

Acts, Ordinance and Rules on Fisheries Sector

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THE PROTECTION AND
CONSERVATION OF
FISH ACT, 1950
(Bengal Act XVIII of 1950)

**THE PROTECTION AND CONSERVATION OF
FISH ACT, 1950
(Bengal Act XVIII of 1950)**

An Act to provide for the protection and conservation of fish in Bangladesh.

2. In this Act, unless there is anything repugnant in the subject or context:

(1) "Fish" includes all cartilaginous, bony fishes, prawn, shrimp, amphibians, tortoises, turtles, crustacean animals, molasses, echinoderms and frogs at all stages in their life history;

(1 a) "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:

(2) "Fixed engine" means any net, cage, trap or other contrivance for catching fish, fixed in the earth or made stationary in any other way;

3. (1) The Government may make rules for the purposes hereinafter in this section mentioned.

(2) The Government may, by notification, apply such rules or any of them to any water or waters

(3) Such rules may -

(a) prohibit or regulate all or any of the following matters, that is to say,

- (i) the erection and use of fixed engines;
- (ii) the construction, temporary or permanent, of weirs, dams, bunds, embankments and other structures;
- (iii) the use or method of operation of any kind of fishing net and the size of the mesh of any fishing net and the size of the mesh of any fishing net;
- (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) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow and arrow in inland water or within coastal territorial waters;

(c) prohibit the destruction of, or any attempt to destroy, fishes by the poisoning of water or the depletion of fisheries by pollution, by trade effluent or otherwise;

- (d) prescribe the seasons during which the killing or catching of fishes of any prescribed species shall be prohibited;
- (e) prescribe a minimum size below which no fish of any prescribed species, shall be killed or sold;
- (f) prohibit all fishing in all waters or in any specified waters for a specified period;
- (g) prohibit the destruction of or any attempt to destroy fishes by drying or dewatering of any fishery;

Provided that the Government may for the purpose of pisciculture, collection of data and scientific investigation for bio-logical study on fish permit the catching of fishes in any closed season or in any prohibited water or below the prescribed minimum size and disposal thereof subject to the condition of license issued for this purpose.

4. The Government may, by notification, prohibit for a specified period the catching, carrying, transporting, offering or exposing or possession for sale or barter of fishes below the prescribed size of any prescribed species throughout Bangladesh or any part thereof.

5. (1) The breach of any rule made under section 3 or of any prohibition notified under section 4, shall be punishable with rigorous imprisonment for a term which shall not be less than one month and may extend to six months, and also with fine which may extend to one thousand taka.

(2) Whoever having been convicted of an offence under this Act or any rule made thereunder, is again convicted thereunder, shall on every subsequent conviction be punishable 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.

NOTIFICATION
FISH ACT, 1950

GOVERNMENT OF EAST BENGAL
DEPARTMENT OF AGRICULTURE CO-OPERATION AND RELIEF
Fisheries Branch

NOTIFICATION
(1950 Act)

Dacca - No. 6581 Fish - 3rd July 1950 - In exercise of the power conferred by sub-section (1) of section 6 of the East Bengal Act XVIII of 1950), the Governor is pleased to empower the persons mentioned below, to arrest without warrant in accordance with the provisions of the said section, any person committing a breach of any rule under section 3 or any prohibition notified under section 4 o' the said Act, namely:

- (1) All Magistrate.
- (2) All Police Officers not below the rank of Sub-Inspector of Police or Officer-in-Charge of a police station.
- (3) All Forest Officers not below the rank of Deputy Ranger employed in the Sundarbans Forest Division.
- (4) All Officers of the Directorate of Fisheries not below the rank of Fishery Overseer.

By order of the Governor

M.A. MAJID

Joint Secretary

THE GOVERNMENT FISHERIES
PROTECTION ORDINANCE, 1959

**THE GOVERNMENT FISHERIES
(PROTECTION ORDINANCE, 1959)
(Ordinance No. XXIV of 1959)**

2 In this Ordinance, unless there is anything repugnant in the subject or context.

(a) "Khas managed fishery" means a fishery declared by the Government under section 3 to be a Khas managed fishery:

3. The Government may, by notification in the Official Gazette, declare any fishery belonging to, or under the management and control of, the Government to be a khas managed fishery.

