

No. 35027/6/2019-Fy (H&D)

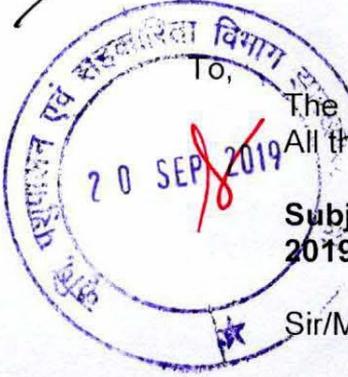
Government of India

Ministry of Fisheries, Animal Husbandry & Dairying
Department of Fisheries

Krishi Bhawan, New Delhi-110114

Dated the 13th September, 2019

Dir. AH.



To,
The Secretary (Fisheries),
All the States and UTs

Subject: Draft Aquatic Animal Disease and Health Management Bill, 2019-reg.

Sir/Madam,

I am directed to enclose herewith a Draft Aquatic Animal Disease and Health Management Bill, 2019 alongwith a Public Notice inviting comments from stakeholders on the said draft Bill.

It is requested that State Governments/UTs may accordingly take appropriate action for wide publicity for inviting comments of stakeholders on the said draft Bill as per the enclosed Public Notice.

Encl.: As above

Yours faithfully,

(I.A. Siddiqui)

Assistant Commissioner (Fisheries)

कृषि, पशुपालन एवं सहकारिता विभाग
झारखण्ड, राँची
संख्या :- 6672
प्राप्ति तिथि :- 23-9-19
वेपक तिथि :-

Copy with a request to upload the Public Notice alongwith the draft Bill on the website to:

1. Chief Executive, NFDB, Hyderabad
2. Member Secretary, Coastal Aquaculture Authority, Chennai
3. Chairman, MPEDA, Kochi

ASO-I

Directorate of Fisheries
को उपर पत्र उपरोक्त
(e mail) का प्र. जाप।

Handwritten signature

निदेशक कोषांग
पशुपालन विभाग, झारखण्ड, राँची
डायरी सं० 4267 दिनांक 27/9/19

No. 35027/6/2019-Fy (H&D)
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Ministry of Fisheries, Animal Husbandry & Dairying
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Krishi Bhawan, New Delhi-110114
Dated the 13th September, 2019

PUBLIC NOTICE

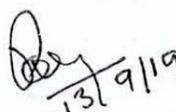
Subject: Draft **“THE AQUATIC ANIMAL DISEASE AND HEALTH MANAGEMENT BILL, 2019”**- Inviting Comments from Stakeholders-Reg.

The Department of Fisheries has formulated a Draft **“THE AQUATIC ANIMAL DISEASE AND HEALTH MANAGEMENT BILL, 2019”**. The draft Bill seeks to provide for prevention and control of diseases of aquatic animals; prevention of outbreak, transboundary ingress and inter-regional spread of aquatic animal diseases; regulation of quality and usage of inputs in aquaculture; control of residue in aquatic animals and their products for safety of human health and environment with a view to ensure sustainable production, minimization of economic losses and to meet the international obligations of India in this regard and for facilitation of import and export of aquatic animals and their products; and for matters connected therewith or incidental thereto.

2. Comments/suggestions on the Draft **“THE AQUATIC ANIMAL DISEASE AND HEALTH MANAGEMENT BILL, 2019”** are hereby invited from stakeholders. Comments can be sent at ‘sagar.mehra@nic.in’, or at following address:

The Joint Secretary (Fisheries)
Department of Fisheries,
Ministry of Fisheries, Animal Husbandry and Dairying,
Room No.228, Krishi Bhawan,
New Delhi-110001

3. The last date for receiving comments is 30.9.2019.


(Dr. P. Paul Pandian)
Fisheries Development Commissioner, Fax No.011-23386379

Copy to:

NIC, DoF, MoFAHD, Krishi Bhawan, New Delhi: with request to upload the Draft **“THE AQUATIC ANIMAL DISEASE AND HEALTH MANAGEMENT BILL, 2019”** on the website.

