



বাংলাদেশ

গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, মার্চ ১৫, ২০০৫

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ১লা চৈত্র, ১৪১১/১৫ই মার্চ, ২০০৫

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ১লা চৈত্র, ১৪১১ মোতাবেক ১৫ই মার্চ, ২০০৫ তারিখে রাষ্ট্রপতির সম্মতি লাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :—

২০০৫ সনের ১৩নং আইন

The Inland Shipping Ordinance, 1976 এর অধিকতর সংশোধনকল্পে প্রণীত আইন

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ প্ররূপকল্পে The Inland Shipping Ordinance, 1976 (LXXII of 1976) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :—

১। সংক্ষিপ্ত শিরনাম — এই আইন The Inland Shipping (Amendment) Act, 2005 নামে অভিহিত হইবে।

২। Ordinance LXXII of 1976 এর section 3 এর সংশোধন — উক্ত Ordinance এর section 3 এর sub-section (2) এর "section 5A" শব্দ ও সংখ্যার পর, "certificate of compliance have been obtained under sub-section(3) of section 5B" কমা, শব্দগুলি, বক্রনী ও সংযোগগুলি সন্নিবেশিত হইবে।

৩। Ordinance LXXII of 1976 এ নৃতন sections 5B, 5C ও 5D এর সন্নিবেশ — উক্ত Ordinance এর section 5A এর পর নিম্নরূপ নৃতন sections 5B, 5C ও 5D সন্নিবেশিত হইবে, যথা :—

"5B. Construction Survey, etc.—(1) For the purpose of commencement of construction or modification of an inland ship, after obtaining the certificate of plan approval under section 5A, the owner shall inform the authority empowered by the Government in this behalf in the form as may be prescribed by the Government to the effect when and where the ship is to be constructed or modified.

(৯৭৭)

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(2) The said authority receiving the information under sub-section (1), shall cause, during the construction or modification of an inland ship, to conduct construction survey, supervise construction, calculate stability and an inclining test of inland ship;

(3) After satisfactory completion of construction or modification of an inland ship, if it is found that the construction or modification conforms to the prescribed standard or specification, the person authorised to conduct such supervision of construction or modification under sub-section(2), shall issue a certificate of compliance in a form as may be prescribed by the Government.

(4) The Government may prescribe fees for conducting construction survey, supervision of construction, stability calculation, inclining test and other related fitness test.

5C. Delegation of functions to the Classification Society, etc.—(1) The Government may, by notification in the Official Gazette, delegate the functions mentioned in sections 5A, 5B and also the functions of surveyor for the purpose of survey of Inland Ships under this Ordinance to the Classification Society empowered by the Government in this behalf.

(2) The Classification Society shall be responsible and accountable to the Government for the said delegated functions.

(3) The formation, charter of duties, responsibilities and capabilities of a Classification Society may be determined by an order of the Government.

(4) The Classification Society shall be entitled to such fees at such rate and in such manner as may be prescribed by the Government for the performance of delegated functions under sub-section (1) of Section 5C."

Explanation : For the purpose of this section, "Classification Society" means a society or organization authorized by the Government for the purpose of this Ordinance.

5D. Marking of Ship.—(1) Every inland ship in respect of which an application for registration is made under section 17 shall, before grant of certificate of registration under section 18, be marked, in such manner as may be prescribed, permanently and conspicuously and to the satisfaction of the registrar.

(2) The marks required by this section shall not be altered or otherwise modified without the prior written permission of the registrar.

