

THE ANDHRA PRADESH STATE AQUACULTURE DEVELOPMENT
AUTHORITY ACT, 2020

ACT NO. 29 OF 2020

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THE ANDHRA PRADESH STATE AQUACULTURE DEVELOPMENT
AUTHORITY ACT, 2020

ACT NO. 29 OF 2020

(5th August, 2020)

AN ACT TO ESTABLISH AONDHRA PRADESH STATE AQUACULTURE
DEVELOPMENT AUTHORITY (APSADA) AND TO PROVIDE FOR
MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-First year of the Republic of India as follows:

CHAPTER-I
PRELIMINARY

1.Short title, extent and Commencement - (1) This Act may be called the Andhra Pradesh State Aquaculture Development Authority Act, 2020.

(2)It extends to the whole of the State of Andhra Pradesh.

(3)It shall come into force on such date as the State Government may, by notification, appoint.

2. Declaration as to expediency of control by the State - (1) It is hereby declared that it is expedient in the public interest that the State should take under its control the aquaculture and aquaculture business operations.

(2)sub-section (1) excludes the environmental and other related aspects of aquaculture which were taken under the control of Coastal Aquaculture Authority as per the Coastal Aquaculture Authority Act, 2005(Central Act No.24 of 2005).

(3)This Act will be in conformity with the existing Central Acts and in case of any contraventions, the existing Central Acts will prevail over this Act.

3.Definitions - In this Act, unless the context otherwise requires,-

(1) "Act" means the Andhra Pradesh State Aquaculture Development Authority Act, 2020;

(2) "Aquaculture Business Operations" means all the operations/activities undertaken for carrying out Aquaculture business;

(3) "Aquaculture Business Operators" means any person/ company/ firm carrying out Aquaculture business operations;

(4) "Aquaculture Business" means production/manufacture/ rendering, dealership/distribution, sale of aquaculture inputs, aquaculture equipment and aquaculture services, aquaculture harvest, aquaculture post-harvest operations and all other related activities;

(5) "Aquaculture Equipment" means devices, equipment, implements, tools etc including accessories (like aerators, air blowers, automatic feeders etc);

(6) "Aquaculture Farm" means any place with water holding facility to do aquaculture;

(7) "Aquaculture Farmers" means the person/firm/company undertaking aquaculture;

(8) "Aquaculture Harvest Operations" means the activities undertaken to harvest aquaculture produce;

(9) "Aquaculture inputs" means seed, feed, feed supplements, aqua chemicals, aqua products, medicines, all other materials that are used directly or in combination with others for doing aquaculture;

(10) "Aquaculture Inspector" means any officer of Fisheries Department who is designated as Aquaculture Inspector under section 28;

(11) "Aquaculture post-harvest operations" means any activity undertaken from harvest till it is sold to consumer including weighment, addition of ice, transport, pre-processing, processing, value addition, packaging, preservation, storage, cold chain, trade, marketing, export and all such activities;

(12) "Aquaculture Produce" means biomass of aquatic organisms produced through aquaculture;

(13) "Aquaculture Services" means services provided by any person/firm/company/institution/body(like Aqua Labs, Aqua Consultant, Aqua Technicians, Aquaculture extension personnel and others) for doing aquaculture;

(14) "Aquaculture" means growing of aquatic organism from smaller size to larger size;

(15) "Aquatic Organism" means an animal or plant of any species or hybrid thereof, and includes gametes, seeds, egg, sperm, larvae, juvenile and adult stages, any one of which is required to be in water (of any salinity) during that stage of its life. It includes but not limited to cartilaginous and bony fishes, freshwater and marine prawn and shrimp, crustaceans, molluscs, echinoderms, amphibians, tortoises, plankton, seaweeds, aquatic plants and all other aquatic organisms at all stages of their life cycle and any other animal/s declared from time to time by the Government through notification;

(16) "Authority" means the Andhra Pradesh State Aquaculture Development Authority;

(17) "Company" means company as defined in the Companies Act, 2013(Central Act No.18 of 2013);

(18) "Court" means any Court not less than a Court of Judicial Magistrate of First Class in the State of Andhra Pradesh;

(19) "Distributor/Dealer" means the person/company/firm who distributes the aqua inputs / equipment on wholesale basis to vendors for retail sales;

(20) "Firm" means a firm / partnership firm registered under the Indian Partnership Act, 1932(Central Act No.9 of 1932);

(21) "Government" means the State Government of Andhra Pradesh.