Title	THE AQUATIC ANIMAL DISEASE AND HEALTH MANAGEMENT BILL, 2019	
Preamble	<p>An Act to provide for prevention and control of diseases of aquatic animals; prevention of outbreak, transboundary ingress and inter-regional spread of aquatic animal diseases; regulation of quality and usage of inputs in aquaculture; control of residue in aquatic animals and their products for safety of human health and environment with a view to ensure sustainable production, minimization of economic losses and to meet the international obligations of India in this regard and for facilitation of import and export of aquatic animals and their products; and for matters connected therewith or incidental thereto.</p> <p>AND WHEREAS the prevention, control and management of aquatic animal diseases in the country need to be addressed on a national basis so as to avoid adverse impact of such diseases on the economy of the country and for the purpose of harmonizing the control and management procedures and protocols;</p> <p>AND WHEREAS the national level handling has to be done with the active involvement of the Governments of States and Union Territories, particularly with regard to the precautionary measures required to be taken within their jurisdiction in respect of aquatic animal diseases and regulation of movement of aquatic animals outside their respective jurisdiction to prevent inter-regional spread by timely adoption of appropriate measures;</p> <p>AND WHEREAS there is a need to regulate use of inputs including drugs and pharmacologically active substances in aquaculture;</p> <p>AND WHEREAS India is a Member of the World Organisation for Animal Health (OIE), and it is necessary to implement the general obligations and recommendations of the said Organisation and the OIE Aquatic Animal Health Code stipulated by the said Organisation;</p> <p>BE it enacted by the Parliament in the Seventy Third Year of the Republic of India as follows: —</p>	
<p>CHAPTER I</p> <p>PRELIMINARY</p>		
1. Short title, extent and commencement.	<p>(1) This Act may be called the Aquatic Animal Disease and Health Management Act, 2019.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification, appoint.</p>	Notification
2. Definitions	<p>In this Act, unless the context otherwise requires—</p> <p>(a) “aquatic animals” means, —</p>	

	<p>i) all viable life stages (including eggs and gametes) of fish, molluscs and crustaceans originating from aquaculture establishments or from the wild.</p> <p>ii) any other aquatic animals as the Central Government may, by notification, specify;</p> <p>(b) “aquatic animal disease” means clinical or non-clinical infection with one or more pathogenic agents;</p> <p>(c) “aquaculture” means the farming of aquatic animals with some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc.;</p> <p>(d) “aquaculture establishment” means an establishment in which aquatic animals are kept for breeding, stocking, raising, rearing, grow-out production or for sale;“</p> <p>(e) “Competent Authority” means any Authority or Agency of the Government notified as a Competent Authority under Section 3 of this Act;</p> <p>(f) “Designated Fisheries Officer” means any officer, appointed as such by the State Government under sub-section (i) of Section 5;</p> <p>(g) “designated laboratory” means a laboratory as the Central Government may, by notification designate for the purpose of this Act;</p> <p>(h) “disease of concern” means any aquatic animal disease as the Central Government may, by notification, specify;</p> <p>(i) “disease-free area” means the aquaculture establishment, compartment or zone declared as such by the Nodal Officer, by notification under sub-section (i) of Section 12;</p> <p>(j) “disinfection” means the process of cleaning and applying disinfectants to inactivate pathogenic agents on potentially contaminated items;</p> <p>(k) “infected area” means the aquaculture establishment, compartment or zone declared as such by the Nodal Officer, by notification under sub-section (i) of Section 9;</p> <p>(l) “Nodal Officer” means an officer designated as Nodal Officer by the State Government who will be the focal point for Aquatic Animal Disease and Health Management at the State level;</p> <p>(m) “owner” means any person, who has power to sell or transfer the aquaculture establishment or who has the custody thereof or who receives whether on his own behalf, or on behalf of any other person rent for such aquaculture establishment;</p> <p>(n) “port of entry” means the any airport or seaport or land customs station within such limits as may, from time to time, be defined by the Government, by notification in the Official Gazette, for the purposes of this Act;</p> <p>(o) “prescribed” means prescribed by rules made under this</p>	<p>Notification</p> <p>Notification</p>
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	Act; (p) “ surveillance ” means a systematic series of investigations of a given population of aquatic animals to detect the occurrence of disease for control purposes, and which may involve testing samples of a population;	
CHAPTER II COMPETENT AUTHORITY		
3. Designation of Competent Authority	The Central Government may, for the implementation of the provisions of this Act and Rules made thereunder, by notification, designate an appropriate authority or agency of the Central or State Government/Union Territory as Competent Authority to exercise such powers and duties within the jurisdiction as may be specified.	Rules/ Notification
4. Appointment of Nodal Officers	(i) The Competent Authority of the State Government/Union Territory may, for the implementation of the provisions of this Act and the Rules notified thereunder, by notification, appoint any person as prescribed to exercise any power or discharge the duty of a Nodal Officer, under this Act. (ii) The Nodal Officer so appointed shall exercise the powers and duties within the local limits of his/her jurisdiction as may be specified.	Rules/ Notification
5. Appointment of Designated Fisheries Officer	(i) The competent authority of the State Government/Union Territory, by notification, shall designate such number of officers at district level, as it deems appropriate as Designated Fisheries Officers and specify their duties to be performed by them for the purpose of this Act. (ii) The Designated Fisheries Officer so appointed shall exercise the powers and duties within the local limits of his/her jurisdiction as may be specified.	Rules/ Notification
6. Appointment of Authorised Officer	(i) The Competent Authority of the State Government/Union Territory, by notification, shall authorize such number of Officers as may be deemed necessary, as Authorized Officers to assist the Designated Fisheries Officer and specify the duties to be undertaken by such authorized officers for the purpose of this Act. (ii) The Authorised Officer so appointed shall exercise the powers and duties within the local limits of his/her jurisdiction as may be specified.	Rules/ Notification
CHAPTER III REPORTING, PREVENTION, CONTROL AND CONTAINMENT OF AQUATIC ANIMAL DISEASES		
7. Confirmation of Occurrence of Disease	(i) In the event of the suspicion of an occurrence of a disease of concern affecting aquatic animals, the owner of the aquaculture establishment shall report to the concerned Authorised Officer or Designated Fisheries Officer. (ii) The concerned Authorised Officer or Designated Fisheries	Rules

