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"May the birth centenary celebrations of Founder of the
Nation Bangabandhu Sheikh Mujibur Rahman be successful"

BANGLADESH [MONOGRAM] GAZETTE

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Dhaka, 11 Agrahayan, 1427/26 November, 2020

The following law passed by the Parliament has been approved by the President on 26th November, 2020 in accordance with 11 Agrahayan, 1427 and hereby this law is being made available for the kind information of the common people: -

Act No. 19 of 2020

Legislation to enact the new Act to reflect the needs of the time without considering its provisions on repealing the Marine Fisheries Ordinance, 1983

Whereas, the Constitution (Fifteenth Amendment) Act, 2011 (Act No. 14 of 2011) repeals Article 19 of the Fourth Schedule of the Constitution of the People's Republic of Bangladesh relating to the approval and support of Ordinances (then referred to as the Ordinance) issued by military order between March 24, 1982 and November 11, 1986 and in Civil Appeal No. 48/2011, the judgment of the Appellate Division of the Supreme Court has declared Martial Law as unconstitutional and then the Constitution (Seventh Amendment) Act, 1986 (Act No. 1 of 1986), which gave its validity, has been declared null and void and the effectiveness of the said ordinances has been lost: And

Whereas, some of the said ordinances have been kept in force by Act No. 7 of 2013: And

Whereas, after reviewing the necessity and relevance of the said ordinances, the Government has decided to enact new laws in Bengali with necessary amendments and modifications by taking the opinions of all the stakeholders and all the concerned Ministries and Departments: And

(12483)

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Whereas, In the light of the aforesaid decision of the Government, it is expedient and necessary to enact a new law to reflect the needs of the time, considering the provisions of the Marine Fisheries Ordinance, 1983 (Ordinance No. XXXV of 1983):

Whereas, the law was enacted as follows: -

First Chapter

Preliminary

1. Short title and introduction:-(1) This Act may be called the Marine Fisheries Act, 2020.

(2) It shall come into force immediately.

2. Definition: - Unless there is anything contrary to the subject or context, in this Act -

- 1) "Offense" means any offense punishable under this Act;
- 2) "Permit" means a permit issued under section 21 for fishing in favor of an artisanal vessel;
- 3) "Artisanal Vessel" means a fishing vessel with a carrying capacity of 15 (fifteen) tons or below;
- 4) "Authorized Officer" means any officer of the Department of Fisheries empowered under section 43;
- 5) "Deep Sea" means the territorial waters and the international waters outside the exclusive economic zone;
- 6) "Officer in Charge" means any officer in charge under section 32;
- 7) "Prescribed" means prescribed by Rules;
- 8) "Director" means any Director of the Department of Fisheries appointed by the Government for the purpose of exercising powers and performing functions under this Act.
- 9) "Commercial Trawler" means any fishing vessel capable of fishing by trawling or longlining or purse seining method;
- 10) "Marine Fisheries Waters of Bangladesh" means the territorial waters declared by any domestic law or Exclusive Economic Zone prescribed by the United Nations Convention on the Law of the Sea, 1982 Gi Article 33 (Contiguous Zone) and Articles-55 or Territorial Water declared according to the International Convention and Act by the Government.

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- 11) "Foreign Fishing Vessel" means any vessel other than a local fishing vessel of which at least 51 (fifty-one) percent is owned by a foreign person;
- 12) "Rule" means a Rule made under this Act;
- 13) "Director General" means the Director General of the Department of Fisheries;
- 14) "Person" means any person, owner of a vessel, any type of company, association, partnership, institution, organization or any other artificial legal entity;
- 15) "Fish" means any species of living or processed marine resources and its young, fry, eggs and spawn;
- 16) "Fishing" means the exploration or collection, harvesting, consolidating, enticing or undertaking such activities about fish in the marine territorial water of Bangladesh.
- 17) "Fishing Vessel" means any local or foreign vessel used for fishing at sea, any type of commercial trawler, Mechanized vessel, artisanal vessel, vessel used for fish processing, storage or any vessel used for fishing;
- 18) "Mechanized Fishing Vessel" means an engine-driven fishing vessel without trolling or longlining or purse seining method having a net capacity of more than 15 (fifteen) tons;
- 19) "License" means any license issued under section 8;
- 20) "Sea Voyage" means the voyage referred to in section 16;
- 21) "Sailing Permission" means the Sailing Permission referred to in section 16;
- 22) "Marine Fishing Area" means the marine fishing area declared under section 3;
- 23) "Skipper" means a person in command or in charge of a fishing vessel: And
- 24) "Local fishing vessel" means any fishing vessel which
 - a) Wholly owned by a citizen of Bangladesh, or
 - b) A fully owned vessel of a company, society or any other association established by law, of which 51 (fifty-one) percent of the total ownership is owned by the citizens of Bangladesh and the vessel registered in Bangladesh and conducting fishing activities as a flag bearer of Bangladesh, or in any other joint venture or subject to the approval of the Government.
 - c) Any vessel operated under the ownership of the entirely government or under the ownership of a statutory body by the law of Bangladesh.