(22) "License" means any license given under sections 22 and 23 in favour of any person or company/firm for carrying out aquaculture and/or aquaculture business operations;

(23) "Licensing authority" means the officer who is empowered to grant licenses to do aquaculture and/or aquaculture business operations;

(24) "Notification" means a notification published in the Andhra Pradesh Gazette;

(25) "Prescribed" means prescribed by Rules made under this Act;

CHAPTER-II THE ANDHRA PRADESH AQUACULTURE AUTHORITY

4.Establishment and constitution of the Authority - (1) With effect from such date as the Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act, an Authority to be called the Andhra Pradesh State AquacultureDevelopment Authority.

(2)The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with powers to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3)The Authority shall consist of -

(i)Chief Minister, Government of Andhra Pradesh, who shall be the Chairman;

(ii)Minister dealing with the Department of AHDDF, Government of Andhra Pradesh, who shall be the Vice-Chairman;

(iii)Any other person nominated by the Government, who shall be the Co-Vice Chairman;

(iv)Vice-Chairman, Agriculture Mission, Government of Andhra Pradesh-Member;

(v)One Member of Parliament (LS/RS), having experience in Aquaculture and nominated by the Government - Member;

(vi)Chief Secretary, Government of Andhra Pradesh -Member;

(vii)Special Chief Secretary / Principal Secretary/ Secretary of AHDDF Department, Government of Andhra Pradesh - Member;

(viii)Joint Secretary (Marine Fisheries), Department of Fisheries, Government of India - Member;

(ix)Special Chief Secretary / Principal Secretary/ Secretary of Finance Department, Government of Andhra Pradesh - Member;

(x) Chairman, MPEDA or his representative (not less than Director) - Member;

(xi)Director, EIA or his representative (not less than the rank of Joint Director) -Member;

(xii)Member Secretary, CAA or his representative (not less than Director) - Member;

(xiii)CE, NFDB or his representative (not less than ED) — Member;

(xiv) CGM, NABARD-Member;

(xv) General Manager, General Insurance Company-Member;

(xvi)FGM, State Level Bankers Committee-Member;

(xvii)CEO, AP Food Processing Society-Member;

(xviii)Special Chief Secretary, EFS&T-Member;

(xix) Three Members, representing Shrimp Farmers and nominated by the Government;

(xx) Two Members, representing Fish Farmers and nominated by the Government;

(xxi) Four Members, representing Aquaculture Business Operators (Hatcheries/ Processing Plants/ Feed Manufacturers / Aquaculture Health Care Product "Manufacturers" Dealers) and nominated by the Government;

(xxii) Chief Executive Officer of the Authority, who shall be the Member Secretary;

(4) Meetings of the Authority:

- (i) The Authority shall meet at least once in three months;
- (ii) Subject to the provisions of sub-section (i), the Authority may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(5) No proceeding of the Authority shall be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member;

(6) Functions, powers, role and responsibility of the Authority, terms for nomination of non-official members and term of nomination and other aspects shall be as such as may be prescribed.

5. Function of the Authority - The Authority shall carry out the following functions:

- (i) to develop aquaculture in the state of Andhra Pradesh, with a view to increasing production, productivity, sustainability and profitability;
- (ii) to attract investments to promote aquaculture based establishments and industries;
- (iii) to create new business avenues in the aquaculture sector;
- (iv) to create a forum at the district/state level to resolve all aquaculture related issues;
- (v) to promote innovative and advanced aquaculture technologies - pond/ cage/ pen/ raft/culture/mariculture production systems, reservoir ranching, RAS, Biofloc etc;
- (vi) to monitor, regulate and promote the production, distribution and sales of all aquaculture inputs like seed, feed, feed supplements, aqua chemicals, aqua products, medicines, equipment and implements etc.;
- (vii) to monitor, regulate and promote trade and export of aquaculture produce/ seafood/ value added products;
- (viii) in the event of crisis the authority may take up and intervene into any activity in aquaculture sector to protect the interests of the sector in due consultations with the stakeholders.
- (ix) to establish, run and support new organizations/ societies/ Institutions (like Quarantine/Nucleus Breeding Centers / Brooder Multiplications Centers / Ice Plants / Pre-processing Plants/Processing Plants/Cold Stores/Hatcheries / Farms / Skill Development Centers / Training Institutes etc);
- (x) promotion of up-grading the skills of human resources to increase the availability of skilled manpower to the aquaculture industry with special emphasis on women empowerment and to develop more professionals in aquaculture sector;
- (xi) to achieve financial sustainability of the Authority;
- (xii) to render market intelligence service to aqua farmers;
- (xiii) to promote transfer of technology in collaboration with national and international institutions;
- (xiv) to promote the farming of high valued fish species including ornamental fish, for export and to promote diversification;

