

**Report by**  
**Coastal Aquaculture Authority**

**in**

**O.A.No. 05 & 09 of 2021**

**(Based on the Order Passed by the  
Hon'ble National Green Tribunal, Southern  
Zone, Chennai Bench on 16-07-2021)**

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## ANNEXURE: I

### Report by Coastal Aquaculture Authority

1. It is submitted that a Hatchery is an indoor facility where Marine organisms viz. Fish, Crustaceans, Molluscs, Seaweed and other marine life forms are bred for Natural stock enhancement of the seas or for Aquaculture. Hatchery is completely an indoor unit comprising of source water treatment systems including various stages of filtration and UV treatment for purifying the source water to the highest level, water storage reservoirs, and production tanks made of concrete in which the matured adult shrimps are made to produce eggs under the controlled condition. These eggs are made to hatch out and reared in the larval and post larval tanks using sea water of oceanic quality to enable them to metamorphose through different stages of its life cycle.
2. A Hatchery requires pristine seawater of oceanic quality for the broodstock holding, maturation, larval and Juvenile rearing of all marine organisms. Hence, a Hatchery is essentially a Seafront activity requiring access to oceanic quality Seawater as provided in Para 7.4 of Guidelines for Regulating Coastal Aquaculture issued as Annexure -I under Rule 3, Chapter 2 of CAA Rules 2005. Considering the indispensability for the requirement of oceanic quality Seawater and seafront access for a Hatchery, the CRZ regulations from the day came into existence in 1991 to this day, have consistently treated the Hatchery activity as a permitted activity in CRZ and excluded or exempted it from the prohibitions imposed by the CRZ Notification.
3. It is submitted that establishment and operation of hatcheries, an activity that has always been excluded/exempted from the prohibitions imposed by the CRZ Notification in the CRZ areas, consistently ever since the notification of Coastal Regulation Zone in 1991



under Section 36 of Environmental (Protection) Act, 1986 (Act No. 29 of 1986) and has been a permitted and regulated activity. The subsequent CRZ Notification of 2011 has also excluded/exempted the hatcheries from the prohibitions in the CRZ areas. The recent CRZ Notification of 2019 of the Ministry of Environment, Forest and Climate Change, Govt. of India GSR 37 (E) dated the 18th January, 2019 has also excluded/exempted the hatcheries from the prohibitions in the CRZ areas and classified the hatchery under the activities regulated or permissible even in the CRZ -1B areas vide item no. (vii) Under Subsection 5.1.2, Section 5 under the heading of Regulation of permissible activities in CRZ. Consequently, the establishment and operation of hatcheries is listed under the regulated or permissible activities in CRZ – II and III.

**The details on the provision of the CRZ Notification 1991, 2011 and 2019 along with the original notification is placed at the Annexure II for the kind perusal.**

4. The Hon'ble 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 CRZ notification 1991. Since the Hatchery was already a permitted activity in the CRZ Notification of 1991, the Hatchery was not considered to be a violator of the CRZ regulations. The order of the Hon'ble Supreme Court in the Writ Petition (Civil) No.561 of 1994 was for the violation of CRZ norms by Aquaculture farms. The effect of the judgement was to close all aquaculture farms except traditional and improved traditional farms in the coastal areas.
5. The intention of the Government was not to treat coastal aquaculture as a prohibited activity within the meaning of the CRZ notification. In tandem with the intention and policy of the Government, 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 main objective of the Authority is to promote sustainable coastal aquaculture development without causing damage to the coastal environment following responsible coastal aquaculture practices and to protect the livelihood of various stakeholders living in the coastal area.

6. Since the establishment and operation of hatcheries has always and consistently been excluded/exempted activity from the prohibited activities in the CRZ areas ever since 1991, the hatchery activity was not considered under the Coastal Aquaculture Authority Act enacted during the year 2005. Accordingly, it is respectfully submitted that the hatchery activity has been excluded from the purview of the Coastal Aquaculture Authority Act 2005 by defining Coastal Aquaculture in such a way to exclude hatcheries from the mandate of the Coastal Aquaculture Authority Act 2005.
7. It is submitted that the definition of 'coastal aquaculture' and 'coastal area' provided under Subsection 1(c) & 1(d) of Section 2 of CAA Act, 2005 is as follows:

- “2. (i) In this Act, unless the context otherwise requires,
  - (a) xxx
  - (b) xxx
  - (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;”

8. It submitted that the CAA Act, 2005 has been enacted by the Parliament to provide for the regulation of farms alone as provided under Section 11 & 13 of CAA Act, 2005, empowering Coastal Aquaculture Authority to register and regulate coastal aquaculture farms. It may kindly be noted that all the provisions of the CAA Act, 2005 dealt with aquaculture farms exclusively and the hatchery activity did not find a place in the Act. Section 11 of the CAA Act, 2005 provides as under:

- “11. (i) 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) xxx”

9. Section 13 of CAA Act, 2005 provides for the process of registration:

- “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 subsection (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) xxx

(4) xxx

(5) xxx

(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.”

10. Accordingly, the hatcheries has not been considered for registration under purview of section 13 of the CAA Act 2005 instead the Government authorised Marine Products Export Development Authority (MPEDA) to register all shrimp hatcheries vide sub para 7.1 of Para 7.0 of the Guidelines for regulating coastal aquaculture issued as Annexure-I under the Rule 3 of CAA Rules, 2005as detailed below, since the hatchery is already a permissible activity in the CRZ notification 1991. **Accordingly, it is respectfully submitted that the hatchery was not under the purview of CAA except**



for the power to review the registration of hatcheries. MPEDA was the agency empowered by the CAA Guidelines for registering the Hatcheries since 2005 up till 2015.

11. Sub Para 7.1 of Para 7.0 in the Annexure-I to the CAA Rules, 2005 provides as follows:

“7.0. Seed Production

7.1 All shrimp hatcheries need to be registered by MPEDA as per their norms which may be reported to the Authority at its subsequent meeting. The Authority will have the power to review the registration of hatcheries and to take appropriate decisions in tune with the requirements of the Coastal Aquaculture Sector.”

12. It is submitted that later in 2009, when the Government decided to permit the import of *L. vannamei* an exotic species from Pacific ocean for breeding and cultivation in India, the Government notified the ‘Guidelines for Regulating Hatcheries and Farms for Introduction of SPF *L. vannamei*’ in to the Act as Annexure-II through notification No. G.S.R. 302(E), dated 30.04.2009. It is submitted that from 2009 the hatcheries were brought under CAA regulatory frame work of CAA through the notification No. G.S.R. 302(E), dated 30.04.2009. All the responsibilities of approvals and regulations of hatcheries was implemented by way of **Letter of Permission (LOP) to operate** and environmental compliances were enforced by CAA through periodic inspections as per the guidelines. The regulation and control of Hatcheries remained with CAA from 2009.

13. Subsequently, in 2015, the Government of India authorized CAA to register all hatcheries in exercise of the powers conferred under section 3 read with section 24 of the coastal aquaculture authority Act 2005, through an amendment notification No. **G.S.R. 895(E) dated 23.11.2015 for Sub para 7.1 of Para 7.0 in the Annexure-I to the CAA Rules, 2005.**



**The Chronology of notifications on registration and regulation of hatcheries and the original notifications are placed at Annexure III for the kind perusal.**

14. *Sub Section 8 of Section 13 of CAA Act, 2005 prescribes the following*

*“(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).*

*wherein the Coastal Aquaculture Authority Act 2005 under subsection 1(c) of Section 2 of CAA Act, 2005 defined coastal aquaculture to mean aquaculture Farms and not the hatcheries.*

15. Further section 27 of CAA Act, 2005 validates that the prohibitions mentioned in para 2 of CRZ notification 1991 shall not apply to coastal aquaculture retrospectively and prospectively by virtue of deemed nature of the provisions. It provides as follows:

“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 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) xxx”

16. It is submitted that 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 .....*”

*The provisions of Section 27 and the corresponding objects and reasons for the enactment of the Coastal Aquaculture Authority Act 2005 is placed in Annexure IV for the kind perusal*

17. In spite of the above stated legal provisions, there, existed certain apprehensions in the minds of the stake holders and hence it is respectfully submitted that the Authority made an attempt to clarify that the hatchery activity is an excluded /Exempted activity in the CRZ as provided under CRZ notifications 1991, 2011 and 2019 as well as from the prohibition imposed by the Coastal Aquaculture Authority Act under *sub section 8 of section 13 of CAA Act, 2005*
18. It is respectfully submitted that in the process of attempting the clarification, the Authority inadvertently invoked the powers conferred under the second proviso to Subsection 8 of section 13 of CAA Act, 2005 and issued an order vide its order no. 56-03/2020 Tech dated 05.03.2021. Subsequently the order was challenged before the Madurai Bench of Hon'ble High Court of Madras vide W.P. No. 8806 dated 21.04.2021. When the petition came up for admission, the Hon'ble Court granted an interim stay and the matter is still pending before the Madurai Bench of Hon'ble High Court of Madras.
19. Consequently, it is submitted that upon a critical review of the provisions of CAA Act, 2005, its Rules, Guidelines and CRZ notifications as detailed above, the Authority is of the considered view that the need for exemption of Hatcheries invoking powers conferred under the second proviso to sub section 8 of section 13 **does not arise** as the hatcheries stands exempted from the prohibitions imposed by the CRZ notification and CAA Act, 2005 as detailed above. Accordingly the competent Authority of CAA has



amended its order no. 56-03/2020 Tech dated 05.03.2021 through a corrigendum issued vide its letter No 56-03/2020-Tech dated 16.08.2021 clarifying the fact that **the hatchery activity is an exempted and permitted activity in the CRZ as provided under the CRZ notifications from time to time. The prohibition imposed within the No development Zone of 200m from the HTL under subsection 8 of section 13 of CAA Act, 2005 is applicable only to aquaculture farms in the coastal areas and does not apply to hatcheries as the same has not been covered under the definition of coastal aquaculture as defined under subsection 1 (c) of Section 2 of CAA Act, 2005. (Copy enclosed)**

20. In view of the above stated legal facts, It is respectfully submitted that
- i. **Section 27 of Coastal Aquaculture Authority Act 2005 excluded the coastal aquaculture from the prohibitions of CRZ notification issued from time to time in areas beyond 200 m from HTL and imposed a prohibition on coastal aquaculture within 200m from the HTL.**
  - ii. **The hatchery activity was not considered in the definition of coastal aquaculture as provided under subsection 1 (c) of Section 2 of CAA Act, 2005 which *defined coastal aquaculture to mean aquaculture Farms and not the hatcheries.***
  - iii. **Accordingly, the prohibitions of CAA Act, 2005 within the No development Zone of 200m from the HTL as provided under Sub Section 8 of Section 13 of CAA Act, 2005 does not apply to hatcheries as the same has not been covered under the definition of coastal aquaculture as provided under subsection 1(c) of Section 2 of CAA Act, 2005.**
  - iv. **The hatcheries have always been excluded and exempted from the prohibitions of CRZ Notifications 1991, 2011 and 20219.**



- v. Coastal Aquaculture Authority, a Central Government Authority set up under the direction of the Hon'ble Supreme Court of India to regulate the coastal aquaculture activities, has been empowered and notified as the Authority to regulate and monitor the establishment and operation of Hatcheries in India.
- vi. The Coastal Aquaculture and Hatcheries have been brought under the exclusive jurisdiction of Coastal Aquaculture Authority through the CAA Rules, Guidelines and regulations issued under the Coastal Aquaculture Authority Act 2005. The same position has been upheld by various judgments of Hon'ble Courts including Hon'ble NGT.
- vii. With the clear exemption of the coastal aquaculture from the prohibitions imposed under Coastal regulation Zone Notifications as provided under Section 27 of the CAA Act 2005, the coastal aquaculture and the hatcheries have been exempted from the regulatory purview of Coastal Zone Management Authorities and thus the Coastal Aquaculture and hatcheries does not come under the purview of Pollution Control Board of the State Governments. This has been confirmed by the fact that no hatcheries were issued with Consent to Establish or Consent to Operate by Coastal Zone Management Authorities or Pollution Control Board of the State Governments. Instead the Coastal Zone Management Authorities have reiterated that the coastal aquaculture and the hatcheries does not come under their purview (Copy Enclosed)



  
डॉ. वी. क्रिपा / Dr. V. KRIPA  
सदस्य सचिव / Member Secretary  
भारत सरकार / GOVERNMENT OF INDIA  
मत्स्य पालन, पशुपालन व डेयरी उद्योग मंत्रालय  
Ministry of Fisheries, Animal Husbandry and Dairying  
तटीय मत्स्यपालन प्राधिकरण / Coastal Aquaculture Authority  
चेन्नई, तमिलनाडु, भारत / Chennai-600 035, Tamil Nadu, India

DFA

Andhra Pradesh Coastal Zone Management Authority  
Paryavaran Bhavan, A3 Industrial Estate  
Sanathnagar, Hyderabad - 500 018.