**Second Chapter
Administrative**

3. Marine fishing area declaration: - (1) The Government may, by notification in the Official Gazette, declare the Marine Fisheries Waters of Bangladesh on the basis of the depth of the sea or in accordance with any internationally recognized method of marine fishing and specify the type of vessel in which fish may be harvested.

(2) The Government may, if necessary, impose restrictions on the harvesting of all or any species of marine fishing areas declared under sub-section (1) for the conservation of fishery resources.

(3) If a person harvested fish in violation of the prohibition imposed under sub-section (2), an administrative fine equal to the value of the fish caught may be imposed on him and the fish caught may be confiscated.

4. Determining the class and number of vessels: -The Government may, from time to time, determine and classify vessels for conservation, management, sustainable and retrievable reserves of fisheries resources and for licensing of fisheries in marine catchment areas or deep sea, by notification in the Official Gazette, as required in the development plan.

5. Control of illegal, unregulated and uncontrolled fishing: - (1) The Government may issue necessary orders or directives for the prevention of illegal, unreported and unregulated fishing.

(2) The Director General will be able to determine the amount of fishery resources in the Marine Fisheries Waters of Bangladesh, species-based or overall, conduct surveys, stocks and allowable catch and he may take necessary measures of monitoring, controlling and surveillance to ensure maximum sustainable yield of fishery resources.

(3) Violation of an order or instruction by any person or skipper which were issued by the Government under sub-section (1) shall be deemed to be an offense and in the case of a local fishing vessel the person or skipper or both shall be liable to imprisonment for a term not exceeding 2 (two) years or not more than 10 (ten) lac taka. However, shall be punishable not less than one-third of the fine specified in this section or in both.

6. Mariculture culture declaration, etc. (1) The Government may, by notification in the Official Gazette, declare the Mariculture Area in the Marine Fisheries Waters of Bangladesh for the expansion of the Blue Economy.

(2) The management of the area declared under sub-section (1) shall be conducted in the prescribed manner.

Explanation: In this section, "Mariculture" means a specially designated area in the sea, including the coast, where marine living resources are cultured for the purpose of producing food or any other product by preparing a temporary enclosure or using marine and brakish water in a waterbody.

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Third Chapter

General licensing issues

7. Prohibition on fishing -(1) Subject to the provisions of section 21, no person shall fishing in a marine fishing area or in the deep sea by boat or in any other manner without obtaining a license or permission:

Provided, however, that the provisions of this section shall not apply to the capture of deep-sea fish by foreign fishing vessels.

(2) If a person harvested fish in violation of the provisions of sub-section (1) or takes the initiative or aids to do so, the Act shall be an offense and for such offense he shall be punished with imprisonment for a term not exceeding 3 (three) years or not more than 1 (one) crore taka penalties, however, shall be punishable not less than one-third of the fines set forth in this section or in both, and the fishing vessels and other equipment shall be confiscated.

8. Power to issue licenses:- (1) The Director, along with the owner of the fishing vessel, may issue licenses for commercial trawlers for fishing in the Marine Fishing Waters area or deep sea with the prior approval of the government and in the case of Mechanized fishing vessels without the prior approval of the government, in the prescribed manner.

(2) The Director may not issue licenses in excess of the number of fishing vessels prescribed under section 4.

9. Application for license:- (1) The owner of a fishing vessel shall, in order to obtain a license for the purpose of harvesting fish, apply to the Director in the prescribed manner.

(2) The following documents or information shall be attached with the application form, namely:

- a) Certificate of citizenship or nationality of the applicant;
- b) Valid documents for import or built of fishing vessels;
- c) In case of local fishing vessels, copy of Certificate of Registration and Certificate of Inspection issued under Bangladesh Merchant Shipping Ordinance, 1983 (Ordinance No. XXVI of 1983);
- d) Certificate of ownership of the fishing vessel;
- e) Receipt of payment of prescribed fee;
- f) Any other prescribed certificate or information.

(3) The owner of a foreign fishing vessel has to attach a similar certificate issued by the concerned fishing vessel registration authority of his country in lieu of the documents mentioned in clauses (b) and (c) of sub-section (2).

(4) Subject to the provisions of Sections 19 and 22, the Director may issue a license to the applicant within 30 (thirty) days of the submission of the application, in the prescribed manner, if the information or attached documents mentioned in the application received under sub-section (1) are deemed correct.

10. License transfer prohibited, etc: -License may not be transferable or salable:

Provided, however, that in the case of private ownership, a new license may be issued to the new owner, subject to the provisions of section 8, in case of change of ownership of the vessel or to the legal heirs of the death person if license receiver dies.