4. (1) On the declaration of a fishery to be a khas managed fishery under section, no person shall fish in such a fishery without a valid license for fishing issued by such authority as may be prescribed.

(2) If shall be competent for the Government or any authority authorized by the Government to fix different rates of license (on paying fees) for fishing in a khas managed fishery with different varieties of fishing contrivances or by using different methods of fishing and to lay down the terms and conditions of any license.

5. Every person fishing in any manner or carrying any fishing contrivance in a khas managed fishery shall carry with him a valid license for fishing in such manner or with such contrivance and produce the same when required by such person or class of persons as may be prescribed.

6. No person shall fish or attempt to fish in any fishery, other than khas managed fishery, belonging to or under the management and control of, the Government or enter into any such fishery for the purpose of fishing or causing fishing to be done, without the authority of the Government or of any license of the Government.

9. (1) Contravention of any provision of this Ordinance or any rules made thereunder shall, on conviction by a Court of competent jurisdiction, be punishable with imprisonment which may extend to 2 years or with fine which may extend to Tk. 5,000 or with both and any fish or fishing contrivance including any boat may be forfeited to the Government.

(2) And such fixed engine may be removed or taken possession of by the Magistrate of the district, or such person as he empowers in this behalf.

10. Whoever enters upon land in the possession of another or upon private waters, with intent to commit any of the offence specified in section 3, shall be punished with a fine not exceeding fifty taka.

FISH (AMENDMENT) ACT, 1963

**THE EAST BENGAL PROTECTION AND CONSERVATION OF
FISH (AMENDMENT) ACT, 1963**

(E.P. ACT NO. 11 of 1964)

An Act further to amend the East Bengal Protection and Conservation of Fish Act, 1950

Whereas it is expedient further to amend the East Bengal Protection and Conservation of Fish Act, 1950, (E.B. Act XVIII of 1950), for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows:

1. **Short title, extent and commencement** - (1) This Act may be called the East Bengal Protection and Conservation of fish (Amendment) Act, 1963.

(2) It extends to the whole of East Pakistan.

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

2. **Amendment of section 3 of E.B. Act XVIII of 1950** - In clause (a) of subsection (3) of section 3 of the East Bengal Protection and Conservation of Fish Act, 1950, after sub-clause (ii) the following new sub-clause shall be added, namely:

"(iii) the use or method of operation of any kind of net and the size of the mesh of any net".

(Passed by the East Pakistan Assembly on the 10th January, 1964. Assent of the Governor was first published in the "Dacca Gazette, Extraordinary," dated the 25th January, 1964)

FISH (AMENDMENT)
ORDINANCE, 1970

**THE EAST BENGAL PROTECTION AND
CONSERVATION OF FISH (AMENDMENT)
ORDINANCE, 1970**

East Pakistan Ordinance No. **XXVI of 1970**
AN
ORDINANCE

Further to amend the East Bengal Protection and Conservation of Fish Act, 1950

WHEREAS it is expedient further to amend the East Bengal Protection and Conservation of Fish Act, 1950, (E.B. Act XVIII of 1950 for the purpose hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:

1. **Short title and Commencement.** (1) This Ordinance may be called the East Bengal Protection and Conservation of Fish (Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. **Amendment of section 3 of E.B. Act XVIII of 1950.** In the East Bengal Protection and Conservation of Fish Act, 1950, in section 3, in sub-section (3), in the proviso, for the word "pisciculture" the words and comma "pisciculture, Collection of data and scientific investigation for biological study on fish" shall be substituted.

DACCA,
The 6th October, 1970

S.M. AHSAN
VICE-ADMIRAL
Governor of East Pakistan.

By order of the Governor
K. F. AKBAR
Deputy Secretary to the
Government of East Pakistan

FISH (AMENDMENT)
ORDINANCE, 1982

THE PROTECTION AND CONSERVATION OF FISH (AMENDMENT)
ORDINANCE, 1982

[Published in the Bangladesh Gazette, Extraordinary,
dated the 15th December," 1982]

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND LAND REFORMS

(Law and Parliamentary Affairs Division)

NOTIFICATION

Dhaka, the 15th December, 1982.

No. 743.- The following Ordinance made by the Chief Martial Law Administrator of the People's Republic of Bangladesh, on the 8th December, 1982, is hereby published for general information:

**THE PROTECTION AND CONSERVATION OF FISH (AMENDMENT)
ORDINANCE, 1982**

Ordinance No. LV of 1982

AN

ORDINANCE

Further to amend the Protection and Conservation of Fish Act, 1950.