- (xv) to manage, conserve, and develop, aquatic resources, and the aquaculture industry;
- (xvi) to facilitate implementation of various centrally funded schemes for the establishment of new enterprises;
- (xvii) to monitor, control and surveillance of diseases;
- (xviii) to certify and promote all aquaculture inputs like seed, feed, feed ingredients, feed supplements, aqua chemicals, aqua products, medicines, implements, equipment, IT enabled products/services, aquaculture produce / seafood/ value added products /aquaculture ancillary services;
- (xix) to discharge any other function/ activity as may be prescribed;

6. Powers of the Authority - The authority shall have the following powers:-

- (i) initiate and conduct surveys and studies to ascertain the potential and problems in aquaculture of the State;
- (ii) to enact & enforce Acts and to formulate & implement rules, regulations & policies;
- (iii) issue licenses and endorse licenses for aquaculture and aquaculture business operations;
- (iv) order to bring any service / product under its jurisdiction by means of framing regulations;
- (v) with due consultation with stakeholders decide, declare and fix the rate for any aquaculture input, tools, equipment, service etc;
- (vi) with due consultation with stakeholders decide, declare and fix the rate for aquaculture produce / seafood / value added products etc;
- (vii) acquire and hold, take or give on lease, mortgage or hire, or sell or otherwise dispose of, any movable or immovable property;
- (viii) establish new aquaculture projects / units/body / establishment/ society/institute by convergence of various Government schemes and by getting financial support from different funding agencies;
- (ix) take up Research and Development Programmes, if need arises;
- (x) to establish training centers and conduct skill development / HRD programmes;
- (xi) levy and collect certification charges / any other charges on different aquaculture inputs like seed, feed, feed ingredients, feed supplements, aqua chemicals, aqua products, medicines, services and aquaculture produce/seafood;
- (xii) levy and charge fees or any other charges for services rendered, or for facilities and equipment provided, by the Authority;
- (xiii) to collect market data on seafood exports and interpret it for the benefit of aqua farmers;
- (xiv) enter into MoUs;
- (xv) provide consultancy services & to establish incubation centers;

(xvi) enter into perform and carry out, whether directly or any officer or agent authorized in that behalf, or by way of joint venture with any person in or outside India, all such contracts or agreements as may be necessary for the discharge of the functions of the Authority;

(xvii) establish such departments, divisions and regional offices as may be necessary for the proper discharge of its functions;

(xviii) delegate the required powers to any of the executive Officer/staff/Government employee to discharge the functions of the authority;

(xix) entrust some of its functions /activities to any third party agency/ agencies for efficient functioning of the authority;

(xx) accept budget allocation from state and central governments, funds, gifts, grants, donations or subsidies, whether in cash or otherwise, and to utilize them for discharging the functions of the Authority;

(xxi) to do all such other things which are necessary for the efficient discharge of the functions of the Authority;

(xxii) establishing and networking of laboratories and aqua technicians, institutions;

(xxiii) to collect, analyse samples and to certify all aquaculture inputs like seed, feed, feed ingredients, feed supplements, aqua chemicals, aqua products, medicines, implements, equipment, IT enabled products/ services, aquaculture produce/seafood/ value added products/ aquaculture ancillary services;

(xxiv) to inspect and audit any farm/hatchery/feed manufacturing unit / any other aquaculture or aquaculture business unit for compliance to the quality standards;

(xxv) to enter and inspect physical facilities, raw materials, finished products, records of all aquaculture production, processing and distribution and sales units;

(xxvi) impose fines and penalties to any aquaculture production, processing and distribution and sales units in case of violations of the provisions of the act;

(xxvii) regularize unauthorized aquaculture production, processing and distribution and sales units;

(xxviii) regulate and control the conversion of productive agriculture lands in aquaculture ponds;

(xxix) constitute committee or sub committees as and when required for carrying out the functions of the authority in an effective manner;

(xxx) any other powers as may be prescribed;

CHAPTER-III COMMITTEES AND EXECUTIVE STAFF OF THE AUTHORITY

7. Executive Committee - (1) Execution of various programmes under Authority shall be vested in an Executive Committee (hereinafter referred to as "the EC") consisting of:-

(i) Minister dealing with Department of AHDDF, Government of Andhra Pradesh, who shall be the Chairman;

(ii) Special Chief Secretary / Principal Secretary/ Secretary of AHDDF Department, Government of Andhra Pradesh, who shall be the Vice- Chairman;

(iii) Chief Executive Officer, APSADA, who shall be the Member Secretary;

(iv) Commissioner, CADA, Government of Andhra Pradesh- Member;

(v) Director General, DCA, Government of Andhra Pradesh- Member;

(vi) Member Secretary, APPCB, Government of Andhra Pradesh- Member;

(vii) Additional Secretary of Finance, Government of Andhra Pradesh- Member;

(viii) Joint Director, MPEDA- Member;

(ix) DGM, NABARD- Member;

(x) Dean, Faculty of Fishery Science, SVVU, Tirupati - Member;

(xi) Two representatives from Shrimp Farmers and nominated by the Government-Members;

(xii) One representative from Fish Farmers and nominated by the Government-Member;

(xiii) Two representatives from Aquaculture Business Operators and nominated by the Government-Members.