11. License validity and renewal:-(1) The term of the license shall be 2 (two) years.

(2) An application for renewal shall be made to the Director in the prescribed manner 30 (thirty) days before the expiration of the license and the Director may renew the license considering the application received for renewal, subject to the provisions of section 12.

12. Refusal to renew license: - (1) The Director may, in the prescribed manner, refuse to renew the license.

(2) The Director may, in special consideration, renew the license only once by charging double the fee fixed for the license.

13. License suspension, revocation, etc. (1) The Director may suspend or revoke the license for any of the following reasons, if the owner of the fishing vessel:

- a) Has violated any of these laws or Rules or any condition of the license;
- b) Providing any false information or secretly obtaining a license.
- c) Has used the fishing vessel for any purpose other than fishing;
- d) Fails to take steps to renew the license for continuous 3 (three) years at a time;
- e) Transfers or selling licenses;
- f) Pollutes or has polluted river or sea water or environment by its fishing vessels;
- g) Has been convicted of any offense committed with the help of his fishing vessel;
- h) Death;

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- j) Is convicted of 2 (two) times administrative fines or any other offense under this Act; Or
- k) Failure to comply with any other prescribed conditions.

(2) The Director shall give notice to the owner of the fishing vessel to show cause within 30 (thirty) days of receipt of the notice as to why his license should not be revoked before revocation of the license under sub-section (1) and his license may be suspended until the complaint mentioned in the notice is settled.

(3) Upon receipt of reply to the notice given under sub-section (2)

- a) If the reply is satisfactory, the Director may revoke the stay on the license and exempt the owner of the fishing vessel from the charges brought against him;
- b) If the reply is not satisfactory, he may revoke the license issued in his name by giving him the opportunity of private hearing.

14. Licenses are valid for those subjects: -Each license shall be valid for the fish species described therein and for the equipment or method of fishing or the specified area.

15. Areas of imposition of conditions on the license:-(1) The Director may, in the following cases, in the manner prescribed or as prescribed by sub-section (3), impose conditions, namely:

- a) The area or period permitted for fishing;
- b) The species, size, sex, age and quantity of the fish to be harvested and carried;
- c) Method of harvesting and carrying of fish;
- d) The type, size and quantity of fishing equipment which may be used by fishing vessels;
- e) The observance of orders or directives issued by the Government from time to time;
- f) Matters relating to the keeping the copy of licenses issued in fishing vessels along with fishing vessels;
- g) Identification of fishing vessels and other means of identifying them;
- h) Other prescribed fields.

(2) In addition to the conditions imposed under sub-section (1), the Government may impose any other conditions in the case of licensing of foreign fishing vessels.

(3) Until the Rules under this Act are enacted, the Government may, by notification in the Official Gazette, determine the conditions to be imposed on the license under sub-section (1).

(4) If any person violates any of the conditions imposed on the license under this section or in the prescribed manner, the Act shall be an offense and for that offense he shall be punishable with imprisonment for a term not exceeding 2 (two) years or with a fine not exceeding 25 (twenty five) lakhs or both.

16. Sea voyage permit, arrival message, etc:-(1) Every licensed fishing vessel shall, in the prescribed manner, obtain a Sailing Permission from the Director.

(2) The owner of a fishing vessel shall preserve and manage the subject matter of sea voyage, period of stay at sea, logbook of fishing and stacking sheets in the prescribed manner.

(3) No person shall apply for such permission for fishing on the next voyage till the expiry of the sea voyage permission issued under sub-section (1).

(4) At least 24 (twenty-four) hours before the return of the fish to the port, the arrival message should be sent to the Director mentioning the location of the fishing vessel and the time of unloading the fish and the unloaded fish should be unloaded in the presence of the authorized officer.

(5) After receiving the message of arrival under sub-section (4), the Authorized Officer may inspect the quantity, type or nature of catch of fish, etc.

(6) If during the inspection under sub-section (5) it is found that the fish has been harvested in violation of the conditions of the sea voyage permission or license, then the Authorized Officer shall impose penalty of 3 (three) multiply the market price of the fish caught and can confiscate the caught fishes.

(7) In case of breach of the prescribed conditions of the sea voyage permit, the Director may, by written order for a specified period, suspend the subsequent voyage permit or deny the application for the voyage permission.

(8) At the end of the period of suspension under sub-section (7) or in case of rejection of the application, in the prescribed manner, the Director may issue a permission for sea voyage.

(9) If a person unloads fish from a fishing vessel without sending an incoming message under sub-section (4), an administrative fine equal to the market value of the redeemed fish may be imposed on him and the redeemed fish may be confiscated.

Explanation: In this section, "arrival message" means an advance notice given to the Department of Fisheries for the unloading of fish in the port after the catch of fish from the coast or sea by a fishing vessel.

