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## **Act No.9 of 1995**

### **An Act made to further amend the Protection and Conservation of Fish Act, 1950**

Whereas it is expedient to further amend the Protection and Conservation of Fish Act, 1950 (E.B. Act XVIII of 1950) for carrying out the following purposes;

Now, therefore, it is enacted as follows:-

**1. Short title.-** This Act may be called the Protection and Conservation of Fish (Amendment) Act, 1995.

**2. Amendment of section 2 of E.B. Act XVIII of 1950.-** In the Protection and Conservation of Fish Act, 1950 (E.B. Act XVIII of 1950), heretoafter referred to as the said Act, after clause (I) of section 2, the following new clause (Ia) shall be inserted, namely:-

"(Ia) 'Fishery' means any water body, natural or artificial, open or closed, flowing or stagnant (such as river, haor, baor, beel, floodplain, canal, etc.) where activities for growing fish, or for conservation, development, demonstration, breeding, exploitation or disposal of fish or of living organisms related to such activities are undertaken, but does not include an artificial aquarium of fish used as a decorative article, pond or tank'."

**3. Amendment of section 3 of E.B. Act XVIII of 1950.-** In the said Act, in section 3,-  
(1) in sub-section 3-

a) in clause (a),-

i) in sub-clause (iii), for the word "net", twice mentioned, the word "fishing net" shall in both places be substituted;

ii) at the end of sub-clause (iii) shall be added a semicolon and thereafter shall be inserted the following new sub-clause (iv), namely:-

"(iv) the manufacture, import, marketing, carrying, transporting or possessing of such fishing nets, traps, gears and other contrivances as may be specified in the rules."

b) at the end of clause (e), the word "and" shall be omitted;

c) at the end of Clause (I), for the colon a semicolon shall be substituted and after the said clause and before the proviso the following new clause (g) shall be inserted, namely:-

"(g) prohibit the destruction of or any attempt to destroy fishes or dewatering of any fishery:".

(2) in sub-section (2), for clause (c) the following new clause (c) shall be substituted, namely:-

"(c) the procedure for disposal of forfeited fixed engine, fishing net or other contrivance or forfeited fish."

**4. Amendment of section 5 of E.B. Act XVIII of 1950.-** In the said Act, in section 5,-

a) in sub-section (1), for the words and commas "may extend to six months, or with fine which may extend to five hundred taka, or with both" the words and commas "shall not be less than one month and may extend to six months, and also with fine which may extend to one thousand taka" shall be substituted.

b) in sub-section (2), for the words and commas "with fine which may extend to one thousand

taka, or with rigorous imprisonment which may extend to one year or with both" the words and commas "with rigorous imprisonment for a term which shall not be less than two months and may extend to one year, and also with fine which may extend to two thousand taka" shall be substituted.

**5. Substitution of section 7 of E.B. Act XVIII of 1950.-** In the said Act, for section 7 the following section 7 shall be substituted, namely:-

**"7. Cognizance, trial etc. of offences.-** Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898)-

- (a) an offence under this Act shall be a cognizable offence within the meaning of that Code;
- (b) no court shall take cognizance of such offence except on the complaint or a report of a fishery officer or a police officer not below the rank of Sub-Inspector;
- (c) no court inferior to that of a Magistrate of the Second Class shall try an offence under this Act".