Letter No.51/APCZMA/2017

143

Dated 16-11-2017.

To  
Sri Sanjay Datla,  
M/s. Krishna Godavari Aquatech  
Private Limited ( Shrimp Hatchery),  
Flat No. 503, Gayatri Prince Apartments,  
Suryalanka Road, Bapatla - 522101,  
Guntur District.

Sir,

Sub:- Proposed Shrimp Hatchery by M/s. Krishna Godavari Aquatech  
Private Limited ( Shrimp Hatchery), Sy.No. 498/1A1 & A2, , Adavi  
Village, Bapatla Mandal, Guntur District, Andhra Pradesh - Reg.

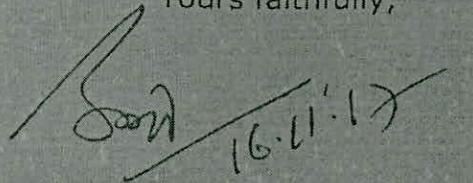
Ref:- From Sri. Sanjay Datla of M/s. Krishna Godavari Aquatech Private  
Limited (Shrimp Hatchery), Adavi Village, Bapatla Mandal, Guntur  
District , letter dated 24-08-2017.

\*\*

1. In the reference cited, M/s. Krishna Godavari Aquatech Private submitted a proposal for the establishment of Shrimp Hatchery at Sy.No. 498/1A1 & A2, , Adavi Village, Bapatla Mandal, Guntur District.
2. The proposal was examined by the A.P. Coastal Zone Management Authority (APCZMA) on 25-10-2017. The Authority opined that the activity was not covered under the provisions of CRZ Notification, 2011.
3. The proponent is informed that the establishment of Shrimp Hatchery is not a regulated activity under the provisions of CRZ Notification 2011.

Yours faithfully,

SEE (EC)  
14/11

  
16.11.17  
Member Secretary,  
APCZMA.





.2.

3) Further, vide Para 12 of the above said Act, powers have been delegated to the Coastal Aquaculture Authority to enter on any coastal aquaculture land, pond, pen or enclosure and make any inspection, survey measurement, valuation or inquiry and to remove or demolish any structure therein, with atleast 24 hours notice in writing for the intension of visit.

4) In the reference cited, the applicant has sent the list of the hatcheries situated along the coast of Tamil Nadu, without valid Consent to Establish or Operate under Water & Air Acts and requested to take action (copy enclosed).

5) In this connection, it is requested to clarify a) whether these Establishment of Hatcheries have obtained any Clearance from Coastal Aquaculture Authority, b) Whether these activities are exempted to get the Clearance as per the CRZ Notification, 2011. If so, kindly provide the orders in which the provisions is exempted for getting Clearance under the CRZ Notification, 2011.

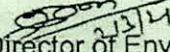
6) Kindly treat this as most Urgent.

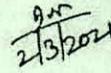
Yours faithfully,  
Sd./- K.V. Giridhar,  
Member Secretary,

Tamil Nadu State Coastal Zone Management Authority  
& Director of Environment

Encl. As above

// Forwarded by Order //

  
For Director of Environment

  
2/3/2021



  
**भारत का राजपत्र**  
**The Gazette of India.**

असाधारण  
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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.

**RAJYA SABHA**

The following Bills were introduced in the Rajya Sabha on 20th December, 2004:—

I

BILL NO. LIV OF 2004

*A bill to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith or incidental thereto.*

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Coastal Aquaculture Authority Act, 2004. 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 purposes 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 an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;

(e) one member to represent the Ministry of Agriculture of the Central Government;

(f) one member to represent the Ministry of Commerce of the Central Government;



## 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 of registration in the prescribed form to the person who has made the application for such registration.

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

(8) Notwithstanding anything contained in this section,—

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

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

29 of 1986.

Provided that nothing in this sub-section shall apply in the case of a coastal aquaculture farm which is in existence on the appointed day and to the 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 fee and the Authority shall, after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (6).



## Annexure: II

### Exclusion or Exemption of Hatchery from CRZ Notifications

#### I. CRZ Notification 1991

Sub para (i) & (iii) of Para 2 of the CRZ Notification 1991 excludes/exempts the hatchery activity from the prohibited activities in the CRZ. It provides for as under

“2. Prohibited Activities :

The following activities are declared as prohibited within the Coastal Regulation Zone, namely :

- (i) setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities;
- (ii) Xxxx
- (iii) Setting up and expansion of fish processing units including warehouse (excluding hatchery and natural fish drying in permitted areas) ;”

#### II. CRZ Notification 2011

Sub para (i)a & (iii) of para 3 of the CRZ Notification 2011 excluded the hatcheries from the prohibited activities in CRZ. It provides as under:

“3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

- (i) Setting up of new industries and expansion of existing industries except,-
  - (a) those directly related to waterfront or directly needing foreshore facilities;

*Explanation:* The expression “foreshore facilities” means those activities permissible under this notification and they require waterfront for their



operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(ii) Xxx

(iii) Setting up and expansion of fish processing units including warehousing  
**except hatchery and natural fish drying in permitted areas:”**

### III. CRZ Notification 2019

Sub para 1.2(vii) of Para 5 of CRZ Notification 2019, under the regulation of permissible activities in CRZ, permits hatchery and natural fish drying in CRZ-I B – the inter tidal areas. It provides as under:

“5. **Regulation of permissible activities in CRZ:**

5.1 **CRZ-I**

5.1.1 **CRZ-IA:**

xxxx

5.1.2 **CRZ-IB- The inter tidal areas**

Activities shall be regulated or permissible in the CRZ-I B areas as under:-

(i) xxx

(ii) xxx

(iii) xxx

(iv) xxx

(v) xxx

(vi) xxx

(vii) Hatchery and Natural fish drying.”





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY,

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित  
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No. 105] NEW DELHI, WEDNESDAY, FEBRUARY 20, 1991/PHALGUNA 1, 1912

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

पर्यावरण और वन मंत्रालय

(पर्यावरण, वन तथा वन्यजीव विभाग)

तटीय क्षेत्रों को तटीय विनियम क्षेत्र घोषित करते हुए तथा तटीय विनियम क्षेत्र में गतिविधियों को विनियमित करते हुए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3(2)(5) और धारा 3(1) और पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5(3)(घ) के तहत अधिसूचना।

नई दिल्ली, 19 फरवरी, 1991

का.सं. 114 (अ) :- जबकि तटीय क्षेत्रों की तटीय विनियम क्षेत्र (सी आर. जेड) के रूप में घोषणा तथा सी आर. जेड में उद्योगों, संचालनों और प्रक्रियाओं पर प्रतिबंध के विरुद्ध आपत्तियां प्रामांजित करने हुए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3(1) और धारा 3(2)(5) के तहत एक अधिसूचना का.सं.-9.14 (ई) दिनांक 15 दिसम्बर, 1990 के अन्तर्गत जारी की गई थी ;

और जबकि केन्द्रीय सरकार ने प्राप्त सभी आपत्तियों पर समुचित विचार किया है ;

अतः अब पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5 के उप नियम (3) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों और उनकी ओर से प्राप्त अन्य सभी अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा

समुद्रों, घाटियों, मुहानों, विदेशिकाओं, नदियों, और पश्चजलों के तटीय भागों, जो ऊपर रेखा से 500 मीटर तक स्थल की ओर उचारीय क्रिया से प्रभावित है तथा निम्न ऊपर रेखा और उच्च ऊपर रेखा के बीच की भूमि को तटीय विनियमन परिक्षेत्र के रूप में घोषित करती है और इस अधिसूचना की तारीख से उक्त तटीय विनियमन क्षेत्र में उद्योगों, संचालनों प्रयत्न प्रक्रियाओं आदि की स्थापना और विस्तार पर निम्नलिखित प्रतिबंध लगाती है। इस अधिसूचना के प्रयोजनार्थ उच्च ऊपर रेखा को उस रेखा के रूप में परिभाषित किया जाएगा, जहाँ तक सर्वोच्च उच्च ऊपर, स्प्रिंग ऊपर तक पहुँचती है।

नोट : नदियों, खाड़ियों और पश्चजलों के मामले में प्रस्तावित विनियमन उच्च ऊपर रेखा से जितनी दूरी पर लागू होंगे, वह दूरी तटीय क्षेत्र प्रबन्ध योजनाएं (नीचे संदर्भित) तैयार करने समय रिफाई किंग जाने वाले कारणों में हर मामले में संशोधित की जा सकती है लेकिन यह दूरी 100 मीटर नदियों के मामले में या खाड़ी अथवा पश्चजनों अथवा नदी की चौड़ाई, जो भी कम हो, से कम नहीं होगी।

2. प्रतिषिद्ध क्रिया-कलाप :- निम्नलिखित क्रियाकलाप तटीय विनियमन परिक्षेत्र के भीतर प्रतिषिद्ध किंग जाते हैं, अर्थात् :-

(1) नये उद्योगों की स्थापना तथा मौजूदा उद्योगों का विस्तार, मोझे तटीय नगर भाग से संबंधित या सीधे तटमर सुविधाओं की आवश्यकता वाले उद्योगों को छोड़कर ;

452 GI/91

(1)

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## MINISTRY OF ENVIRONMENT &amp; FORESTS

(Department of Environment, Forests &amp; Wildlife)

## NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991

S.O. 114(E).—Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No. 944 (E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ). For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides.

Note.—The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers, creeks and backwaters may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metre or the width of the creek, river or backwater whichever is less.

## 2. Prohibited Activities :

The following activities are declared as prohibited within the Coastal Regulation Zone, namely :

- (i) setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities;
- (ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment & Forests No. S.O. 594(E) dated 28th July, 1989, S.O. 966(E) dated 27th November,

1989 and GSR 1037(E) dated 5th December, 1989;

- (iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);
- (iv) setting up and expansion of units/mechanisms for disposal of waste and effluents, except facilities required for discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;
- (vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;
- (vii) dumping of ash or any wastes from thermal power stations;
- (viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge;
- (ix) mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas;
- (x) harvesting or drawal of ground water and construction of mechanisms therefor within 200 m of HTL; in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;
- (xi) construction activities in ecologically sensitive areas as specified in Annexure-I of this Notification;
- (xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and
- (xiii) dressing or altering of sand dunes, hills, natural features including landscape changes



(To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated the 6<sup>th</sup> January, 2011)

COASTAL REGULATION ZONE NOTIFICATION  
MINISTRY OF ENVIRONMENT AND FORESTS  
(Department of Environment, Forests and Wildlife)

S.O.19(E).- WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15<sup>th</sup> September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15<sup>th</sup> September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19<sup>th</sup> February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).



Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

- (iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.
- (iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.
- (v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

*Explanation:* The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28<sup>th</sup> July 1989, S.O.No.966(E), dated the 27<sup>th</sup> November, 1989 and GSR 1037 (E), dated the 5<sup>th</sup>



December ,1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.
- Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).
- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-
- (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
- (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
- (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
- (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.
- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-
- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) storm water drains and ancillary structures for pumping;
- (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;
- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.
- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 18 जनवरी, 2019

**सा.का.नि. 37(अ).**—केन्द्रीय सरकार ने भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय, की अधिसूचना संख्या का.आ. 19 (अ) तारीख 6 जनवरी, 2011 (जिसे इसमें इसके पश्चात तटीय विनियमन जोन अधिसूचना, 2011 कहा गया है) द्वारा तटीय क्षेत्रों को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 के अधीन कतिपय तटीय विनियमन क्षेत्र (जिसे इसमें इसके पश्चात सीआरजेड कहा गया है) के रूप में घोषित किया था;

और पर्यावरण वन और जलवायु परिवर्तन मंत्रालय को समुद्री तथा तटीय पारितंत्रों के प्रबंधन और संरक्षण, तटीय क्षेत्रों में विकास, पारि-पर्यटन, तटीय क्षेत्रों में रहने वाले समुदायों की जीविका के विकल्पों तथा वहनीय विकास आदि के संबंध में तटीय विनियमन जोन अधिसूचना, 2011 में कतिपय उपबंधों के बारे में अन्य पणधारियों के अतिरिक्त, विभिन्न तटीय राज्यों और संघ राज्य क्षेत्रों से अभ्यावेदन प्राप्त हुए हैं;

और विभिन्न राज्य सरकारों/संघ राज्य क्षेत्रों और पणधारियों ने पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से तटीय विनियमन जोन अधिसूचना, 2011 के संदर्भ में तटीय पर्यावरण और वहनीय विकास से संबंधित चिंताओं का निराकरण करने का अनुरोध किया है;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने तटीय विनियमन जोन अधिसूचना, 2011 के संबंध में विभिन्न मुद्दों तथा तटीय राज्यों और संघ राज्य क्षेत्रों और पणधारियों की चिंताओं की जांच करने और उक्त अधिसूचना में समुचित परिवर्तन किए जाने की सिफारिश करने के लिए डॉ. शैलेश नायक की अध्यक्षता में एक समिति का गठन किया था;

और मंत्रालय में डॉ. शैलेश नायक द्वारा प्रस्तुत की गई रिपोर्ट की जांच की गई है और इस संबंध में विभिन्न पणधारियों के साथ परामर्श किए गए हैं;

और सभी संबंधितों से टिप्पणियों और सुझावों की ईप्सा से प्रारूप तटीय विनियमन जोन अधिसूचना, 2018 जारी की गई थी और उसे तारीख 18 अप्रैल, 2018 को पर्यावरण, वन और जलवायु परिवर्तन की वेबसाइट पर डाला गया था;

और केन्द्रीय सरकार द्वारा उपर्युक्त उल्लिखित प्रारूप तटीय विनियमन जोन अधिसूचना, 2018 की प्रतिक्रिया में प्राप्त आक्षेपों और सुझावों पर सम्यक रूप से विचार कर लिया गया है;

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**4. Prohibited activities within CRZ.-** The following activities shall be prohibited, in general, within the entire CRZ and exceptions to these and other permissible and regulated activities in specific CRZ categories viz. CRZ-I, II, III and IV, shall be governed by the provisions of paragraph 5:-

- (i) Setting up of new industries and expansion of existing industries, operations or processes.
- (ii) Manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of the Ministry of Environment, Forest and Climate Change number G.S.R.395 (E), dated the 4<sup>th</sup> April, 2016.
- (iii) Setting up of new fish processing units.
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except for the activities permissible under this notification and executed with prior permission from the competent authority.
- (v) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
- (vi) Dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
- (vii) Port and harbour projects in high eroding stretches of the coast.
- (viii) Mining of sand, rocks and other sub-strata materials.
- (ix) Dressing or altering of active sand dunes.
- (x) In order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited and adequate measures for management and disposal of plastic materials shall be undertaken in the CRZ.
- (xi) Drawal of ground water.

#### **5. Regulation of permissible activities in CRZ:**

##### **5.1 CRZ-I:**

##### **5.1.1. CRZ-IA:**

These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the CRZ-I A area, with following exceptions:-

- (i) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved CZMP as per this notification, framed with due consultative process, public hearing, etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the CZMP.
- (ii) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities.
- (iii) Construction of roads and roads on stilts, by way of reclamation in CRZ-I areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial or both environment impact assessment, to be recommended by the Coastal Zone Management Authority and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

##### **5.1.2 CRZ-I B - The inter tidal areas:**

Activities shall be regulated or permissible in the CRZ-I B areas as under:-

- (i) Land reclamation, bunding, etc. shall be permitted only for activities such as,-



- (a) foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard, sea links, etc;
- (b) projects for defence, strategic and security purposes;
- (c) road on stilts, provided that such roads shall not be authorised for permitting development on the landward side of such roads, till the existing High Tide Line:  
 Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair or maintenance;
- (d) measures for control of erosion;
- (e) maintenance and clearing of waterways, channels, ports and hover ports for coast guard;
- (f) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.
- (iii) Power by non-conventional energy sources and associated facilities.
- (iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.
- (v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II to this notification, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by the Ministry of Environment, Forest and Climate Change, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid, etc.
- (vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers and food grains in notified Ports.
- (vii) Hatchery and natural fish drying.
- (viii) Existing fish processing units may utilise 25% additional plinth area for modernisation purposes (only for additional equipment and pollution control measures) subject to the following:-
- (a) Floor Space Index of such reconstruction not exceeding the permissible Floor Space Index as per prevalent town and country planning regulations;
- (b) additional plinth area is constructed only to the landward side.
- (c) approval of the concerned State Pollution Control Board or Pollution Control Committee.
- (ix) Treatment facilities for waste and effluents and conveyance of treated effluents.
- (x) Storm water drains.
- (xi) Projects classified as strategic, defence related projects and projects of the Department of Atomic Energy, Government of India.
- (xii) Manual mining of atomic mineral(s) notified under Part-B of the First Schedule to the Mining and Minerals (Development and Regulation) Act, 1957(67 of 1957) occurring as such or in association with one or other minerals in the intertidal zone by such agencies as authorised by the Department of Atomic Energy, Government of India as per mining plan approved by the Atomic Mineral Directorate for Exploration and Research:



**Annexure: III:**

**The Chronology of notifications on registration and regulation of hatcheries and the original notifications**

1. Para 7.1 of Guidelines for Regulating Coastal Aquaculture issued as Annexure I under rule 3 Chapter II of CAA Rules, 2005 *vide* G.S.R. 740(E) dated 22<sup>nd</sup> December 2005
2. Amended para 7.1 of Guidelines for Regulating Coastal Aquaculture issued as Annexure I under rule 3 Chapter II of CAA Rules, 2005 *vide* G.S.R. 895(E) dated 23<sup>rd</sup> November 2015





# भारत का राजपत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
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No. 528 ]

नई दिल्ली, बुध्दस्यतिवार, दिसम्बर 22, 2005/पौष 1, 1927  
NEW DELHI, THURSDAY, DECEMBER 22, 2005/PAUSA 1, 1927

कृषि मंत्रालय

( पशुपालन, डेयरी और मत्स्य पालन विभाग )

अधिसूचना

नई दिल्ली, 22 दिसम्बर, 2005

सा.का.नि. 740(अ).—तटीय जलकृषि प्राधिकरण अधिनियम, 2005 ( 2005 का 24 ) की धारा 24 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

अध्याय-I

प्रारंभिक

1. संक्षिप्त नाम और प्रारंभ (1) इन नियमों का नाम तटीय जलकृषि प्राधिकरण अधिनियम, 2005 होगा।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

### 2. परिभाषा

इन नियमों में जब तक संदर्भ से अन्यथा अपेक्षित न हो:-

- (क) 'अधिनियम' से तटीय जलकृषि प्राधिकरण अधिनियम, 2005 (2005 का 24) अभिप्रेत है;
- (ख) 'प्राधिकरण' से अधिनियम की धारा 4 की उप-धारा (1) के अधीन स्थापित तटीय जलकृषि प्राधिकरण अभिप्रेत है;
- (ग) 'अध्यक्ष' से प्राधिकरण का अध्यक्ष अभिप्रेत है;
- (घ) 'फीस' से इन नियमों में नियत कोई फीस अभिप्रेत है;
- (ङ) 'प्ररूप' से इन नियमों में उपबंध प्ररूप अभिप्रेत है;
- (च) 'मार्गदर्शक सिद्धान्त' से अधिनियम की धारा 3 के अधीन बताए गए मार्गदर्शक सिद्धान्त अभिप्रेत है;

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prevent the entry of pests and predators. Dissolved oxygen concentrations should be measured during early morning hours.

- Fertilisers and lime should be used in a responsible manner only when it is actually required.
- Use of freshwater to reduce the *salinity* of the culture water should be avoided for sustainability reasons; even though the shrimps can adapt and grow in a wide range of salinity, it is better to avoid salinity fluxes so as to avoid stress to the shrimps, which could make them more prone to diseases.
- In low density cultures, high level of water exchange is not required. In view of the complaints of nutrient loading in the open environment and the fear of viral contamination in the source water, the water exchange should be need-based. If water quality remains within optimal limits no water exchange is required for the first two months of rearing.
- Indiscriminate use of chemicals, bacteriological and enzyme preparations that supposedly enhance nutrient removal, organic matter, oxidation and removal of ammonia from water and soil should be avoided.

## 7.0 Seed production

7.1 All shrimp hatcheries need to be registered by MPEDA as per their norms which may be reported to the Authority at its subsequent meeting. The Authority will have the power to review the registration of hatcheries and to take appropriate decisions in tune with the requirements of the Coastal Aquaculture Sector.

7.2 Production of healthy and disease free shrimp seed is the first step onwards sustainable shrimp farming. About 300 shrimp hatcheries were set up in the country by the end of 2004 with a total production capacity of 12 billion post-larvae. These hatcheries are mostly located on the East coast of the country.

7.3 Hatchery operations can be broadly classified into broodstock, larval/ post larval rearing and live feed management. Since production of healthy seed is a primary step towards disease free farming, shrimp hatcheries are required to maintain strict sanitation, quarantine and quality control management to ensure bio-security and health management. These following guidelines should be adopted by the shrimp hatchery to ensure production of standard and homogeneous quality seed, which are pathogen free:

7.4 Water quality: Hatcheries should ensure good supply of oceanic quality seawater with the following optimal water quality characteristics in its rearing systems so as to avoid any stress to the larvae. This can be achieved by selecting a good site with the required water quality.