17. Responsibility for providing information on captured fish: - (1) The person permitted for sea voyage shall preserve the details of the fish caught and the details of sale in the prescribed form and manner and shall submit a copy thereof to the Director.

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(2) If any person violates the provisions of sub-section (1), an administrative fine of not more than 1 (one) lakh BDT (Bangladeshi Taka) may be imposed on him.

18. Not to disturb the navigation: No fishing vessel shall be operated in such a manner as to obstruct the navigable or navigable waterway.

Fourth Chapter

Fishing activities done by local fishing vessels

19. Refusal to issue licenses along with local fishing vessels: The Director may refuse to issue a license along with the local fishing vessel, if

- a) The application is not found to be correct as per section 9;
- b) The information mentioned and attached in the application form is false, fabricated or insufficient;
- c) In the greater interest of the Marine Fisheries Industry and in accordance with the Fisheries Management, Conservation and Development Plan, it is not necessary to issue licenses for proper management, conservation and development of any particular Marine Fisheries Water area.
- d) The applicant is ineligible to obtain a license under this Act or any other law;
- e) The vessel with which the license has been issued has used it in violation of any of the terms quoted in this Act, the Rules or the license;
- f) The vessel for which the application has been made for fishing is not registered under the Bangladesh Merchant Shipping Ordinance, 1983 (Ordinance No. XXVI of 1983); Or
- g) Other prescribed conditions are not complied with.

20. Commercial trawlers import or follow samples to make locally, etc: -

(1) A commercial trawler shall be imported or manufactured locally in accordance with the specification specified by the Government.

(2) If the commercial trawler is not imported or manufactured locally as per the specimen provided under sub-section (1), its owner shall not be licensed.

(3) A permit issued by the Government for the import or manufacture of a commercial trawler in accordance with the specified specimen obtained under sub-section (1) shall not be transferable and, if handed over, shall be deemed void.

(4) Notwithstanding anything contained in any other Act, if any fishing vessel is imported or manufactured locally without the specified specification approved by the Ministry of Fisheries and Livestock, the registration of such fishing vessel shall not be granted.

21. Permission for Artisanal Vessels:-(1) The owner of every artisanal vessel shall, in the prescribed manner, apply to the Director for permission to harvest fish in the marine fishing area.

(2) The Director may, in the prescribed manner, grant permission to the applicant in accordance with the application submitted under sub-section (1).

(3) No artisanal vessel other than the artisanal vessel permitted under sub-section (2) may fish in the marine catchment area.

(4) Permission issued under this section shall not be transferable or salable.

(5) Permission granted under this section shall remain in force until revoked by the Government or the Director by re-order.

(6) The Government, or the Director as the case may be, may, in the prescribed manner, revoke the permission granted under sub-section (2).

(7) Notwithstanding anything contained in this section, the Government may exempt the Artisanal vessel from obtaining permission under this section for a specified period of time.

(8) If any Artisanal vessel catches fish in the marine fishing area without obtaining permission under this section, administrative fines equal to the value of the fish caught may be imposed and the fish caught may be confiscated.

Fifth Chapter

Fish harvesting activities by foreign fishing vessels

22. Denial of license issue to foreign fishing vessels: The Government may refuse to issue a license under section 7 to a foreign fishing vessel, with or without giving reasons, without giving reasons.

23. Restriction on entry of foreign fishing vessels in the Marine Fisheries Waters of Bangladesh: (1) No foreign fishing vessel shall enter the Marine Fisheries Waters of Bangladesh without a license.

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(2) Notwithstanding anything contained in sub-section (1), subject to the provisions of sub-sections (3) and (4), any foreign fishing vessel may enter and stay in the Marine Fisheries Waters of Bangladesh for the following purposes only and for a reasonable period of time; Namely: -

- a) For the purpose of crossing the Marine Fisheries Waters of Bangladesh for the purpose of navigating any place outside the Marine Fisheries Waters of Bangladesh;
- b) To avoid impending danger in cases where the safety of the vessel and its sailors is at stake;
- c) To provide necessary assistance to endangered and distressed persons, vessels or aircraft;
- d) A sailor needs emergency treatment
- e) For any other purpose recognized under international law, which is subject to Innocent Passage.

(3) Foreign fishing vessels entering the Marine Fisheries Waters of Bangladesh for any purpose as described in sub-section (2):

- a) Be bound by other laws in force in the country including this Act; And
- b) As soon as possible after the fulfillment of the purpose for which it has entered, then it will go out.

(4) Under the purposes described in sub-section (2), any foreign fishing vessel shall inform the Government or, as the case may be, the Director about the arrival and departure of Marine Fisheries Waters of Bangladesh in the prescribed manner.

Explanation: In this section, "innocent Passage" means the innocent passage described in the United Nations Convention on the Law of the Sea, 1982.