	<p>Officer shall take immediate preventive measures as prescribed.</p> <p>(iii) In the event of any suspicion of occurrence of disease in any natural water body, the Authorised Officer shall report the same to Designated Fisheries Officer or the Nodal Officer and take immediate preventive measures as prescribed.</p> <p>(iv) Upon receipt of the report from the Authorised Officer or Designated Fisheries Officer, the State Nodal Officer shall refer the matter to the designated laboratory for confirmation of occurrence of the disease of concern.</p>	
8. Reporting of Diseases	<p>(i) The Central Government, in association with State Governments/Union Territories, shall establish an appropriate authority for carrying out functions related to surveillance, early warning and contingency plans and reporting for diseases of concern.</p> <p>(ii) On the confirmation of a report of occurrence of a disease of concern in aquatic animals in a State or Union Territory, the concerned Nodal Officer shall immediately report to the Central Government about the occurrence of the disease.</p> <p>(iii) The Nodal Officer shall take urgent appropriate action as prescribed and immediately intimate neighbouring States Governments/Union Territories, and such neighbouring State/Union Territory shall take appropriate preventive measures.</p>	Rules
9. Notification of Infected Area	<p>(i) On receipt of a confirmatory report from the designated laboratory/laboratories about occurrence of a disease of concern in the aquaculture establishment, compartment or zone, the Nodal Officer shall declare such the aquaculture establishment, compartment or zone as infected with such specific disease by notification and publication in local print and electronic media.</p> <p>(ii) Where a notification has been issued under sub-section 9(i), all the facilities in such infected area shall be subjected to preventive measures against the disease of concern as per the protocols notified by the Central and State Government/Union Territory under this Act.</p>	Rules/ Notification
10. Disease prevention and control measures	<p>i) The Central Government shall notify appropriate plan of action for surveillance, early warning, prevention, control and containment of disease of concern.</p> <p>ii) The Authorized Officer and Designated Fisheries Officer shall be responsible for implementation of the plan of action as notified by the Central Government in terms of sub-section (i) of Section 10.</p>	Rule/ Notification
11. Duty to contain the disease of concerned	<p>(i) The owner of the aquaculture establishment wherein a disease of concern is suspected shall take preventive measures as prescribed or advised by the Authorized Officer or Designated Fisheries Officer.</p> <p>(ii) The owner of the aquaculture establishment shall comply with the prescribed protocols under the supervision of Authorized Officer or Designated Fisheries Officer.</p> <p>(iii) The Authorised Officer/Designated Fisheries Officer or any other officer authorized by the State/Union Territory or Central Government shall have access and the right to enter into the aquaculture establishment wherein a disease of concern is confirmed</p>	Rules

