, namely:—

"22A. 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."

14. In section 24 of the principal Act, in sub-section (2),—

(i) after clause (a), the following clause shall be inserted, namely:—

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

(ii) after clause (b), the following clauses shall be inserted, namely:—

"(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;

Insertion of new section 22A.
Arrears of cost and penalty recoverable as arrears of land revenue.

Amendment of section 24.

(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;";

(iii) in clause (e), for the words "land, pond, pen or enclosure under that section", the word "unit" shall be substituted;

(iv) after clause (f), the following clauses shall be inserted, namely:—

"(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;";

(v) in clause (j), after the word and figures "section 13", the words "and the fee for renewal of registration under the proviso thereof" shall be inserted;

(vi) after clause (j), the following clauses shall be inserted, namely:—

"(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;

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

15. In section 25 of the principal Act, in sub-section (2), in clause (d), for the word "farms", the word "units" shall be substituted.

Amendment
of section 25.

16. In section 27 of the principal Act,—

Amendment
of section 27.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(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 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.";

(b) in sub-section (2), the word "farm's" shall be omitted.

Insertion of
new section
28.

Validation of
certain
provisions and
amendments
retrospectively.

17. After section 27 of the principal Act, the following section shall be inserted, namely:—

"28. (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, 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:—

29 of 1986.

(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 from time to time.

29 of 1986.

(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, 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."

DR. REETA VASISHTA,
Secretary to the Govt. of India.