24. Crimes committed by foreign fishing vessels without a license. If any foreign fishing vessel without a license-

- a) Enter the Marine Fisheries Waters of Bangladesh ;
- b) By harvesting fish or taking the initiative to harvest;
- c) Loading, unloading or transship or buying and selling fish from one vessel to another;
- d) Illegally transporting, smuggling or otherwise harming or harming the fisheries resources or the environment; or taking initiative to do so or to cooperate such kind of work; Or
- e) Loads or unloads fuel supplies;

If do so, it will be a crime.

25. Penalties for offenses committed by foreign fishing vessels. (1) If an offense under section 24 is committed by a foreign fishing vessel, the vessel owner, the skipper and any other person staying in the foreign vessel shall be liable to imprisonment for a term not exceeding 3 (three) years or not exceeding 5 (five) crore BDT as fine. The fine, however, shall be punishable by not less than one-third of the fine prescribed in this section or by both.

(2) The authorized officer or any disciplinary force may detain any foreign fishing vessel, its owner, skipper and any other person of the foreign vessel for committing the offense referred to in section 24 and anchor the vessel at a nearby port after arrest and then submit a report to the Director with a description of the place, date, time and the detainee and the goods kept in the fishing vessel.

(3) The Director shall take necessary legal action against the seized fishing vessel and the accused owner, skipper and the perpetrator of the offense in the fishing vessel as per the report received under sub-section (2).

4) The Director shall confiscate the fishing vessels, fishing equipment and the fish caught under sub-section (2).

(5) The Director shall deposit the proceeds of the sale of the seized fishing boats, fishing equipment and harvested fish under sub-section (4) in the prescribed manner at auction in the prescribed manner.

(6) The Director shall immediately inform the Government through the Director General in the form of a report of the information referred to in sub-sections (2) and (3) and the measures taken.

26. Restrictions on Exemption from Legal Obligations: -The Government License may not exempt any foreign fishing vessel from the obligations imposed by the law relating to customs, taxes, immigration, health, maritime and safety, or the conditions to be met:

Provided, however, that the Government may, by written order stating the reasons, exempt any foreign fishing vessel used for survey or research work in the Marine Fisheries Waters of Bangladesh from such obligation.

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Sixth Chapter

Some of the prohibited methods for fishing

27. The use of explosives, etc. is prohibited:-(1) If any person is in the Marine Fisheries Waters of Bangladesh

- a) Kills fish or catches fish by making them unconscious or disabled or uses explosives, poisons or any other harmful substance for the purpose of harvesting fish easily in any other way;
- b) Carries or possesses explosives, poisons or any other harmful substance for the purposes described in clause (a);
- c) Using or prohibiting the use of prohibited methods for fishing or carrying or possessing or controlling the prohibited equipment for fishing in fishing vessels; Or
- d) Accepts or possesses such fish in spite of knowing or having reasonable reason to believe that the fish has been harvested in violation of this section or Rules;

In that case, the Act shall be an offense and for such offense he shall be punished with imprisonment for a term not exceeding 3 (three) years or with a fine not exceeding 1 (one) crore BDT, but not less than one-third of the fine specified in this section or both.

(2) If explosives, poisons or any other harmful substance or fishing equipment described in sub-section (1) are found in a fishing vessel, unless the contrary is proved, it shall be presumed that it has been kept for the purpose described in sub-section (1).

(3) The Government may, by notification in the Official Gazette, prohibit any method or equipment which may harm the environment, natural balance and fisheries resources of the Marine Fisheries Waters of Bangladesh.

28. Penalties for use of prohibited nets, tools or equipment: -

If any person uses, possesses or keeps fishing nets, fishing equipment or equipment other than the prescribed size nets for fishing in the Marine Fisheries Waters of Bangladesh, the Act shall be an offense and he shall be punished with imprisonment for a term not exceeding 2 (two) years. Or a fine not exceeding 25 (twenty five) lakhs BDT, but shall be punishable not less than one-third of the fine specified in this section or both.

Seventh Chapter

Declaration of Marine Protected Areas, etc.

29. Declaration of marine protected area: - (1) The Government may, by notification in the Official Gazette, declare the following areas within the Marine Fisheries Waters of Bangladesh as Fisheries Sanctuary or Marine Protected Areas, namely: -

- a) Areas within the Marine Fisheries Waters of Bangladesh which are endangered or at risk of extinction of aquatic flora and fauna; Or
- b) Areas in which marine aquatic life is on the rise.

(2) To formulate, monitor, control and supervise or expand scientific review and research work, to create opportunities for natural reproduction and to create the natural breeding grounds and habitats of aquatic flora and fauna in the fisheries or marine protected areas referred to in sub-section (1).