	by the designated laboratory/laboratories for carrying out the necessary operations for containment of the disease.	
12. Notification of Disease Free Areas:	<p>(i) After compliance of the protocol on surveillance, monitoring, prevention, control and containment of disease of concern, where the Nodal Officer is satisfied that the disease of concern in any infected area is no longer prevalent, he/she may, by notification, declare that the aquaculture establishment, compartment or zone as free area in respect of that disease of concern.</p> <p>(ii) Appropriate measures as notified by the Government shall be complied with to sustain the status of the disease free zone/compartment/area.</p>	Rules/ Regulation
CHAPTER IV IMPORT OF AQUATIC ANIMALS AND THEIR PRODUCTS		
13. Power to regulate importation of Aquatic Animals and their Products	The Central Government shall by notification regulate, restrict or prohibit, in such manner and to such extent as it may think fit, the import into the country, of aquatic animals and their products which may affect the health of any aquatic animal, other animals, plants or human beings; or liable to be affected by any disease of concern.	Rules Notification
14. Power for Central and State Governments to make rules	<p>(1) The Central and State Governments/Union Territories may make rules for detention, inspection, disinfection or destruction of imported aquatic animal and aquatic animal products and other related materials, that may have been packaged, and for regulating the powers and duties of the officer(s) whom it may appoint in this behalf.</p> <p>(2) For the purpose of exercising this power, the Central Government shall establish an appropriate agency to exercise the power and perform duties as may be assigned thereunder pertaining to import and export of aquatic animals and their products.</p>	Rules Notification
15. Banned Aquatic Animals	<p>i) No exotic aquatic animal shall be imported into or cultured in the country without following the procedure and protocol as prescribed by the Central Government.</p> <p>ii) Any exotic aquatic animal entering into the country without following the prescribed procedure and protocol shall be seized by the authorised officer and destroyed at the cost of the person who is in possession or has control of such aquatic animal.</p>	Rule/ Notification
CHAPTER V AQUACULTURE INPUTS AND RESIDUE CONTROL MEASURES		
16. Designation of Agency	<p>For the purpose of this Act, the Central Government, by notification shall:</p> <p>(i) regulate the manufacture, use and traceability of aquaculture inputs and monitor residues in aquatic animals and aquatic animal products.</p> <p>(ii) issue guidelines for regulating use of aquaculture inputs including certification of these inputs.</p>	Rules/ Notification