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**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

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सं. 723]

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No. 723]

NEW DELHI, TUESDAY, NOVEMBER 24, 2015/AGRAHAYANA 3, 1937

कृषि एवं किसान विकास मंत्रालय

(पशुपालन, डेयरी और मत्स्यपालन विभाग)

अधिसूचना

नई दिल्ली, 23 नवम्बर, 2015

सा.का.नि. 695(अ).-तटवर्ती जलकृषि प्राधिकरण अधिनियम, 2005 (2005 का 24) की धारा 24 के साथ पठित धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा तटवर्ती जलकृषि प्राधिकरण नियम, 2005 में निम्नलिखित और संशोधन करती है, नामतः-

तटवर्ती जलकृषि प्राधिकरण नियम, 2005 में अनुबंध (तटवर्ती जलकृषि को विनियमित करने संबंधी दिशा निर्देश), के पैराग्राफ 7.0 में, उप-पैराग्राफ 7.1 के स्थान पर निम्नलिखित उप-पैराग्राफ रखा जाए, नामतः :-

"7.1 अधिनियम में यथापरिभाषित तटवर्ती क्षेत्रों में सभी झींगा अंडज उत्पत्तिशालाओं को तटवर्ती जलकृषि प्राधिकरण द्वारा पंजीकृत कराने की जरूरत होगी।"

[फा. सं. 33036/5/2005-मा.(टी-2)]

आदित्य कुमार जोशी, संयुक्त सचिव

टिप्पणी:- मूल नियम भारत के राजपत्र, असाधारण, भाग-II, खण्ड-3, उपखंड (i), में सं. सा.का.नि. 740(अ), तारीख 22 दिसम्बर, 2005 द्वारा प्रकाशित किए गए थे और तत्पश्चात् सं. सा.का.नि. 302 (अ.), तारीख 30 अप्रैल, 2009, सा.का.नि. 914(अ.), तारीख 18 दिसम्बर, 2009, सा.का.नि. 280(अ.), तारीख 23 मार्च, 2012, सा.का.नि. 695(अ), तारीख 14 सितम्बर, 2012, सा.का.नि. 64(अ), तारीख 28 जनवरी, 2015 तथा सा.का.नि. 100 (अ), तारीख 16 फरवरी, 2015 के द्वारा संशोधन किए गए।

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MINISTRY OF AGRICULTURE AND FARMERS' WELFARE  
(Department of Animal Husbandry, Dairying and Fisheries)

NOTIFICATION

New Delhi, the 23rd November, 2015

G.S.R. 895(E).— In exercise of the powers conferred by section 3 read with section 24 of the Coastal Aquaculture Authority Act, 2005 (24 of 2005); the Central Government hereby makes the following further amendment to the Coastal Aquaculture Authority Rules, 2005, namely:-

In the Coastal Aquaculture Authority Rules, 2005, in the Annexure (Guidelines for Regulating Coastal Aquaculture), in paragraph 7.0, for sub-paragraph 7.1, the following sub-paragraph shall be substituted, namely:-

"7.1 All shrimp hatcheries in the coastal areas as defined in the Act need to be registered by the Coastal Aquaculture Authority."

[F.No.33036/5/2005-Fy (T-2)]

ADITYA KUMAR JOSHI, Jt. Secy.

Note. -The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 740 (E), dated the 22<sup>nd</sup> December, 2005 and subsequently amended vide number G.S.R. 302 (E), dated the 30<sup>th</sup> April, 2009, G.S.R. 914 (E), dated the 18<sup>th</sup> December, 2009, G.S.R. 280 (E), dated the 23<sup>rd</sup> March, 2012, G.S.R. 695(E), dated 14<sup>th</sup> September, 2012, G.S.R. 64(E), dated the 28<sup>th</sup> January, 2015 and G.S.R. 100(E), dated the 16<sup>th</sup> February, 2015.



## Annexure: IV

### The provisions of Section 27 and the corresponding objects and reasons for the enactment of the Coastal Aquaculture Authority Act 2005

“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 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.

## **THE COASTAL AQUACULTURE AUTHORITY ACT, 2005 (24 of 2005)**

### **<sup>1</sup>Statement of Objects and Reasons.**

The Supreme Court in Writ Petition (Civil) No. 561 of 1994 has held that aquaculture is an industry and hence it is covered by the prohibition imposed by the sub-paragraph (i) of paragraph 2 of the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 issued under sub-sections (1) and (2) of Section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The Supreme Court has further directed that an Aquaculture Authority shall be established to regulate aquaculture in coastal areas. The intention of the Government was not to treat coastal aquaculture as a prohibited activity within the meaning of the said notification. The effect of this judgment is to close all aquaculture farms, except traditional and improved traditional, in the coastal areas. 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. Since it is necessary to validate all coastal aquaculture farms set up hitherto retrospectively, and achieve the above objects, a Bill titled as “The Aquaculture Authority Bill, 2000” was introduced in the Rajya Sabha on 28th February, 2000. The Bill was referred to the Department related Parliamentary Standing Committee on Agriculture for examination and report. The Standing Committee, after interaction with various Organisations / Departments, presented its report on 5th December, 2000 before the Parliament. Since some recommendations made by the said Standing Committee were substantive in nature, it has been considered appropriate by the Government to withdraw the said Bill and to introduce a fresh Bill on the lines recommended by the said Standing Committee.

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





# भारत का राजपत्र

## The Gazette of India.

असाधारण  
EXTRAORDINARY  
भाग II — खण्ड 2  
PART II — Section 2  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 21] नई दिल्ली, सोमवार, दिसम्बर 20, 2004/ अग्रहायण 26, 1926  
No. 21] NEW DELHI, MONDAY, DECEMBER 20, 2004/ AGRAHAYANA 26, 1926

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.

### RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 20th December, 2004:—

#### I

#### BILL NO. LIV OF 2004

*A bill to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith or incidental thereto.*

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

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Coastal Aquaculture Authority Act, 2004. 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;



- (h) the manner of considering application under sub-section (5) of section 13;
- (i) the form of certificate of registration under sub-section (6) of section 13;
- (j) the form of application and the fee to be accompanied therewith under 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 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.



## STATEMENT OF OBJECTS AND REASONS

The Supreme Court in Writ Petition (Civil) No. 561 of 1994 has held that aquaculture is an industry and hence it is covered by the prohibition imposed by the sub-paragraph (i) of paragraph 2 of the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 issued under sub-sections (1) and (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986. The Supreme Court has further directed that an Aquaculture Authority shall be established to regulate aquaculture in coastal areas. The intention of the Government was not to treat coastal aquaculture as a prohibited activity within the meaning of the said notification. The effect of this judgment is to close all aquaculture farms, except traditional and improved traditional, in the coastal areas. This activity mainly utilises saline areas along the coastline, which areas are not suitable for other activities and provides employment to approximately three lakh workers. Larger investment of public and private funds has also been made in the farming activity. If these farms are closed down, it may lead to about three lakhs workers being rendered unemployed. Hence, it was considered necessary to save the employment of the workers and also the investment already made in this economic activity and to provide for future growth of aquaculture farming in a manner, which is consistent with the requirement of safeguarding of the environment. In order to achieve the above objects and to clear all doubts, it was decided to amend the said notification to clarify that aquaculture was not intended to be a prohibited activity within the meaning of that notification. Since it is necessary to validate all coastal aquaculture farms set up hitherto retrospectively, and achieve the above objects, a Bill titled as "The Aquaculture Authority Bill, 2000" was introduced in the Rajya Sabha on 28th February, 2000. The Bill was referred to the Department-related Parliamentary Standing Committee on Agriculture for examination and report. The Standing Committee, after interaction with various Organisations/Departments, presented its report on 5th December, 2000 before the Parliament. Since some recommendations made by the said Standing Committee were substantive in nature, it has been considered appropriate by the Government to withdraw the said Bill and to introduce a fresh Bill on the lines recommended by the said Standing Committee.

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

SHARAD PAWAR



*Notes on clauses*

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

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

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

*Clause 5* deals with the disqualifications for being appointed as a member of Authority.

*Clause 6* deals with the eligibility of members for reappointment.

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

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

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

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

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

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

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

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

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

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



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

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

*Clause 19* imposes obligation on the Authority to prepare and submit to the Central Government, after the end of each financial year, an annual report giving a true and full account of its activities during the previous year. The report so submitted by the Authority shall be laid before both Houses of Parliament.

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

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

*Clause 22* provides that no suit, prosecution or other proceedings shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any other person authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of the Bill.

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

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

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

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

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



**JOINT COMMITTEE REPORT**

in respect of Original Application No. 5 of 2021 taken up as *suo motu* on the basis of the news item published in the Indian Express newspaper edition dated 20/12/2020 "Shrimp hatcheries along ECR have no CRZ clearance" by the Honourable National Green Tribunal (SZ) and Original Application No. 9 of 2021 filed by S Velu in respect of construction of shrimp farms in Keelarkollai village in Chengalpattu district to the Honourable National Green Tribunal (SZ)

The Honourable National Green Tribunal (NGT), Southern Zone (SZ), Chennai has taken up *suo motu* case on the basis of the news item published in the Indian Express newspaper edition dated 20/12/2020 "Shrimp hatcheries along ECR have no CRZ clearance"

The Honourable National Green Tribunal (NGT) in its order dated 7<sup>th</sup> January 2021 in respect of Original Application No.5 of 2021 has given direction to constitute a Joint Committee comprising of (1) The District Collectors of Chengalpattu District and Villupuram District, (2) a Senior Officer from Tamil Nadu Coastal Zone Management Authority, (3) a Senior Officer from Coastal Aquaculture Authority (CAA), (4) a Senior Officer from Tamil Nadu Pollution Control Board (TNSPCB) designated by its Chairman and (5) a Senior Officer from the Ministry of Environment, Forests and Climate Change (MoEFCC), Regional Office, Chennai to inspect the areas in question and submit a factual as well as action taken report, if there is any violation found. The Joint Committee is also directed to assess the environmental compensations for the violations by the shrimp culture units which were operating illegally and to assess the damage caused to the ground water as well as the soil and the remedial measures to be taken for rectifying the same.

The Honourable National Green Tribunal (NGT) in its order dated 12<sup>th</sup> January 2021 in respect of Original Application No.9 of 2021 in the matter of Mr. Velu vs the District Collector, Chengalpattu district and others, in which Mr. Velu alleged that prawn farms are being constructed illegally in Survey No 92 and 93 in Keelarkollai in Kannathur village, Cheyyer taluk, Chengalpattu district also directed the above mentioned committee to inspect the areas in question and submit a factual as well as action taken report, if there is any violation found. The Honourable National Green Tribunal (NGT) in its order dated 12<sup>th</sup> January 2021 in respect of Original Application No.9 of



2021 directed the joint committee to submit the report along with the report of Original Application No.5 of 2021 since allegations in both the Original Application are similar.

Accordingly, in due compliance of the orders of the Honourable National Green Tribunal, the Joint Committee is constituted and conducted field inspection on 23<sup>rd</sup> March 2021 and water samples from the shrimp hatcheries were collected by the Tamil Nadu Pollution Control Board to ascertain the water quality of the effluents discharged.