30. Fishing, dredging, etc. are prohibited in Marine Protected Areas:- (1) If any person in a Fish Sanctuary or Marine Protected Area declared under section 29 without the permission of the Director or, as the case may be, the Government:

- a) Takes the initiative to procure or do fish, or
- b) Dredging, extracting sand and gravel, dumping or depositing waste or any other contaminant, or otherwise disturbing or altering or destroying the natural breeding grounds or habitats of fish or fish, or
- c) If he constructs a building or any other installation in the said protected area, his Act shall be an offense and he shall be liable to imprisonment for a term not exceeding 2 (two) years or a fine not exceeding 25 (twenty-five) lakh BDT but shall be punishable by not less than one-third of fine or both.

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(2) The Director may grant written permission to perform the functions referred to in sub-section (1) if he deems it necessary to perform any such work for the proper management of the Fish Sanctuary or Marine Protected Area or for the purpose of section 29.

31. Allowing scientific research:-(1) The Government may, in writing and on prescribed terms, grant permission for scientific research to any vessel, individual or Bangladeshi, international or regional organization engaged in fisheries research or survey work in the Marine Fisheries Waters of Bangladesh.

(2) Subject to the provisions of sub-section (1), the conducting vessel, the person or organization shall submit the results of the research to the Government and may disclose and use only the amount of information which the Government may permit.

(3) If any person violates the provisions of sub-section (2), he may be liable to an administrative fine not exceeding 10 (ten) lakh taka.

Eighth Chapter

Officer in charge, stopping of vessels, search, seizure, confiscation, etc.

32. Officer in charge: The Government may, by notification in the Official Gazette, declare any officer of the Department of Fisheries, not below the rank of Inspector, not below the rank of Petty Officer, a member of Bangladesh Navy and Bangladesh Coast Guard, any Customs Officer or any other officer appointed by the Government as an Authorized Officer. .

33. Fishing boats stop, test, etc. If there is a valid reason for the Officer-In-Charge to believe that fish has been or is being harvested in the Marine Fisheries Waters of Bangladesh in violation of this Act or Rules or that the fish is being transported or that the fish is being stored in the vessel or in the fish vessel. If an offense has been committed under the Rules, he is without a warrant

- a) May inspect and search the fishing equipment, nets, instrument, sailors or fish carried in the said fishing vessel and if during the search the illegally caught fish is found in the fishing vessel or it appears that He may seize the fishing vessel, the fish stored in the vessel, the fishing equipment and arrest the person operating the fishing vessel involved in the offense and handed over to the nearest police station;

b) May inspect the fishing license, permit, sea voyage permit or any related document and may, if necessary, order the skipper or owner of the fishing vessel to submit a copy thereof.

34. Entering the yard without warrant, search, seizure of boats, etc. (1) If the officer-in-charge or the officer-in-charge has reasonable grounds to believe that harvested fish and related equipment's are in violation of this Act or Rules are kept in any house or warehouse or yard or any other place or that any crime is being prepared or a crime is being committed The equipment is in stock, so he can enter and search the house or warehouse or yard or place without a warrant and

- b) Seize fish, fishing boats, furniture, accessories, vehicles kept at the place; And
- c) The person who has committed a crime or is preparing to commit a crime may be arrested and handed over to the nearest police station.

(2) The officer-in-charge or the officer-in-charge shall prepare a written list of the goods or equipment seized under sub-section (1) and provide a copy thereof to the Director and a copy to the detainee or his representative.

35. Ability to chase a ship to stop it: (1) If for the purpose of fulfilling the purposes of this Act or the Rules, the officer in charge may order to stop any vessel, from the vessel or aircraft in his possession, by international signal, code or any other recognized method. Or in case of refusal, it may be pursued outside the Marine Fisheries Waters of Bangladesh, and as a precautionary measure, blank shots may be fired, and if the vessel does not stop even after such warning, shots may be fired at it.

(2) If it is possible to stop a vessel by taking steps under sub-section (1), the vessel may be detained outside the Marine Fisheries Waters of Bangladesh and after the seizure, the sailor along with the vessel shall be handed over to the nearest port or police station.

36. Provisions relating to arrested persons:- If any person is arrested under this Act, the person shall, as soon as possible, be produced before the nearest police station and the officer-in-charge of that police station shall take action against him in accordance with this Act, Rules and Code of Criminal Procedure, 1898 (Act No. V of 1898).

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37. Seized fishing vessel, etc. confiscated: - (1) Any fishing vessel, fishing gear or equipment, explosives, poison or any other harmful substance or equipment seized under this Act or proceeds of sale under section 41, subject to the provisions of sub-section (3).

- a) If a case has been filed under this Act, he shall be detained in the prescribed manner till the case is disposed of;
- b) If no suit has been filed under this Act, he shall, in the prescribed manner, be detained for not more than 30 (thirty) days and after that time the goods seized shall be deemed to have been confiscated by the Government, unless the goods seized within that period. The actual owner raises a claim in writing.