17. Role of State Government	The State Governments/Union Territories shall ensure that only approved drugs, chemicals and other aquaculture inputs are used in accordance with guidelines issued by Central Government.	Rules
<p>CHAPTER VI</p> <p>POWERS AND FUNCTIONS OF OFFICERS</p>		
18. Powers and Functions of Officers	<p>Authorized Officer shall assist the concerned Designated Fisheries Officer in discharging his/her assigned duties and the Designated Fisheries Officer shall have the power:</p> <p>(a) to act in conformity with the provisions of this Act for the purpose of prevention of disease of concern and its spread, to the best of his/her ability, prevent the commission of an offence punishable under this Act;</p> <p>(b) to enter upon/into and inspect any aquaculture establishment and related containers, equipments or vehicle, for the purpose of ensuring compliance of the provisions of this Act or the Rules made thereunder and the Orders issued thereunder;</p> <p>(c) to inspect an aquaculture establishment on receipt of a report of suspicion of the same being affected by disease of concern;</p> <p>(d) to randomly inspect facilities in proximity of the aquaculture establishment that has been confirmed to be affected by a disease of concern with a view to contain it;</p> <p>(e) to ensure that protocol and standard operating procedures prescribed under this Act to prevent, contain and control the spread of disease of concern are complied with;</p> <p>(f) to perform any other function within the scope of this Act to prevent, contain and control spread of disease of concern.</p>	Rules
<p>CHAPTER VII</p> <p>ENFORCEMENT AND PENALTIES</p>		
19. Enforcement of orders and recovery of expenses	<p>(i) Any person required to take any measure or to do anything in respect of any aquatic animal in an aquaculture establishment, or other thing in his custody or charge shall promptly comply with any rule, notification, notice, requisition, order or direction made under this Act.</p> <p>(ii) If the measure(s) as referred to in sub-section (i), are not taken by the owner of the aquaculture establishment, within such time as may be allowed for the purpose, the authority issuing the notice, requisition, order or direction, may cause the measures to be taken at the cost of owner of the aquaculture establishment.</p> <p>(iii) The costs of any measure(s) taken under sub-section (ii), shall be recoverable from the owner of the aquaculture establishment, in the manner provided by the Code of Criminal Procedure, 1973 (2 of 1974) for the recovery of fines imposed by a Court, as if such cost(s) were a fine imposed by a Court.</p>	Rules/ Notification
20. Penalties.	(i) Any person(s) who contravenes the provisions of this Act or obstructs the Designated Fisheries Officer or Authorised Officer in performing his/her duties shall be guilty of an offence punishable with fine as may be prescribed.	Rules/ Notification

	<p>(ii) Any person(s) who has been punished with fine under clause (i), in case of failure to pay the penalty, shall be punished with imprisonment for a term as may be prescribed.</p> <p>(iii) Any person who commits subsequent offence under provision of this Act, shall be punished with further fine or imprisonment or both as may be prescribed.</p>	
<p>CHAPTER VIII</p> <p>MISCELLANEOUS</p>		
21. Power to delegate	<p>(i) The State Government/ Union Territories may, by notification, delegate to any officer or authority subordinate to it, all or any of the powers conferred on it by or under this Act, except the powers to make rules.</p> <p>(ii) All officers and authorities under this Act shall exercise the powers conferred upon and discharge the duties assigned to them by or under this Act, in accordance with such orders, that are not consistent with the provisions of this Act, as the Government may, from time to time, make.</p>	Notification
22. Power of Central Government to make Rules.	<p>(i) The Central Government may, by notification, make rules for carrying out the provisions of this Act.</p> <p>(ii) In particular and without prejudice to the generality of the foregoing power, such rules may provide for prevention, containment, control of disease of concern, antibiotic and hormone residues, traceability and any other matter which may be prescribed or in respect of which Rules are required to be made by the Central Government.</p>	Rules/ Notification
23. Power of State Government to make rules	The State Government/ Union Territories may, by notification and with the prior approval of the Central Government, make rules that are compliant with the provisions of this Act for carrying out the provisions of this Act.	Rules/ Notification
24. Power to amend the Rules	The Central Government may, by notification, add to, or omit from the list of diseases of concern any aquatic animal disease and the said disease shall, as from the date of the notification, be deemed to have been added to, or omitted from, the list.	Notification
25. Laying of rules	<p>(i) Every rule made by the Central Government 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 both Houses agree that the rule should not be made, the rule 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.</p> <p>(ii) Every rule made by the State Government under this Act shall be</p>	Rules/ Notification

	laid, as soon as may be after it is made, before the State Legislature.	
26. Power to issue directions	The Central Government may, with the object of prevention, containment, control and eradication of disease of concern, issue such directions to the State Government/ Union Territories or other authorities under this Act, from time to time, including directions for furnishing such reports, returns and statistics on diseases of concern and their treatment, as it may deem fit and every such direction shall be complied with.	Notification
27. Certain persons to be public servants	Every Nodal Officer, Designated Fisheries Officer or Authorized Officer, while exercising powers or performing duties under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).	Rule
28. Power to remove difficulties	<p>(i) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, consistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:</p> <p>Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.</p> <p>(ii) Every order made under this Section shall, as soon as may be after it is made, be laid before each House of Parliament.</p>	Order/ Notification