The following are the findings of the Joint Committee

- (a) All the shrimp hatcheries mentioned in the news item in the Indian Express are located within 2 km of high tide line (HTL). All these hatcheries are fall under the jurisdiction of Coastal Aquaculture Authority (CAA). The CAA regulates all the activity of the hatcheries starting from construction to monitoring their operation. The hatcheries that violate or contravene the provisions of the CAA, 2005 and its rules and regulations are deregistered and closed by the CAA. The submission made by CAA in this regard is enclosed as **Annexure I**.
- (b) These shrimp hatcheries have to be registered with CAA as per the Coastal Aquaculture Act, 2005. The registration has to be renewed once in five years. The hatcheries that are not registered with CAA or which have not renewed the registration are considered as illegal. As shown in Annexure I, which is the submission of the CAA, 13 shrimp hatcheries that operated without permission have already been closed.
- (c) It is reported in the news item in the Indian Express that hatcheries are discharging untreated effluents which contain pharmaceutical wastes that were used as medicine to treat infection in the cultured animals. The Committee found that no antibiotics or any other medicines are used to treat the infection of the cultured animals. It was found by the Committee that the hatcheries use natural seawater for three purposes i) to grow brooder (parent) shrimp that produces millions of eggs, (ii) to grow larvae of the shrimp in different stages, which are microscopic in size and (iii) to culture microscopic algae that are used as feed to certain stages of larvae. Once the larvae reached post-larval stage, which are visible to naked eye but very small in size (less than 10mm), they are fed with another microscopic organism namely, *Artemia*. Since the brooder, larvae, post larvae and algae are very sensitive to changes in water quality it was informed by the hatchery operators that they



could not afford to use any chemicals including antibiotics. Only natural seawater is used for cultural operations, which is treated by hatcheries using a series of filtration system and UV treatment to remove the infectious organisms in the natural seawater,

- (d) The seawater thus used for culture operations contains fecal matters excreted by the larvae and also unused feed. To remove these as well as to avoid escaping any other microscopic organism from the hatchery each hatchery has an Effluent Treatment System (ETS), wherein effluents are treated with chlorine and de-chlorinated water is discharged into the sea. The Member from CAA informed that the structure and function of the effluent treatment plant and quality of the effluent are periodically monitored by the CAA. During the field inspection, the Tamil Nadu Pollution Control Board collected treated effluents and analysis of the quality of these effluents are given below (**Annexure II**). The value of all the parameters analyzed in the effluents are within permissible limit.

S. No	Parameter	Unit	Analysis report		Permissible limit
			Effluent 1	Effluent 2	
1.0	pH@25°C		7.68	6.88	5.5 to 9
2.0	Total Suspended Solid@105°C	mg/l	2	2	100
3.0	Total Dissolved Solids@180°C	mg/l	68627	34536	-
4.0	Chloride as Cl	mg/l	14872	12426	
5.0	Sulphates as SO <sub>4</sub> <sup>2-</sup>	mg/l	508	519	1000
6.0	BOD@27°C for 3 days	mg/l	8	7	100
7.0	COD	mg/l	88	64	250
8.0	Total Kjeldhal Nitrogen as N	mg/l	<2	<2	100
9.0	Dissolved Phosphate as PO <sub>4</sub> <sup>3-</sup>	mg/l	0.97	0.88	-
10.0	Ammonia Nitrogen as N	mg/l	<2	<2	50
11.0	Nitrate as NO <sub>3</sub> <sup>-</sup>	mg/l	2.09	1.52	-

- (e) The Joint Committee noticed sludge in the ETS and the quantity of sludge produced varies depending on the quantity of shrimp larvae produced. For example, a hatchery with a production capacity of 300 million larvae per year produces about 5 to 7 metric tons of sludge. The sludge contains organic matter produced due to degradation of fecal matter produced by the larvae and dead algal cells, and also sand particles driven from sand filter. Some hatcheries mentioned that the sludge is scrapped and dumped in nearby areas. Some



others mentioned that the sludge is removed by mobile sewage removal tanks by private sewage transporters and then disposed in some other place. Thus, no proper mechanism exists with regard to collection and disposal of this sludge. This sludge cannot be used as manure or landfill since it contains salt. Hence, a proper system should be evolved for safe handling and disposal of this sludge.

- (f) The Joint Committee also noticed that solid waste generated in the hatcheries such as packing materials, plastic containers, filters used in desalinization systems etc are not properly handled and disposed off. In some of the hatcheries they are sold for recycling but in other hatcheries they are dumped adjacent to the or outside the campus of the hatcheries. Hence, a proper system should be evolved for safe handling and disposal of solid waste generated in shrimp hatcheries.
- (g) All the hatcheries employ permanent staff and also daily wage labourers. The number of staff and wage labourers employed depends on the production capacity of the hatchery. Irrespective of the numbers, sewage generated are stored in septic tanks and disposed periodically by private sewage transporters. The shrimp hatcheries may be mandated to establish a sewage treat plant if the quantity of sewage generated exceeded as per the norms of the Tamil Nadu Pollution Control Board.
- (h) All the shrimp hatcheries are operating without Consent to Establish and also without Consent to Operate from the Tamil Nadu Pollution Control Board. However, the CAA informed that as per the Coastal Aquaculture Authority Act, 2005 construction of hatcheries and its commissioning require prior permission of the CAA.
- (i) With respect to Original Application 9 of 2021, the Joint Committee found that no shrimp farms are being illegally constructed in Survey No 92 and 93 in Keelarkollai in Kannathur village, Cheyyer taluk, Chengalpattu district. In these plots shrimp hatchery is being constructed as per the permission given by the Coastal Aquaculture Authority.

#### **Recommendation of the Joint Committee**

The committee humbly submits Honourable National Green Tribunal to direct

- a) shrimp hatcheries should maintain records on the quantity of seawater used and quantity of effluent generated along with the quality of the effluents discharged, which should be periodically monitored by the CAA.



- b) shrimp hatcheries to get permission from the Tamil Nadu Maritime Board to withdraw seawater for the operation of the hatcheries.
- j) shrimp hatcheries to obtain Consent for Establishment (CFE) and Consent for Operation (CFO) from the State Pollution Control Board. However, the CAA informed that as per the Coastal Aquaculture Authority Act, 2005 construction of hatcheries and its commissioning require prior permission of the CAA.
- c) shrimp hatcheries to establish sewage treatment plant as per the norms of the Tamil Nadu Pollution Control Board.
- d) shrimp hatcheries to develop and implement Corporate Social Responsibility (CSR) programme as per the Companies Act 2013 and as per the provisions of the Companies (Corporate Social Responsibility) Rules, 2014.
- e) Coastal Aquaculture Authority to evolve and enforce guidelines for disposal of sludge generated in the treatment plant as well as solid waste generated in the hatcheries.
- f) Coastal Aquaculture Authority and Ground Water Department periodically monitor soil and ground water quality at the point where effluent is discharged.
- g) Coastal Aquaculture Authority to take action against the hatcheries that have not registered/ renewed the registration with CAA in accordance with CAA Rules, 2005.
- h) Coastal Aquaculture Authority to create awareness about the Coastal Aquaculture Authority Act, 2005 and roles and operation of the shrimp hatcheries among public, Panchayat Raj Institutions, District Collectorates and all concerned Departments.

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Chengalpattu District

District Collector  
Villupuram District

Sd/-  
Member  
Tamil Nadu State Coastal  
Zone Management Authority

Sd/-  
Director (Technical)  
Coastal Aquaculture  
Authority of India  
Government of India

Sd/-  
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Tamil Nadu State Pollution  
Control Board

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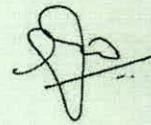
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V Selvam

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Authority of India  
Government of India

District Environment  
Tamil Nadu State Pollution  
Control Board

*C. Paramandi*  
Scientist  
Ministry of Environment  
Forests and Climate Change  
Government of India



### Recommendation of the Joint Committee

The committee humbly submits Honourable National Green Tribunal to direct

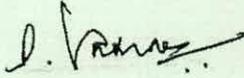
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तटीय जलकृषि प्राधिकरण

मत्स्यपालन विभाग

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय  
भारत सरकार

COASTAL AQUACULTURE AUTHORITY

Department of Fisheries

Ministry of Fisheries, Animal Husbandry and Dairying

Government of India



सत्यमेव जयते

5वीं मंजिल, इंटीग्रेटेड ऑफिस कॉम्प्लेक्स

पशु पालन व मत्स्य पालन विभाग

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F.No.: 70-3/2020 Tech

Date: 29.07.2021

**ORDER**

**Sub : Guidelines for Solid Waste Management at coastal aquaculture establishments – Notified – Reg.**

WHEREAS solid waste generation in coastal aquaculture farms and hatcheries due to the growth of coastal aquaculture sector during the last decade, has become an area of concern. In order to achieve sustainable development of environmental friendly coastal aquaculture practices the aquaculture industry needs to focus on ways to reduce the wastes (environmental impact) from coastal aquaculture establishments (Any establishment involving coastal aquaculture production including coastal Aqua hatcheries, farms, etc.).

WHEREAS the Central Government vide notification S.O. No. 1375(E) dated the 08<sup>th</sup> April, 2016 notified Solid Waste Management Rules, 2016.

WHEREAS Sub rule (i) of Rule 14 of Solid Waste Management Rules provides that "the Central Pollution Control Board shall publish guidelines from time to time in environmental aspects of processing and disposal of solid waste to enable local bodies to comply with the provision of the Rules."

WHEREAS Central Pollution Control Board/State Pollution Control Board is not involved in the regulations of coastal aqua farms and hatcheries. It is felt necessary that Coastal Aquaculture Authority shall notify the Solid Waste Management guidelines for Coastal Aquaculture as provided under Subsection (a) of Section 11 of Powers and Functions of Authority of Chapter IV of CAA Act, 2005.

WHEREAS the Authority during its 66<sup>th</sup> meeting approved the Guidelines for Solid Waste Management in Coastal Aquaculture Establishments for implementation which has been subjected to the process of stakeholders consultation at various levels.

Accordingly, the Guidelines for Solid Waste Management in Coastal Aquaculture Establishments is hereby notified for implementation with effect from 01.08.2021. It shall be applicable to all coastal aquaculture establishments including farms, hatcheries, etc.,



(V.Kripa)  
Member Secretary





# SOLID WASTE MANAGEMENT IN COASTAL AQUACULTURE ESTABLISHMENTS

Guidelines

August 2021

## COASTAL AQUACULTURE AUTHORITY

Department of Fisheries  
Ministry of Fisheries, Animal Husbandry and Dairying  
Government of India



5<sup>th</sup> Floor, Integrated Office Complex for Animal Husbandry and Fisheries Department, Veterinary Hospital  
Road, Fanepet, Nandanam, Chennai – 600 035

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## SOLID WASTE MANAGEMENT IN COASTAL AQUACULTURE ESTABLISHMENTS

### 1. INTRODUCTION

Rapid increase in solid waste generation from coastal aquaculture establishments viz. farms and hatcheries due to the exponential growth in coastal aquaculture during the last decade, has become an area of concern. To achieve sustainable development of environmental friendly coastal aquaculture, the aquaculture industry has to focus on methods to reduce and manage the waste generated from production including coastal aqua hatcheries, farms, Nucleus Breeding Centres (NBC), Broodstock Multiplication Centres (BMC), and Aquaculture inputs production establishments. Selection and use of appropriate reusable materials during the production cycle in the coastal aquaculture establishments can greatly reduce waste generation. In general, the wastes generated from coastal aquaculture establishments can be categorized in to two major heads: a) Wastewater and b) Solid waste.

#### a) The wastewater

The wastewater or effluents from the coastal aquaculture establishments shall be treated in the Effluent Treatment System (ETS), in accordance with the protocol prescribed by Coastal Aquaculture Authority (CAA), and shall conform to the standards for treatment of wastewater discharged from the Aquaculture establishments as provided under Article 13 of Guidelines for Coastal Aquaculture issued as Annexure I under Chapter II of CAA Rules, 2005 before it is discharged into the open water source. In the absence of standards/loads for certain parameters, the discharged water shall be in conformity with the standards of the Pollution Control Board (PCB) for



such parameters discharged into Coastal Marine waters/ open water source.

b) Solid waste

Solid waste generated from the coastal aquaculture establishments has to be managed with adequate care to protect the adjoining coastal environment from possible pollution. The establishments shall be responsible for handling the solid waste in tandem with the provisions under Solid Waste Management Rules, 2016. The coastal aquaculture establishments shall develop appropriate infrastructure for segregation, collection, storage, transportation, processing and disposal of solid/plastic waste either by its own or by engaging agencies or producers under the Solid Waste Management Rules, 2016.