(2) If a written claim is found under clause (b) of sub-section (1), the Director may record the cause and, if necessary, the pledge, or, as the case may be, the goods or money claimed by the surety and handed over to the claimant owner.

(3) The court shall, in the prescribed manner, issue an order of release on the application of the owner of the goods or equipment referred to in sub-section (1), or, as the case may be, a precondition to enforce the provisions of section 34. Can do

38. Order of confiscation in addition to imposition of penalty by the court: In addition to the penalty imposed by the court, if a person has been convicted of violating this Act or Rules or if it is proved to the court that an offense under this Act or Rules has been committed.

- a) May order the confiscation of fishing vessels, furniture, accessories, store goods, cargo, fishing gear, nets or any fishing equipment used in the crime committed or the court may suspend the license for a specified period or order the revocation of the license; And
- b) May order the confiscation of the fish or the proceeds of the crime and the sale of the proceeds of the crime and any explosives, poison or any other harmful substance used in the crime.

39. Disposal of confiscated fishing vessel, etc:-

The Government shall dispose of any fishing vessel, furniture, accessories, store goods, cargo, fishing gear, nets or other equipment, explosives, poisons or other harmful substances and the money of sale of fish, as confiscated or ordered under section 37 or 38.

40. Illegally caught fish: Any fish found in a fishing vessel used in a crime committed in violation of any provision of this Act or Rules shall be deemed to have been illegally caught from the Marine Fisheries Waters of Bangladesh unless the contrary is proved.

41. Disposal of fish and perishable goods: The seized fish and other perishable goods shall be disposed of by the Director on his own initiative, or as the case may be, by court order, in the prescribed manner, and if such goods are sold, the proceeds from the sale shall be deposited in the Government treasury through treasury invoices.

42. Show the identity card of the Authorized Officer: When taking action against a person under this Act or Rules, the authorized officer shall, at his request, submit his identity card or written authority, proving that he is an authorized officer for the purpose of this Act.

43. Delegation of power: The Government may, without the Rules making power, delegate any of its powers to the Director General, the Director General may delegate his powers to the Additional Director General or Director and the Director may delegate his powers to any officer by written order subject to necessary conditions.

44. Preservation of Act done in good faith: No action may be taken against the Authorized Officer or the Officer-in-Charge if any person is harmed or is likely to be harmed as a result of any Act done in good faith under this Act.

Ninth Chapter

Administrative Appeal

45. Administrative Appeal: (1) A person aggrieved by an order of denial of license issue or renewal by the Director, order of revocation of license or imposition of penalty imposed under this Act by any other administrative order may, within 30 (thirty) days of such order, lodge an appeal with the Government.

(2) The Government shall, within 60 (sixty) days of receipt of the appeal filed under subsection (1), dispose of it in the prescribed manner.

(3) The decision given by the Government on the appeal shall be deemed final.

Tenth Chapter
Crime and punishment

46. Penalty for obstruction of Duty Officer or Officer-In-Charge: If any person interferes with the duty of the Officer-In-Charge or the Authorized Officer, the Act shall be an offense and he shall be liable to imprisonment for a term not exceeding 2 (two) years or a fine not exceeding 10 (ten) lakhs BDT, but not less than one-third of the fine specified in this section or both.

47. Penalty for damage to fishing vessels, etc: Damage or destruction of a fishing vessel, pole, gear or fishing equipment shall be an offense and for such offense he shall be liable to imprisonment for a term not exceeding 2 (two) years or a fine not exceeding 25 (twenty five) lakhs BDT but one third of the fine specified in this section or both.

48. The penalty for destruction of evidence: If a person destroys fish, fishing equipment and tools, explosives, poisons, any harmful substance or any other evidence to avoid arrest or identification, the Act shall be an offense and he shall be liable to imprisonment for a term not exceeding 2 (two) years or not more than 10 (Ten) lakhs BDT as fine, however, shall be punishable not less than one-third of the fine specified in this section or in both cases.

49. Penalties for operating fishing vessels without marking: If the owner of a fishing vessel operates a fishing vessel without marking in the prescribed manner in the Marine Fisheries Waters of Bangladesh. The Act shall be an offense and for such offense he shall be punishable with imprisonment for a term not exceeding 2 (two) years or with a fine not exceeding 10 (ten) lakhs BDT, but not less than one-third of the fine specified in this section or with both.

50. Penalty for a crime committed by a person aboard a ship: If any person aboard the vessel commits any offense under this Act or the Rules, the skipper of the vessel shall be guilty of the offense and shall be liable to imprisonment for a term not exceeding 2 (two) years or a fine not exceeding 10 (ten) lakhs BDT, but not less than one-third of the fine specified in this section or with both.

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51. Penalty for preserving, stocking or selling illegally caught fish: If a person knowingly preserves, stocks or sells illegally caught fish, the Act shall be an offense and for such offense he shall be liable to imprisonment for a term not exceeding 2 (two) years or a fine not exceeding 10 (ten) lakhs BDT, but not less than one-third of the fine specified in this section or with both.