(Note: With the consent of the Chairman, the member secretary may invite any Officer/ person as an invitee for the meeting but the invitee shall not have voting rights.)

(2) Meetings of the Executive Committee:

(i) The Executive Committee shall meet at least once in a month;

(ii) The Authority may regulate the procedure in regard to Executive Committee meetings and the transaction of business at such meetings.

(3) Functions, powers, role and responsibility of the Executive Committee, terms for nomination of non-official members and term of nomination and other aspects shall be as such as may be prescribed.

8. Technical Advisory Committee - (1) To design, verify, approve, monitor technical programmes and to advise Authority in the matters pertaining technical programmes, a committee namely "the Technical Advisory Committee" shall be constituted with the following members:-

(i) Chief Executive Officer of the Authority, who shall be the Chairman;

(ii) Additional Chief Executive Officer of the Authority- Member;

(iii) One representative of Andhra Pradesh Food Processing Society- Member;

(iv) One Professor in the Faculty of Fishery Science, SVVU, nominated by the Dean of Fishery Faculty, SVVU, Tirupati- Member;

(v) One representative of CIBA- Member;

(vi) One representative of CIFA- Member;

- (vii) One representative of CAA-Member;
- (viii) One representative of MPEDA-Member;
- (ix) One representative of RGCA-Member;
- (x) One representative of CIFT-Member;
- (xi) One representative of CMFRI-Member;
- (xii) Deputy Director, EIA-Member;
- (xiii) Two representatives from Shrimp farmers nominated by the Government -Members;
- (xiv) One representative from Freshwater Fish farmers, nominated by the Government -Member;
- (xv) One representative from Shrimp / Fish Hatcheries, nominated by the Government -Member;
- (xvi) One representative from Feed Manufacturers nominated by the Government-Member;
- (xvii) One representative from Seafood Exporters nominated by the Government -Member;
- (xviii) One representative from Aqua products dealers manufacturers nominated by the Government -Member;
- (xix) One representative from Aqua Labs nominated by the Government - Member;
- (xx) Principal, SIFT, Kakinada, who shall be the Member Secretary.

(2) Functions, powers, role and responsibility of the Technical Advisory Committee, terms for nomination of non-official members and term of nomination and other aspects shall be as such as may be prescribed.

9. District Level implementation Committee - (1) To Implement, monitor, regulate functioning of the authority at district level a committee namely "the District Level Implementation Committee" (DLIC) shall be constituted with the following members:-

- (i) Collector, who shall be the Chairman;
- (ii) Joint Collector (Rythu Bharosa)- Member;
- (iii) District Fisheries Officer, who shall be the Member Secretary;
- (iv) Executive Engineer, APPCB- Member;
- (v) Superintending Engineer, I&CAD Department- Member;
- (vi) Deputy Director, Ground Water Department- Member;
- (vii) General Manager, Industries Department- Member;
- (viii) Deputy Director / Assistant Director, MPEDA- Member;
- (ix) One progressive shrimp farmer, nominated by the Chairman, DLIC, APSADA- Member;
- (x) One progressive fish farmer, nominated by the Chairman, DLIC, APSADA-Member;
- (xi) One progressive fish/shrimp hatchery operator, nominated by the Chairman, DLIC, APSADA- Member;
- (xii) One representative of Seafood Processing Plant Operators/ Exporters, nominated by the Chairman, DLIC, APSADA- Member;

(xiii) One representative of Aqua Labs/Aqua Clinic Operator, nominated by the Chairman, DLIC, APSADA-Member;

(xiv) One representative of Aqua products dealers/manufacturers nominated by the Chairman, DLIC, APSADA-Member;

(2) Functions, powers, role and responsibility of the District Level Implementation Committee, terms for nomination of non-official members and term of nomination and other aspects shall be as such as may be prescribed.

10. Other Committees of the Authority - (1) Apart from Executive Committee, Technical Advisory Committee and District Level Implementation Committee, the Authority may appoint such other Committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act;

(2) The Authority shall have the power to co-opt as members of any Committee appointed under sub-section (1) such other number of persons who are not members of the Authority, as it may think fit.