## 2. GENERATION OF SOLID WASTE

Solid waste is generated at all the sections and from the overall maintenance of the coastal aquaculture establishments. Understanding of the various possible types of solid waste that will be generated at each production section such as brood stock / seed receiving section, maturation units, rearing sections, Post larvae (PL) packing section, harvest, ETS etc. and from the maintenance sections is essential for their proper management. Bio-waste from kitchen and food waste also come under the solid waste generated category at these units. In coastal aquafarms, solid waste is generated from the inputs used like the feed, seed and other items during grow out and harvest period.

All coastal aquaculture establishments shall minimize the use of non-recyclable products and promote the use of eco-friendly alternate material, which can be easily recycled/reused/degraded and decomposed.

## 3. EVALUATION OF THE WASTE

- a) Coastal Aquaculture Establishments shall identify the areas/ sections, the type and quantity of waste being generated, area for the storage and treatment of different streams of waste, determine the appropriate methods/ways to safely dispose them and prepare a solid waste management plan (SWMP) for the facility.
- b) Solid waste can be categorized in to three streams viz. Biodegradable, Non-biodegradable and domestic hazardous.



- Appropriate care to be provided in segregation and collection of three different streams of waste at source, its storage and disposal.
- c) Each area/ section shall be provided with sufficient capacity bins in three different colours for three different streams as given in section 4.b for the segregation and collection of them at source.
  - d) Sign boards and posters on handling and Compliance requirement etc. shall be displayed at the sections/ areas identified in accordance with the type of waste that is being generated at each area/section.
  - e) The facility managers shall mandate responsible individuals with written orders to perform specific functions with reference to the solid waste management activity to avoid confusion and for an effective enforcement
  - f) The establishment shall enter into agreement with appropriate/authorized agencies for the collection and disposal of:
    - Recyclable non-degradable waste
    - Sludge from ETS
    - Biodegradable non-recyclable waste
    - Non-degradable non-recyclable waste
    - Domestic sewage.
  - g) The facility manager shall plan and ensure the transportation of different waste in the prescribed vehicles from the facility to processing/ disposal sites
  - h) The facility managers shall plan and implement the reuse/recycling of the waste minimizing the transportation.
  - i) Separate records shall be maintained for clearing of waste by these agencies.
  - j) Following is the list of major types of possible wastes generated from various coastal aquaculture establishments.

<b>MAJOR TYPES OF WASTE GENERATED AT HATCHERIES</b>	
<b>Section</b>	<b>Waste generated</b>
Brood stock receiving area	Brood stock bags, Thermocol boxes (and sometimes carton boxes), ice packs, rubber bands used for brood stock packing and dead animals (brooders) or moribund animals.
Maturation Section	Feed packing plastic pouches or boxes, tins or any such substances, feed spill overs, feed residues and dead animals (brooders) or moribund animals.
Larval rearing section	Feed packing plastic pouches or boxes, tins, or any such substances, feed spill overs and feed residues



Packing section	Boxes or packs of the PL packing covers, rubber bands and damaged packing bags
Laboratory	Empty plastic/glass containers of chemicals, expired chemicals, damaged lab equipment, etc.
Maintenance Section	Leftovers/broken pieces of PVC pipes, small and large air hoses, damaged valves, spill overs of chemicals and other disinfectants and sponges or other scrubbers used for cleaning.
ETS	Sludge from the ETS
Domestic	Single use plastic plates, tumblers, spoons and other vessels used to serve food, food and vegetable waste, sewage, etc.

#### MAJOR TYPES OF WASTES GENERATED AT FARMS

Section	Waste generated
Seed stocking	Polythene bags in which the PL has been purchased
Aqua inputs	Containers, pouches of the various inputs used. Packaging materials of feed.
Sludge removal	From culture ponds and ETS.

- k) Plastics of any grade shall **NOT** be burnt at any time by the establishment, and they shall be handed over to the local body or the appointed agency for collecting such plastics.

#### Different types of Plastics as per IS 14534:1998 "Guidelines for Recycling of Plastics"

S.No	Symbol	Short Name	Scientific Name	Possible waste generated from	Recyclable/non-recyclable
1		PET	Polyethylene terephthalate	Soft drink bottles, furniture, carpet, paneling, etc.	Recyclable
2		HDPE	High-Density polyethylene	Bottles, carry bags, milk pouches, recycling bins, agricultural	



				pipe, base cups, etc.	
3		PVC	Polyvinyl chloride	Pipe, window profile, fencing, flooring, shower curtains, lawn chairs, non-food bottles, etc.	
4		LDPE	Low density polyethylene	Plastic bags, various containers, dispensing bottles, wash bottles, tubing, etc.	
5		PP	Polypropylene	Auto parts, industrial fibers, food containers, dishware, etc.	
6		PS	Polystyrene	Cafeteria trays, plastic utensils, toys, clam shell containers, insulation board, etc.	Non - Recyclable
7		O	Others	Thermoset plastics, multilayer and laminates, Bakelite, polycarbonate, nylon SMC, FRP, etc.	



#### 4. SEGREGATION AND COLLECTION OF WASTE

- a) The Coastal Aquaculture Establishments shall segregate the waste at its source in different sections in three different categories as detailed below, classify and categorize the waste to determine the appropriate methods/ways to safely dispose them.
- b) The solid waste shall be classified and collected in bins with lids as prescribed below at each areas identified to facilitate segregation of waste at their primary collecting point.

<b>Type of waste</b>	Biodegradable & Non-recyclable	non-degradable & Recyclable	Non-degradable, non-recyclable & domestic hazardous
<b>Bins colour</b>	Green	Yellow	Red

- c) There shall be men on duty at each area identified to collect, segregate and dispose the waste based on category, every 12 hours and records shall be maintained for clearing the waste.
- d) All the work force, especially those who are assigned for handling, storing, or otherwise managing the waste, shall be trained on the intended use of these bins which may include introduction to:
- basic procedures for waste management;
  - human and environmental risks;
  - measures of precaution in waste management, etc.
- e) The non-degradable, recyclable waste such as brood stock bags, thermocol boxes, waste generated from office stationery and general up keeping, etc. shall be stored temporarily in the area designated for temporary storage of such waste and handed over to the recycling agency on a regular basis.
- f) The biodegradable and non-recyclable waste shall be transferred to temporary storage yard designated for temporary storage of such biodegradable waste.
- g) A small in-house incinerator shall be installed at the hatcheries to handle the fresh feed wastage and the dead animals from maturation to avoid any possible contamination in the wild



- h) There shall be a temporary storage space designated for the storage of non-degradable non-recyclable waste till the disposal of the same.
- i) Care shall be taken while depositing the waste into the bins to avoid spill overs
- j) The waste shall not be dumped into the adjacent open coastal environment / public land / the drain or water bodies. This shall be adhered by all the coastal aquaculture establishments strictly.

## 5. TEMPORARY STORAGE AND PROPER DISPOSAL OF WASTE

### i. Recyclable non-degradable waste

The Recyclable non-degradable waste gathered based on their characteristics and stored at the warehouse designated for the temporary storage of such waste, shall be periodically sold/handed over to the recycler based on the size, holding capacity and nature of the storage facility. Appropriate care must be taken to avoid the delay in disposal such as a fixed weekly schedule of disposal.

### ii. Non-recyclable Biodegradable waste

- a) The coastal aquaculture establishments shall set up, operationalize the waste management system and co-ordinate with the local body for performing the associated functions.
- b) The coastal aquaculture establishments which are larger and generating larger quantity of sewage shall establish and operate an in-house Sewage Treatment Plant in accordance with the standards of Pollution Control Board.
- c) Biological waste transferred to the storage yard, shall be subjected to appropriate fermentation/biological digestion or composting process to generate manure separately.
- d) The biodegradable waste shall otherwise be handed over to the local body such as municipalities, gram panchayats, etc. for disposal.
- e) In coastal shrimp hatcheries, old animals at every quarter, dead or moribund animals shall be incinerated.
- f) Kitchen waste, sludge and other organic waste shall wherever possible, be appropriately used to prepare compost and the manure generated shall be used in the in home garden or shall be disposed through the agency appointed for collection of the same.



iii. **Non-recyclable, non-degradable waste and domestic hazardous**

- a) All Chemicals/disinfectants and the waste generated from the laboratory shall be collected with utmost care and disposed as per the protocol prescribed for disposing them.
- b) A designated space for sanitary landfills shall also be used to dispose the solid waste.

iv. **Sludge removal**

- a) A sludge pump shall be set up for the removal of sludge at Effluent Treatment System (ETS) of coastal aquaculture establishments especially hatcheries and disposed through the local body.
- b) In the case of coastal aquaculture farms, the sludge shall be treated with the established procedures during dry out or scrapped if required, from the bottom of the ponds after the harvest and disposed appropriately
- c) The sludge depending on the quantity shall be removed periodically every week or after each cycle of production and shall be thickened in a gravity thickener or by dissolved air floatation.
- d) The organic solids in the sludge shall be digested through biological process to reduce total mass of solids.
- e) The sludge shall be dewatered, dried and handed over to the local body / agency appointed for such purpose as and when it is collected or on a periodical basis with temporary storage.
- f) The sludge shall otherwise be reused as manure after treating with chlorine, dechlorinating and removing salinity by washing and drying.

v. **Management of waste from Fuel, Lubricants and other consumables**

- a) A storage room for fuel/oil, lubricants and other consumables for operating generators and mechanical equipment shall be designated at farms and hatcheries.
- b) Farms and hatcheries shall identify and comply with legal requirements if any for storing fuel/oil, lubricants and other consumables.
- c) The containers of oil, lubricants and other consumables in the storage room, shall be periodically checked and maintained without any leakage.



- d) Proper warning signs shall be displayed where lubricants or fuel is stored. Put a correct protocol in place including storage, labelling and usage of oils or lubricants.
- e) Hatchery operators and farmers shall impart training to the staff operating the Generators and mechanical equipment and care shall be taken not to spill oil/lubricants while changing or collecting.
- f) The used oil collected shall be stored in a leak-proof can or container and it shall be handed over to government approved/authorized contractors only.
- g) Maintain the records of hazardous waste sold to subcontractors of hazardous waste.

## 6. MANAGEMENT OF AIR AND NOISE POLLUTION

- a) The ambient air quality standards and standards for noise for different areas/ zones shall be maintained as specified by the State Government for industrial, commercial, residential or silence areas / zones for the purpose of implementation of noise standards for different areas.
- b) The farm/hatchery operator shall take measures for abatement of noise including noise emanating from generators and other machineries and ensure that the existing noise levels do not exceed the ambient air quality standards specified under Noise Pollution (Regulation and Control) Rules, 2000.
- c) Farm/hatchery operators while planning developmental activity shall take into consideration all aspects of noise pollution as a parameter of quality of life to avoid noise menace and to achieve the objective of maintaining the ambient air quality standards in respect of noise.
- d) Farm/hatchery located in an area comprising not less than 100 meters around hospitals, educational institutions and courts shall observe the standards of noise pollution as specified for silence area / zone.
- e) Records of control measures adopted and implemented shall be maintained at the farm/hatchery.