WHEREAS it is expedient further to amend the Protection and Conservation of Fish Act, 1950 (E.B. Act XVII of 1950), for the purposes hereinafter appearing;

Now, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance.

- 1. Short title.** - This Ordinance may be called the Protection and Conservation of Fish (Amendment) Ordinance, 1982.
- 2. Amendment of long title and preamble, E.B. Act XVIII of 1950.**- In the Protection and Conservation of Fish Act, 1950 (E.B. Act XVIII of 1950), hereinafter referred to as the said Act, in the long title and preamble, for the words "East Pakistan" the word "Bangladesh" shall be substituted.
- 3. Amendment of section 1, E.B. Act XVIII of 1950.** - In the Said Act, in section 1. -
 - (a) in sub-section (1), the words "East Bengal" shall be omitted;

- (b) in sub-section (2), for the words "East Pakistan" the word "Bangladesh" shall be substituted; and
- (c) in sub-section (3), the word "provincial" shall be omitted.

4. Amendment of section 2, E.B. Act XVIII of 1950. - In the said Act, in section 2. -

- (a) for clause (1) the following shall be substituted, namely:

"(1) "fish" includes all cartilaginous, bony fishes, prawn, shrimp, amphibians, tortoise, turtles, crustacean animals, molluses, echinoderms and frogs at all stages in their life history,"

- (b) in clause (2), the word "Provincial", occurring twice, shall be omitted; and
- (c) clause (4) shall be omitted.

5. Amendment of section 3, E.B. Act XVIII of 1950. - In the said Act, in section 3.

- (a) in sub-section (1) the word "Provincial" shall be omitted;
- (b) for subsection (2) the following shall be substituted, namely:

"(2) the Government may, by notification, apply such rules or any of them to any water or waters;"

- (c) in sub-section (3), in the proviso, the word "Provincial" shall be omitted;
- (d) for sub-section (4), the following shall be substituted namely:

"(4) in making any rule under this section, the Government may provide for -

- (a) the seizure, removal and forfeiture of any fixed engine or any other contrivance erected or used for fishing in contravention of the rules;
- (b) the forfeiture of any fishes taken by means of any such fixed engine or any other contrivance; and
- (c) the procedure for disposal of forfeited fishes;"
- (e) in sub-section (5), for the words, commas and figures "section 24 of the Bengal General Clauses Act, 1899," the words, commas and figures "section 23 of the General Clauses Act, 1897," shall be substituted.

- 6. Amendment of section 4, E.B. Act XVIII of 1950.** - In the said Act, in section 4.
- (a) the word "Provincial shall be omitted;
 - (b) for the words "offering or exposing or possession" the words and commas "catching," carrying transporting, offering, exposing or possession" shall be substituted; and
 - (c) for the words "the Province of East Pakistan" the word "Bangladesh" shall be substituted.
- 7. Amendment of section 5, E.B. Act XVIII of 1950.** - In the said Act, in section 5. -
- (a) in sub-section (1), for the words and commas "simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees," the words and commas "rigorous imprisonment for a term which may extend to six months, or with fine which may extend to five hundred taka", shall be substituted; and
 - (b) in sub-section (2), for the words and commas "two hundred rupees, or with simple imprisonment which may extend to two months, "the words and commas "one thousand taka, or with rigorous imprisonment which may extend to one year." shall be substituted.
- 8. Amendment of section 6, E.B. Act XVIII of 1950.** - In the said Act, in section 6, sub-sections (2), and (4), the word "Provincial" shall be omitted.
- 9. Amendment of section 7, E.B. Act XVIII of 1950.** - In the said Act, in section 7, in sub-sections (2), the word "Provincial" shall be omitted.
- 10. Amendment of section 8, E.B. Act XVIII of 1950.** - In the said Act, in section 8, the word "Pakistan" shall be omitted.
- 11. Amendment of section 10, E.B. Act XVIII of 1950.** - In the said Act, in section 10, shall be omitted.

H.M. ERSHAD, ndc, psc
IEUTENANT GENERAL
Chief Martial Law Administrator,

DHAKA
The 8th December, 1982

SHAMSUR RAHMAN
Deputy Secretary