11. Disqualification for membership of the Authority and its Committees -

A person shall be disqualified from being appointed or continuing as a member of Authority or any committee of the authority, if he/she-

(i) is medically found or declared to be of unsound mind ;

(ii) is a person who having being declared an insolvent or bankrupt under any law in force, is a undischarged insolvent or bankrupt;

12. Executive Officers and Staff of the Authority - (1) The Commissioner of Fisheries will be the Chief Executive Officer of Authority.

(2) To assist Chief Executive Officer and to perform such duties as required, one Additional Chief Executive Officer, other Officers and Staff may be taken on deputation basis;

(3) Terms of deputations, salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may be applicable to any other State Government Department.

(4) Subject to such control and restrictions as may be prescribed, the Authority may appoint such other Executive Officers and may engage such Advisors, Consultants/ Experts/ Technicians/ Office Staff/ Skilled/ Unskilled workers/ any other manpower as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as may be prescribed and determined from time to time.

CHAPTER-IV FINANCE AND ACCOUNTS OF THE AUTHORITY

13. Fund of the Authority - (1) The Authority shall have its own Fund. The following shall be credited into the Fund of the Authority-

(a) all such amount as may be allocated in the budget by the Government for the use of the Authority;

(b) Managerial grant sanctioned by the government in the budget of Department of Fisheries;

(c) prescribed percentage of Aquaculture registration/ license fee collected by the Department of Fisheries before the appointed date;

(d) all such amount as may be received by the Authority in the exercise and discharge of its powers, and functions under this Act;

(e) all such amount as may be received by the Authority by way of cess/fees and charges;

(f) all such amount as may be received by the Authority by way of loans, donations, subsidies, gifts or grants from any source whatsoever.

(2) The authority shall open a Green Channel PD Account towards operation of this fund. All the amounts / revenue receipts of the authority shall be deposited in this Green Channel Account;

(3) Any expenditure incurred by the Authority in the exercise, and discharge of its powers, and functions under this Act shall be met from the fund established under sub-section (1).

14. Initial capital - The initial capital of the Authority shall be Rs. 100 Crores towards meeting the expenditure of the authority till it becomes financially self reliant. The amount of the initial capital shall be paid to the Authority from the Government in such installments as may be decided by the Department of Finance.

15. Audit of accounts of the Authority - (1) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.

(2) The annual audit of the accounts of the Authority shall be done as per rules and regulations in vogue.

16. Transfer of property and contracts - (1) The Government may, by notification published in the Gazette, transfer to the Authority-

(a) any movable or immovable property of the Department of Fisheries required by the Authority for the discharge of its functions under this Act; and

(b) any contract or liability of the Department of Fisheries connected with any of the functions of the Authority.

(2) Upon the publication of notification under sub-section (1) in the Gazette-

(a) the properties specified in such notification shall vest in, and be the properties of the Authority;

(b) the contracts specified in that Order shall be deemed to be the contracts of the Authority and all subsisting rights and obligations of the Department of Fisheries under such contracts shall be deemed to be the rights and obligations of the Authority;

(c) the liabilities specified in that notification shall be deemed to be the liabilities of the Authority.

17. Land alienations and acquisitions of land - (1) Where any Government land is required for the Authority, that land shall be deemed to be required for a public purpose and may be alienated by the Government to the Authority as per the rules and regulations.

(2) Where any private patta land is required for the Authority, that private patta land shall be deemed to be required for a public purpose and may be acquired to the Authority as per the rules and regulations.

(3) Any amount payable for the land alienation/ acquisition, shall be paid by the Authority.

REGULATION OF AQUACULTURE AND AQUACULTURE BUSINESS OPERATIONS

18. Aquaculture Controller - The Chief Executive Officer (CEO) or any officer empowered by him shall be the Aquaculture Controller under this Act.

19. Licensing Authority - The Collector or any other Fisheries Department Officer empowered by the Aquaculture Controller shall act as the Licensing Authority.

20. Regulation of Aquaculture and Aquaculture Business by the Authority - (1) With effect from the appointed day of this Act, all the aquaculture and aquaculture business operations shall come under the control of the Authority.

(2) For enforcement of sub-section (1), powers to enforce the existing aquaculture related Act/s shall be vested with the Authority;

(3) The authority may enact any new aquaculture related Act/s as per need for effective enforcement of sub-section (1).

(4) In case if provisions are not available for quality control of any aspect of aquaculture and aquaculture business operations and the authority feels that enacting a new act for that specific aspect/s is likely to take long time, powers to prescribe rules for quality control for that specific aspect/s shall be vested with the Authority under this Act since this Act covers each and every aspect of aquaculture and aquaculture business operations.