52. Penalty for aiding the crime. If a person assists in the commission of a crime, he shall be liable to punishment equal to the penalty prescribed for that crime.

53. Penalty for recurrence of offenses. If a person commits the same offense for the second time or repeatedly for any offense referred to in this Act, he shall be punishable at double rate of the offense.

54. Imposing administrative fines. (1) The Director or the Authorized Officer may impose and collect the administrative fines prescribed in this Act.

(2) If a person fails to pay the administrative penalty imposed on him under this section, within the prescribed time, it shall be recoverable as a government claim under the Public Demands Recovery Act, 1913 (Act No. IX of 1913).

Eleventh Chapter

Jurisdiction of crime, trial, bailable, etc.

55. Offenses committed under local jurisdiction. Any offense committed by a person in the Marine Fisheries Waters of Bangladesh in violation of this Act or Rules shall be deemed to be a punishable offense under this Act and shall be tried by any court in Bangladesh as if the offense was happened anywhere in Bangladesh.

56. Acceptance of criminal trial, etc. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) or any other law:

(a) The trial of a crime punishable under this Act shall be conducted by a First-Class Judicial Magistrate, or, as the case may be, a Metropolitan Magistrate;

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(b) The Judicial Magistrate of the first class or the Metropolitan Magistrate may impose on the convicted person any penalty approved under this Act.

57. Crime executability, bailableness and compromisability: (1) The offenses punishable under this Act shall be cognizable and bailable.

(2) All offenses other than those prescribed in sections 7 and 24 shall be compoundable.

58. Compromise of crime: (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898. (Act No. V of 1898), if a compromise letter signed by both the Director and the accused is submitted to the court before the case of a compromising offense under this Act is disposed of, the court shall pay the fine specified in the relevant section of the offense. Three-fourths of the maximum amount can be disposed of by granting exemption as penalty.

(2) Notwithstanding anything contained in sub-section (1), the court may order disposal under this Act of any vessel seized in connection with the offense, the fish caught, if any, and all other ancillary equipment.

59. Application of the Mobile Courts Act, 2009: Notwithstanding anything contained in any other law for the time being, in case of offenses punishable under this Act, the Mobile Court may impose penalty, subject to its being included in the Schedule to the Mobile Courts Act, 2009 (Act No. 59 of 2009).

Twelfth Chapter

Miscellaneous

60. Notice issued:-(1) If any notice is to be issued against any person for the purpose of this Act or Rules-

- a) By personally providing a copy of the notice to the person to whom the notice is to be issued or by exchanging a copy of that notice in a public place of his home; Or
- b) If the notice is to be issued to the vessel's skipper or to any of the occupants, by providing it to the vessel's skipper or to the person in whose possession the fishing vessel appears to be in possession at that time; Or
- c) The last known place of residence, business center or work place of the said person shall be issued by registered post with acknowledgment of receipt.

(2) If it is clear to the Director or the Government that the subject matter of the notice has been informed in any other way, the action taken shall be canceled only due to procedural error in issuing the notice.

61. Collection of Fees: (1) The Government may, in the prescribed manner, fix the fees for the issue of licenses, renewal and permits of sea voyages according to the fishing capacity and class of the vessels.

(2) The fee prescribed under sub-section (1) shall be recoverable by the Director or Officer.

62. Power to make Rules: For the purpose of this Act, the Government may, by notification in the Official Gazette, make Rules.

63. Repeal and custody: (1) The Marine Fisheries Ordinance, 1983 (Ordinance No. XXXV of 1983), hereinafter referred to as the repealed Ordinance, shall hereby be repealed.

(2) Notwithstanding the repeal under sub-section (1), under the repealed Ordinance:

- a) The license issued, any work done, any action taken or any action taken, shall be deemed to have been done, adopted or notified under this Act;
- b) If any case or proceedings filed is pending or pending, it shall be disposed of or shall continue in such a manner that the said Ordinance has not been repealed;
- c) Any contract, document or instrument executed shall remain in force as if it had been executed under this Act;
- d) All fishing vessels already classified shall remain in force until amended and modified under this Act.

(3) Notwithstanding such repeal, any Rule made under the repealed Ordinance, any notification issued, any order given, the instruction in force immediately prior to such repeal, subject to compliance with any provision of this Act, is said to be made under this Act shall remain in force until repealed or amended or re-enacted under this Act.

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64. Publication of text translated into English: (1) After the coming into force of this Act, the Government may, by notification in the Official Gazette, publish an authentic English text of the original Bengali text of this Act translated into English.

(2) In the event of a dispute between this Act and the English text, this Act shall prevail.

Dr. Zafar Ahmed Khan
Senior Secretary.

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