## 7. GROUND WATER TESTING MANAGEMENT

Ground water salinization is major area of concern to all coastal aquaculture establishments. Hence, testing the potability of ground water from the fresh water well, aquifers, open wells in and around 1km radius of

Solid waste management at coastal aquaculture establishments



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the premises of the establishments, etc. (inclusive of the *in-situ* freshwater resources) shall be performed by all the coastal aquaculture establishments every six months and the records shall be maintained for the same. In case of changes in the quality of the ground water especially the salinity, appropriate measures shall be taken by the coastal aquaculture establishments to identify the cause and implement remedial measures to rectify the same with immediate effect.

## 8. RECORD KEEPING

- a) Records/registers shall be maintained at each area/ section identified for generation of waste with the details of type, quantity and frequency of removal of waste.
- b) Records for the disposal of sludge, sewage and other recyclable and non-recyclable waste shall be maintained at the establishments.
- c) Records will be subject to periodic random inspection and vetting by Coastal Aquaculture Authority

## 9. EVALUATION OF COMPLIANCE

- a) The establishment shall periodically evaluate the activities of the waste management system and in case of non-compliance noticed, identify appropriate method to be adopted to rectify deficiencies in the system.
- b) Coastal Aquaculture Authority shall evaluate the activities of the waste management system in all the coastal aquaculture establishments and in case of non-compliance noticed, suitable action shall be initiated in accordance with the provisions of CAA Act 2005, its rules and Guidelines as well as in accordance with the provisions of Solid Waste Management Rules 2016 and other related legal instruments in vogue.





सत्यमेव जयते



F. No.56-3/2020-Tech

Dated the 16<sup>th</sup> August, 2021

**CORRIGENDUM TO ORDER NO. 56-3/2020-TECH DATED THE 05<sup>TH</sup> MARCH, 2021**

**Sub : Coastal Aquaculture Authority (CAA)- exemption of the establishment and operation of coastal aquaculture hatcheries within 200 m from the High Tide Line (HTL) - Regarding**

**Ref : 1. Sub Section 8 of Section 13 of CAA Act, 2005  
2. Minutes of the 65<sup>th</sup> meeting of the Coastal Aquaculture Authority  
3. This Authority's Order even no. dated 05<sup>th</sup> March, 2021**

In the process of issuing a clarification, the Authority inadvertently invoked the powers conferred under Subsection 8 of Section 13 of CAA Act, 2005. Hence, the Authority decided to issue a corrigendum to its order no. 56-3/2020-Tech dated the 05<sup>th</sup> March, 2021.

Accordingly, the following clarification is issued in suppression of this Authority's order no. 56-3/2020-Tech dated the 05<sup>th</sup> March, 2021.

1. **WHEREAS** subsection 8 of section 13 of CAA Act, 2005 prescribes the following

*"(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".*



Page 1 of 2



2. **WHEREAS** the establishment and operation of coastal aquaculture hatcheries has always been excluded and exempted from the prohibition of CRZ Notification and included under the activities regulated or permissible in the CRZ areas, ever since, the notification of Coastal Regulation Zone in 1991 under Section 36 of Environmental (Protection) Act, 1986 (Act No. 29 of 1986).
3. **WHEREAS** the recent CRZ Notification of the Ministry of Environment, Forest and Climate Change, Govt. of India GSR 37 (E) dated the 18<sup>th</sup> January, 2019 has also classified the coastal aquaculture hatchery under the activities regulated or permissible in the CRZ -1B areas vide item no. (vii) Under Subsection 5.1.2, Section 5 under the heading of Regulation of permissible activities in CRZ. Consequently the establishment and operation of coastal aquaculture hatcheries are categorized as regulated or permissible activities in CRZ - II and III.
4. **WHEREAS** subsection 1 (c) of section 2 of CAA Act, 2005 defined Coastal Aquaculture as follows:  

*“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;”*
5. **WHEREAS** the hatchery activity was not considered under coastal aquaculture as defined under subsection 1 (c) of section 2 of CAA Act, 2005 which defined coastal aquaculture to mean aquaculture Farms and not the hatcheries.
6. **WHEREAS** to redress the apprehension remained with various stakeholders, the prohibitions of CAA Act, 2005 within the No development Zone of 200m from the HTL as provided under subsection 8 of section 13 of CAA Act, 2005 does not apply to hatcheries as the same is not considered to be covered under the definition of coastal aquaculture as defined under subsection 1 (c) of section 2 of CAA Act, 2005.
7. Accordingly, it is clarified that **the hatchery activity is an exempted and permitted activity in the CRZ as provided under the CRZ notifications from time to time. The prohibition imposed within the No development Zone of 200m from the HTL under subsection 8 of section 13 of CAA Act, 2005 is applicable only to aquaculture farms in the coastal areas and does not apply to hatcheries as the same is not considered to be covered under the definition of coastal aquaculture as defined under subsection 1 (c) of Section 2 of CAA Act, 2005.**



  
**(V. Kripa)**  
**Member Secretary**

Page 2 of 2



# तटीय जलकृषि प्राधिकरण

मत्स्यपालन विभाग

मत्स्य पालन, पशुपालन व डेयरी उद्योग मंत्रालय  
भारत सरकार

**COASTAL AQUACULTURE AUTHORITY**

Department of Fisheries

Ministry of Fisheries, Animal Husbandry and Dairying

Government of India



सत्यमेव जयते

5वीं मंजिल, इंटीग्रेटेड ऑफिस कॉम्प्लेक्स

पशु पालन व मत्स्य पालन विभाग

पशु चिकित्सालय रोड, फैनपेट, नन्दनम,

चेन्नई-600035, तमिलनाडु, भारत

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Animal Husbandry and Fisheries Department

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वेबसाइट/ website : http://www.caa.gov.in



एक कदम स्वच्छता की ओर  
CLEAN INDIA

F. No.56-3/2020-Tech

05<sup>th</sup> March, 2021

## ORDER

**Sub : Coastal Aquaculture Authority (CAA)- exemption of the establishment and operation of coastal aquaculture hatcheries within 200 m from the High Tide Line (HTL)-Regarding**

**Ref : 1. Sub Section 8 of Section 13 of CAA Act, 2005  
2. Minutes of the 65<sup>th</sup> meeting of the Coastal Aquaculture Authority**

1. **WHEREAS** Sub Section 8 of Section 13 of CAA Act, 2005 prescribes the following

"(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".***

2. **WHEREAS** the establishment and operation of coastal aquaculture hatcheries has been included under the activities regulated or permissible in the CRZ areas, ever since, the notification of Coastal Regulation Zone in 1991 under Section 36 of Environmental (Protection) Act, 1986 (Act No. 29 of 1986).

3. **WHEREAS** the recent CRZ Notification of the Ministry of Environment, Forest and Climate Change, Govt. of India GSR 37 (E) dated the 18<sup>th</sup> January, 2019 has also classified the coastal aquaculture hatchery under the activities regulated or permissible in the CRZ -1B areas vide item no. (vii) Under Subsection 5.1.2, Section 5 under the heading of Regulation of permissible activities in CRZ. Consequently the

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## ANNEXURE : VIII

### Violation of the Principle of Res Sub Judice

It is respectfully submitted that Mr.Velu has grossly violated the principles of Res Sub judice by filing a Writ petition in the Madras High Court where he has sought a similar remedy, where the matter is already pending before the Hon'ble National Green Tribunal, Southern Zone, Chennai Bench.

(A copy of the letter received from S. Velu, Kanathur village, Koovathur post, Cheyyur taluk, Chengalpattu district – 603305, is enclosed)



18/07/21  
11/8

FROM ,

S.Velu  
Kanathur village  
Koovathur post  
Cheyyur taluk,  
Chengalpattu district -603305

4

TO,

1. The Block Development officer  
KanathurVillage,  
Block Panchayat,  
Lathur @ Pavunjur- 603 312.  
Chengalpattu District.

2. Member Secretary,  
Coastal Aquaculture Authority  
5<sup>th</sup> floor ,Nandanam,  
Chennai-600035

4

SUB: Reg:- stoppage of construction of shrimp hatchery

I S.Velu me and my family members are aggrieved villagers Kanathur village in Chengalpattu district. Iam the public spirited person.myself along with villagers have been raising the illegal activities of violator shrimp hatchery unit constructing by Manikavel and SurejNaik .In this village there are more than 1000 families are living their only source of income and livelihood is agriculture they are wholly depend on that agriculture. They are using ground water mainly for the agriculture and drinking purpose not only their village 10 villages which are in surrounding area are using this water for their drinking purpose. I submit that my village is so undeveloped area which does not have road facilities also. The violator shrimp hatchery unit is under construction in survey no: 92 and 93 of Kanathur village CheyyurTaluk which occupied more then 1 acre space in that village which is 100 meters from agriculture land and 120 meters from residential area of the villagers .10 years back shrimp hatchery unit constructed by the private company in keelarkollai village which is next to kanathur village that time that villagers did not know the consequence of that so they did not object for the same but very soon they came to know about that by the polluted water which that hatchery unit sending back to the ground .They are using high chemical fertilizers food to the shrimp for the hatchery process when they send back that water to the ground the chemical which used for shrimp feeding will not get purify properly by their channels and they cannot purify that chemical water 100% ,because of that people in that village are still suffering

73/mg/cst  
11/8/21

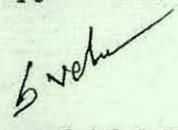
Sri Kanna  
J.P.M.A  
11/8/21

प्राप्त पत्र / RECEIVED LETTER  
सं / Number..... 1379.....  
तारीख / Date 09-08-2021



for the drinking water and its causing harm to the people now they used to take water from our village ,that hatchery unit was sealed by the district collector ,the same situation will arise if they construct this shrimp hatchery unit in kanathur village not only it will affect the drinking water it also affect the agriculture land which is the only livelihood for the villagers. If they constructed that violator shrimp hatchery unit in our village the whole agriculture land will spoil and the drinking water will get spoil which lead to fatal virus (eg corona ) .Fast approaching summer in coming months and it has also been predicted that we might record the higher temperatures amongst the tropical zone, foresee us running into a jeopardy of not being able to provide the cleanest drinking water to the needy during these perilous times. The another big bottle neck situation to our village is transportation there were no road constructed by the government to our village so we the villagers constructed ourselves by sand for our emergency purpose which is so small path where only one vehicle can cross at a time .For this illegal construction of violator hatchery unit they are using heavy vehicle like lorry in that small path so the villagers could not use our their path for emergency purpose also the picture clearly establish the same .I further state if they open that violator hatchery unit might end up impacting thousands of families living in that area. Already our village is not developed village most of the people does not have educational knowledge our only source of livelihood is agriculture if this violator hatchery unit open the ground water will get pollute which affects their livelihood , the transport path also will get affect and mainly the drinking water will get pollute it might end up with lot of disease .the nearby 10 village people also using this drinking water .In Tamilnadu already people are suffering because of scarcity of water for the agriculture in this situation this violator shrimp hatchery unit creating lot of troubles to the kanathur village people who are wholly depend on agriculture. Hence I filed the public interest litigation in high court w.p.no.15402 of 2021 seeking direction to stop the illegal construction and not to give permission to any hatchery unit in that kanathur village.on 27.07.2021 it came up for admission the Hon'ble court after hearing my side order to give fresh representation for Block development officer and costal aqua culture authority hence this representation ,kindly consider our representation as soon as possible and do the needful to the public in kanathur village .I here with enclosing the order copy of the writ petition for your perusal .

Thanking you

  
Yours faithfully



BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Application No. 148 of 2015 (SZ)

IN THE MATTER OF:

Tamil Annai Thamarabharani Welfare Trust,  
rep. by Its Managing Trustee,  
T.Balasubramania Adityan  
5/24, Main Road,  
Kayamozhi,  
Thiruchendur Taluk,  
Tuticorin District - 628 205  
Tamil Nadu.