(5) Quality standards for various aquaculture inputs, aquaculture equipment and aquaculture services shall be prescribed.

(6) Standard Operating Procedures (SOPs) for aquaculture and aquaculture business operations are to be prescribed under this Act;

(7) Regulation of aquaculture, aquaculture business operations, aquaculture business operators shall be carried out by the Authority in the manner as may be prescribed.

21. Classification of Aquaculture and Aquaculture Business - The aquaculture and aquaculture business operations shall be classified into different categories as may be prescribed.

CHAPTER-VI LICENSE

22. Process of issuance of License for doing Aquaculture - (1) All the existing aquaculture farmers who already got licenses /registrations for their farms from Department of Fisheries/CAA/MPEDA shall be eligible for continuation of their licenses/registrations. It is not necessary to apply for license/ registration afresh. However, these old licenses/ registrations are to be endorsed by the licensing authority of this Act in order to consider them to be issued under this Act.

(2) The licensed/registered aquaculture farmers under sub-section (1), shall submit their details in the prescribed format along with prescribed fee within four (4) months from the appointed date.

(3) The applications received, under sub-section (2) for endorsement of existing licenses/ registrations, the process of endorsement shall be completed by the licensing authority within 15 days by following the prescribed procedure.

(4) If acceptance or rejection of application made under sub-section (2) is not issued within the stipulated time of fifteen (15) days, the license shall be deemed to be endorsed.

(5) If any existing aquaculture farmers who have not got license/registered with Department of Fisheries/CAA /MPEDA as on appointed date, shall apply for license in the prescribed format along with license fee within four (4) months from the appointed date

(6) The license shall be issued by the licensing authority for the applications received under sub-sections (5) within fifteen (15) days from the date of application.

(7) If acceptance or rejection of application for license made under sub-section (5) is not issued within fifteen (15) days from the date of application, the license shall be deemed to be issued.

(8) For obtaining license for new farms, application shall be submitted in the prescribed format along with prescribed license fee.

(9) Detailed procedure of issuance of license for applications received under sub-section (8) shall be issued as may be prescribed.

23. Process of issuance of License for doing Aquaculture Business -

(1) Licenses already issued to the existing aquaculture business operators by any department under any other Act shall be valid and it is not necessary to apply for license afresh. However, these old licenses are to be endorsed by the licensing authority of this Act in order to consider them to be issued under this Act.

(2) The old licenses endorsed by the licensing authority are governed by the provisions of this Act.

(3) The applications received, under sub-section (1) for endorsement of existing licenses, the process of endorsement shall be completed by the licensing authority within fifteen (15) days, by following the prescribed procedure.

(4) If acceptance or rejection of application made under sub-section (1) is not issued within the stipulated time of fifteen (15) days, the license shall be deemed to be endorsed.

(5) Any person who wish to start a new Aquaculture Business Operations/any firm registered under Partnership Act (Central Act No.9 of 1932)/ any company registered under Companies Act (Central Act No.18 of 2013), which desires to start new Aquaculture Business Operations shall apply for the license under prescribed category of Aquaculture Business Operations along with the prescribed license fee to the Licensing Authority in the manner prescribed under Rules to be framed under this Act.

(6) In case if any person/firm/company wishes to undertake more than one Aquaculture Business Operations shall need to tick concerned business operations in the application and need to remit license fee for each type of business operation separately.

(7) If any application under sub-section (5) is submitted, the Licensing Authority:-

(a) If satisfied that the applicant has fulfilled all the terms and conditions of application for carrying out the Aquaculture Business Operations, the Licensing Authority shall issue the license within fifteen (15) days from the date of application; or

(b) If the Licensing Authority is of the opinion that the applicant has not fulfilled majority of the prescribed terms and conditions, the applicant shall be informed the same and be given an opportunity to furnish documents before rejecting the application within fifteen (15) days from the date of receipt of letter issued by licensing authority.

(c) If acceptance or rejection of application made under sub-section (1) is not issued within the stipulated time of fifteen (15) days, the license shall be deemed to be issued.

(8) If any person/firm, carrying out the Aquaculture Business Operations without any license immediately before commencement of this law, the person/company/ firm shall apply to the Licensing Authority within a period of four (4) months from the appointed date as may be prescribed.

(9) If application is not submitted for license within the time limit as prescribed under sub-section (4), the Licensing Authority can order for stopping all Aquaculture Business Operations being undertaken by the person/company/firm.