..... Applicant

AND

1. Member Secretary,  
Coastal Aquaculture Authority of India  
(Govt of India, Ministry of Agriculture)  
12-A, Bharathi Street,  
GDR Tower, Vanuvampet,  
Madipakkam, Chennai - 600 091.
2. The District Collector,  
Villupuram District,  
Collectorate Building,  
Trichy Main Road,  
Villupuram.
3. The Sub-Collector,  
Sub Collector Office,  
Jackkampet,  
Tindivanam, Villupuram District.
4. The Tahsildar,  
Tahsildar Office,  
Kakkapalayam Road,  
Marakkanam - 604 303  
Villupuram.
5. The Assistant Director of Fisheries,  
No.10, Nithiyandhan Nagar,  
Vazhuthavatti,  
Villupuram.
6. The District Forest Officer,  
Villupuram Range,  
No.23 A, Ranganathan Steet,  
Poonthottam,  
Villupuram - 605 602
7. The Joint Director of Agriculture,  
Collectorate Buildings,  
Villupuram.



8. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
4/388, Ellies Chatram Road,  
Villupuram - 605 401.
9. The Block Development Officer,  
Marakkanam Union Office,  
Pondy Road,  
Marakanam - 604 303.
10. The Executive Officer,  
Marakkanam Town Panchayat,  
Pondy Road,  
Marakanam - 604303.
11. A.Sankar,  
S/o. Amirthalingam,  
Kottakuppam,  
Marakannam Taluk,  
Villupuram District.
12. Thiru N.Krishna Devan,  
S/o.Nagarathinam,  
Oorani Village,  
Marakannam Taluk,  
Villupuram District.
13. Ravivaraman,  
S/o.Devaraju,  
Anumanthai Village,  
Marakannam Taluk,  
Villupuram District.
14. Manikandan,  
S/o.Vasudevan,  
Anumanthai Village,  
Marakannam Taluk,  
Villupuram District.
15. Poyyamozi,  
S/o. Rajagopal,  
Anumanthai Village,  
Marakannam Taluk,  
Villupuram District.
16. Gunasekar,  
S/o. Ramachandran,  
Nadukuppam Village,  
Marakannam Taluk,  
Villupuram District.
17. Ravichandran,  
S/o.Ramalingam,  
Chettikuppam,  
Anumanthai Post,  
Marakannam Taluk,  
Villupuram District.
18. Thiru Kumaravel,  
S/o. Dhatchinamurthy,  
Marakannam Taluk,  
Villupuram District.



19. D.Rajendhiran,  
S/o. Devaraju,  
Annumanthai ,  
Marakannam Taluk,  
Villupuram District.
20. Joshkutti,  
S/o. Isravel Pudukai  
Marakannam Taluk,  
Villupuram District.  
(As per order dated 18.07.2016 impleaded in  
M.A.No.100 to 109 of 2016.)
21. Government of India,  
Rep. by its Secretary to Government,  
Ministry of Environment , Forests and  
Climate Change, New Delhi.
22. Government of India,  
Rep. by its Secretary to Government,  
Ministry of Agriculture,  
New Delhi.  
(As per order dated 01.08.2016 impleaded ) ... Respondent(s)

**Counsel appearing for the Applicant:**

M/s. Rank Associates,  
V.Kuberan

**Counsel appearing for the Respondents:**

Mr.Vijay for R1  
M/s. M.K.Subramanian and  
P.Velmani for R2 to R7  
Mrs.H.Yasmeen Ali for R8  
Mr. Abdul Saleem , S.Saravanan &  
Vidhya Lakshmi for R9 & R10  
M/s.K.Balakrishnan, R.Vijaya &  
B.Aparna Balakrishnan for R11 to R20  
Mr.Gokul Krishnan for R21  
Mr.Su.Srinivassan for R22.

**ORDER**

PRESENT:

HON'BLE SHRI JUSTICE DR.P.JYOTHIMANI, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 27<sup>th</sup> September, 2016

Whether the Judgment is allowed to be published on the Internet – Yes/No ✓  
Whether the Judgment is to be published in the All India NGT Reporter – Yes/No ✓



This application relates to a prayer for closing of unauthorized shrimp farms and hatcheries functioning in and around Nadukuppam village, Marakkanam Taluk, Villupuram District, which include many villages and also for a direction against respondents to remove and demolish all illegal Coastal Aquaculture Farms and Hatcheries in and around Marakkanam Taluk. During the course of hearing, we have passed many detailed orders based on the particulars furnished by the Coastal Aquaculture Authority of India represented by Mr. Vijay, learned counsel and also various other authorities including Mr.S.Balachandran, Tahsildar, Marakkanam, who has been continuously present before the Tribunal. Various detailed reports have been filed before the Tribunal. Insofar as it relates to cultivation of the shrimp farms is concerned, it is in patta lands or the Government poramboke lands or Forest lands. As per the directions of the Tribunal, most of the unauthorised shrimp farms were demolished and removed and electricity has been disconnected. The Tahsildar, who is present in the Tribunal today, submits that the disconnection of the electricity and demolition has already been almost completed. He assures the Tribunal that he will continuously monitor the entire area and ensure that no fresh shrimp farms come into existence in an illegal manner. We make it clear that the Tahsildar, Marakkanam shall continuously monitor the same and file periodical report before the Registry once in 3 months. We also permit the Tahsildar to take all the necessary action against such encroachments both civil and criminal action in an appropriate manner, so as to see that the area is protected environmentally.

2. In so far as it relates to hatcheries in the area is concerned, Mr. Vijay learned counsel appearing for the Coastal Aquaculture Authority of India has already given names of 30 persons, who were given permission and who were already mentioned in our order dated 18.07.2016. Learned counsel has subsequently stated that in total 32 hatcheries have been permitted which include M/S. Blue Bay Culture No.34, West Main Road, Vivekananda Nagar,



Pondicherry and M/s Dolphin Shrimp Hatchery, No 58 & 59 , Atchikkadu Village, Mandavai Post, Tindivanam Taluk, Villupuram District. Therefore, according to the learned counsel, these are the only 32 hatcheries which are registered by the Coastal Aquaculture Authority of India by following the procedure established in the relevant statute. In view of the fact that these 32 persons have obtained statutory recognition, we are of the view that unless and until the applicant or any other persons take appropriate action in the manner known to law to set aside the permission, they shall be permitted to continue their operation duly following the conditions prescribed in the authorisation and ensure that no damage is caused to the environment. Needless to say that the affected party is always entitled to work out his remedy in the manner known to law in respect of these 32 hatcheries.

3. Insofar as it relates to 10 persons, who have been impleaded in M.A.Nos.100 to 109 of 2016, it is stated by the Tahsildar, that they are the Shrimp Farm owners. It is stated by the Tahsildar that except the shrimp farms of Ravikumar and Kumaravel, the other shrimp farms have already been demolished and the electricity supply has already been disconnected. Insofar as the above two persons are concerned, it is stated that they have already made applications as per the provisions of the Coastal Aquaculture Authority Act 2005. It appears that as stated by Mr.Vijay, the learned counsel appearing for the said authority, these two persons have made applications to the District Level Committee consisting of various authorities empowered by statutory authority and the matter has to be decided by them and it is only after their recommendation, it will come to the Coastal Aquaculture Authority of India for the purpose of passing the statutory order.

4. It is the stand of Mr. Prabakaran, learned senior counsel that 10 persons including Mr. Ravikumar and Mr.Kumaravel , the other applications are pending.



In view of the same and taking note of the statement made by the Tahsildar, Marakkanam that except Mr.Ravikumar and Mr.Kumaravel, the shrimp farms of others have been demolished, it is open to the District Level Committee to scrutinise the applications of these two persons and give proper recommendations to the Coastal Aquaculture Authority of India to enable the statutory authority to pass appropriate orders. Except the above said two persons, we make it clear that no other persons shall be permitted by the Tahsildar to cultivate the shrimp farm anywhere in Marakanam Taluk and the periodical report as stated above shall be filed before the Registry.

5. Insofar as it relates to 32 hatcheries are concerned, the Coastal Aquaculture Authority of India has to discharge it's functions as per the Coastal Aquaculture Authority Rules 2005, particularly, under Rule 5, as follows.

" 5. Functions of the Authority:- The Authority shall perform the following functions to-

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

(ii) xx xx xx xx

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

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

(v) fix standards for all coastal aquaculture inputs viz., seed, feed growth supplements and chemicals / medicines



for the maintenance of the water bodies and the organisms reared therein and other aquatic life;

- (vi) xx xx xx xx
- (vii) xx xx xx xx
- (viii) xx xx xx xx
- (ix) xx xx xx xx
- (x) xx xx xx xx
- (xi) xx xx xx xx

(xii) **direct the owners of the farm to carry out such modifications to minimise the impacts on coastal environment including stocking density, residual levels / use of antibiotics, chemicals and other pharmacologically active compounds.**

- (xiii) xx xx xx xx

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

(xv) cancel the certificate of registration where it is satisfied that any person has obtained a certificate of registration under sub-rule (1) of Rule 11 by furnishing false information or that he / she has contravened any of the provisions of these rules or of the conditions mentioned in the certificate of registration, without prejudice to any other action, that may be taken against such person:

Provided that before cancelling such certificate, the person concerned shall be given an opportunity to make his / her representation,

Provided further that a copy of the order together with the reasons for the cancellation shall be communicated to the person concerned;

- (xvi) xx xx xx xx
- (xvii) xx xx xx xx
- (xviii) xx xx xx xx "

6. A perusal of the said rules shows that as per the provisions of Coastal Aquaculture Authority the power is vested under the Coastal Aquaculture Authority Rules 2005 which includes the guidelines in respect of monitoring



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hatcheries as well as shrimp farms duly ensuring the environmental safeguards as prescribed in the said rules. Besides the above, the Coastal Aquaculture Authority guidelines for Coastal Aquaculture framed under Chapter II of the Coastal Aquaculture Authority Rules, 2005, more particularly with regard to safeguards and regulations of operations of Hatcheries, should be strictly followed and no scope is given for any environmental damage.

7. We make it clear that the Coastal Aquaculture Authority of India shall strictly implement the said rules and guidelines in respect of all the registered hatcheries and take prompt action in case of violation.

8. Insofar as it relates to the remedial measures for the damages caused to the environment by the illegal shrimp farms, we leave it to the District Collector, 2<sup>nd</sup> respondent to take appropriate action for restoration.

9. With the above directions, application No.148 of 2015 stands disposed of. There shall be no order as to cost.

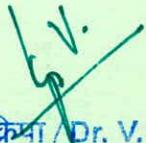
We place on record our deep sense of appreciation to the learned counsel for the applicant as well as respondents for having brought the various provisions of the Act and to enable this Tribunal to pass periodical and appropriate orders which is stated to have given some solutions for the long standing problem.

Justice Dr.P.Jyothimani  
Judicial Member

P.S. Rao  
Expert Member



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डॉ. वी. क्रिपा / Dr. V. KRIPA  
सदस्य सचिव / Member Secretary  
भारत सरकार / GOVERNMENT OF INDIA  
मत्स्य पालन, पशुपालन व डेयरी उद्योग मंत्रालय  
Ministry of Fisheries, Animal Husbandry and Dairying  
तटीय मत्स्यपालन प्राधिकरण / Coastal Aquaculture Authority  
चेन्नई, तमिलनाडु, भारत / Chennai-600 035, Tamil Nadu, India