(10) If any application under sub-section (8) is submitted, the Licensing Authority:-

(a) If satisfied that the applicant has fulfilled all the terms and conditions of application for carrying out the Aquaculture Business Operations, the Licensing Authority shall issue the license within fifteen (15) days from the date of application; or

(b) If the Licensing Authority is of the opinion that the applicant has not fulfilled majority of the prescribed terms and conditions, the applicant shall be informed the same and be given an opportunity to furnish documents before rejecting the application within fifteen (15) days from the date of receipt of letter issued by the licensing authority.

(c) Till the time of receiving acceptance or rejection of application made under sub-section (8), the applicant may continue to operate aquaculture business operations.

(d) If acceptance or rejection of application made under sub-section (8) is not issued within the stipulated time of 15 days, the license shall be deemed to be endorsed.

(11) The licensing authority shall make sure all the applications for issuance of license / endorsement of license are in full shape so that the rate of rejection is as minimum as possible. The licensing authority shall facilitate the application process and shall render all possible support and assistance to the applicants.

24. Licence Fee - Licence Fee will be fixed by rules to be framed under this Act.

25. Duration of License/Endorsement - Licenses issued / Endorsement made under this law shall be valid for lifetime and shall not require any further renewal.

26. Suspension / Cancellation of License - (1) The license is liable to be suspended if the licensing authority is satisfied that either on a reference made to it in this behalf or otherwise, that any offense, listed in rules for which suspension of license is prescribed, was committed by the licensee or his representative, without prejudice to any other penalty to which the holder of the License may be liable under this Act and rules made thereunder.

(2) The license is liable to be cancelled if Licensing authority is satisfied that either on a reference made to it in this behalf or otherwise, that any offense, listed in rules for which cancellation of license is prescribed, was committed by the licensee or his representative, without prejudice to any other penalty to which the holder of the License may be liable under this Act or rules made thereunder. The Licensing Authority may, after giving the holder of the License an opportunity of showing cause, cancel the License as per the procedure prescribed under rules to be framed under this Act.

CHAPTER-VII SAMPLE COLLECTION AND ANALYSIS

27. Laboratories - The Government may notify one Referral Laboratory and one or more regional Laboratories through the rules to be framed under this Act.

28. Aquaculture Inspector - Fisheries Development Officer (FDO) or any other Officer not below the rank of FDO designated by the Aquaculture Controller as the Aquaculture Inspector.

29. Powers, role and responsibilities of the Aquaculture Inspector - (1) The Aquaculture Inspector may,-

(a) enter and search the premises in which Aquaculture Business Operations are being undertaken at all reasonable times, with such assistance, if any, when he/she receives any complaint or as prescribed or if he/she considers necessary, any place in which he/she has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any aquaculture input/aquaculture equipment/ aquaculture produce/ aquaculture service in respect of which the offence has been or is being committed, not to dispose of any stock of aquaculture inputs/aquaculture equipment/aquaculture produce/aquaculture service for a specific period not exceeding (7) seven days or, unless the alleged offence is such that the defect may be rectified by the possessor of the equipment/ product/ service, restrict the stock from being sold;

(b) take samples of aquaculture inputs/aquaculture equipment/ aquaculture produce -

(i) from any aquaculture inputs / aquaculture equipment manufacture unit/ aquaculture produce handling unit / storage facility, sale points from any person/firm selling or offering to sell such product / material; or

(ii) from any person who is in the course of conveying or delivering or preparing to deliver such product / material to a purchaser or a consignee; or

(iii) upon receipt of complaint, from any consignee or purchaser after delivery of such product/material to him/her by following procedure as prescribed.

(c) send such sample for analysis to the notified Laboratory as may be prescribed;

(d) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he/she has any reason to believe that it may provide evidence of the commission of an offence punishable under this Act; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule made thereunder.

(2) Where any sample of any aquaculture inputs/ aquaculture equipment/aquaculture produce is taken under sub-clause (i) and (ii) of clause (b) of sub-section (1), its cost, calculated at the rate at which such product/

material is usually sold shall be paid in cash to the person from whom it is being taken under proper cash bill/ invoice.

(3) The power conferred under this section includes power to break-open any facility/container in which any aquaculture inputs/aquaculture equipment/aquaculture produce may be contained or to collect such product/material from production unit/manufacturing unit/godown/warehouse/shop or any other place where any such product/material may be kept for sale and distribution:

Note: Provided that, the power under sub-section (3) shall be exercised only after the owner or any other person in occupation of the premises, if present, therein, refuses to allow collection of the sample on being called upon to do so.

(4) Where the Aquaculture Inspector takes any action under sub-section (3), he/she shall, as far as possible, ask the Committee, designated for the purpose under rules of this Act, to be present at the time when such action proposed to be taken and take the signatures of the Committee members on a memorandum to be prepared in such form as may be prescribed.

(5) The authority shall have the powers exempt any aspect of any aquaculture business operations from the purview of Aquaculture Inspector depending on the nature of material handled in such Aquaculture Business Operations by framing rules under this Act.

30. Collection and Analysis of Sample - (1) The samples of aquaculture inputs/aquaculture equipment/aquaculture produce/aquaculture services shall be collected and analyzed in the prescribed manner.

(2) The authority may engage third party agency for collection and analysis of randomized samples as in the manner prescribed.

31. Report of Laboratory - The report of analysis of samples of aquaculture inputs/aquaculture equipment/aquaculture produce/aquaculture services shall be given in the prescribed manner.

CHAPTER-VIII OFFENSES AND PENALTIES

32. Offences - The offenses under this Act shall be prescribed.

33. Penalty - (1) If any person/firm or representative commits an offense under section 32 of this Act, shall, be punishable as may be prescribed.

(2) Government may notify other penalties from time to time.

34. Seizure and Forfeiture of the Property - (1) The aquaculture inputs/aquaculture equipment/aquaculture produce/aquaculture services shall be seized/forfeited if any person/firm or representative commits an offense for which seizure or forfeiture as may be prescribed.

(2) Government may notify other offenses by committing which the stock shall be seized/forfeited.

CHAPTER-IX APPEAL

35. Appeal - (1) Any person/firm aggrieved by the decision of the Licensing Authority, may within thirty (30) days from the date on which the decision is communicated to him/her/it and on payment of such fees as may be prescribed, prefer an appeal to the Aquaculture Controller.

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty (30) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving an opportunity of being heard, dispose of the appeal within fifteen (15) days.

(3) Every order passed by the Aquaculture Controller on an appeal preferred to it under this section, shall be final.

CHAPTER-X MISCELLANEOUS

36. Exemption - This Act and Rules made thereunder, shall not be applicable to aquaculture or aquaculture business operations done by the ICAR/ SVVU/ Department of Fisheries/ and other Government agencies/ institutions.

37. Protection of action taken in good faith - No suit, prosecution or other legal proceedings shall lie against the Authority or any officer or employee of the Authority for anything which is done or intended to be done in good faith under this Act or the rules made thereunder.

38. Persons acting under this Act to be Public Servants - Any person acting under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

39. Power to make rules - (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

- (i) Functions, powers, role and responsibility of the Executive Committee, Technical Advisory Committee, District Level Implementation Committee or any other committees, terms of nomination of non-official members and duration of nomination and other aspects for all the committees;
- (ii) Terms and conditions of deputation of executive officers and staff of the Authority, admissible allowances and other conditions of their service in APSADA;
- (iii) Infrastructure facilities and units which are to be transferred to the APSADA from Department of Fisheries;
- (iv) Functions, role and responsibilities of Aquaculture Controller, Licensing Authority and Aquaculture Inspector;
- (v) Classification of aquaculture and aquaculture business operations;
- (vi) Process of issuance/endorsement of license for aquaculture and aquaculture business operations;
- (vii) Fee payable for issuance/endorsement of license for aquaculture and aquaculture business operations;
- (viii) Notifying one or more Laboratories for different areas and one or more referral laboratories for the state;
- (ix) the procedure of collection, packing, sealing, marking/ labeling, preservation, forwarding sample to laboratory, analysis, storing and disposal of the sample collected;
- (x) Randomized sample collection and analysis;
- (xi) Standards for various aquaculture inputs, aquaculture equipment and aquaculture services;
- (xii) Offenses and punishments;

(xiii) the requirements which shall be complied by person/firm carrying out aquaculture/ aquaculture business operations;

(xiv) the forms of application for the grant of a license / endorsement, the particulars it may contain, the fees which should accompany it, the form of the License/endorsement and the conditions subject to which the License/endorsement may be granted;

(xv) the form and manner in which and the fee on payment of which an appeal may be preferred under section 35 and the procedure to be followed by the Appellate Authority in disposing the appeal;

(xvi) the form for forwarding the sample to Laboratory by Aquaculture Inspector;

(xvii) form of report of result of the analysis and the fees payable in respect of such report;

(xviii) the records to be maintained by a person/firm carrying out the aquaculture / aquaculture business operations and the particulars which such records shall contain;

(xix) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act, shall, immediately after it is made, be laid down before the State Legislature, if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the State Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

40. Power to remove difficulties – (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order published in the Andhra Pradesh Gazette, make such provision not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty.

(2) Every Order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.