(3) If an owner or master of an inland ship neglects to cause his ship to be marked as required by this section, or to keep her so marked, or if any person conceals, removes, alters, defaces, or obliterates any of the said mark, he shall, for such offence, be punishable with fine which may extend to taka twenty thousand, and on a report from a surveyor that an inland ship is insufficiently or inaccurately marked, the inland ship may be detained until the insufficiency or inaccuracy has been remedied." ।

৪ : Ordinance LXXII of 1976 এর section 26 এর সংশোধন ।—উক্ত Ordinance এর section 26 এর sub-section (2) এর "thirty days" শব্দগুলির পরিবর্তে "forty-five days" শব্দগুলি প্রতিস্থাপিত হইবে ।

৫। Ordinance LXXII of 1976 এর section 30 এর সংশোধন ।—উক্ত Ordinance এর section 30 এর পরিবর্তে নিম্নরূপ section 30 প্রতিস্থাপিত হইবে, যথা :—

"30. Duration of certificate of registry, etc.—(1) Subject to the other provisions of this Ordinance, a certificate of registry of an inland ship granted under this Ordinance shall remain valid for 30 (thirty) years of her age from the date of first registry unless the ship is rendered total loss, scrapped or otherwise transferred within the said period :

Provided that the validity of the registration may be extended, if it is found that the inland ship is fit for plying to the satisfaction of the registrar after special docking survey in a manner as may be prescribed, for a maximum period of five years and continued for the same further period subject to special docking.

(2) Where an inland ship, other than dumb barges and other crafts which are not propelled but are towed or pushed by a propelled vessel, registered under this Ordinance is not surveyed for three consecutive years, referred to in section 11(1) the registration of the inland ship shall cease to be in force from the date of expiration of the last survey.

(3) Where an inland ship has been laid up or scrapped or otherwise not in use, the owner of the ship shall immediately inform the registrar in writing within thirty days of such events."।

৬। Ordinance LXXII of 1976 এর section 36 এর সংশোধন ।—উক্ত Ordinance এর section 36 এর—

(ক) sub-section (1) এর "various grades of masters and drivers" শব্দগুলির পরিবর্তে "inland engineers, various grades of masters and engine-drivers" শব্দগুলি ও কমা প্রতিস্থাপিত হইবে:

(খ) sub-section (2) এর "master or driver" শব্দগুলির পরিবর্তে "inland engineer, master or engine-driver" শব্দগুলি ও কমা প্রতিস্থাপিত হইবে।

৭। Ordinance LXXII of 1976 এর section 37 এর সংশোধন ।—উক্ত Ordinance এর section 37 এর sub-section (2) এর "masters and drivers" শব্দগুলির পরিবর্তে "inland engineers, masters, engine-drivers and ratings" শব্দগুলি ও কমাগুলি প্রতিস্থাপিত হইবে।

৮। Ordinance LXXII of 1976 এ নৃতন sections 37A এবং 37B এর সন্নিবেশ ।—উক্ত Ordinance এর section 37 এর পর নিম্নরূপ নৃতন section 37A এবং 37B সন্নিবেশিত হইবে, যথা :—

"37A. Uniform and identity card for the crew of inland ship.—(1) The Director-General may by order—

(a) in writing require the owner of an inland ship to provide standard uniform for the crews on board as may be specified in that order;

(b) provide for the issue to every crew an identity card, in this section referred to as crew's identity card, in such form and containing such particulars with respect to the holder thereof and such other particulars, if any, as may be specified in that order, and for requiring every crew to apply for such card;

- (c) require the holder of a crew identity card to produce it to such person in such circumstances as may be specified in the order;
- (d) require to surrender the crew's identity card in such circumstances as may be specified in the order.
- (2) If any person who is required to wear the standard uniform or display identity card, does not do so, he shall be punishable with fine which may extend to taka two thousand or his certificate of competency, if any, may be suspended for a maximum period of three months.
- (3) If a person makes a statement which the Director-General thinks to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or for any other person a crew's identity card, he shall be liable to a fine not exceeding taka five thousand and in that event the crew's identity card shall be cancelled.

37B. Training of inland engineers, masters, engine-drivers, etc.—(1) Director-General shall cause to conduct training programs from time to time on crowded management, fire fighting, personal survival technique, tanker safety and other kind of similar training for inland engineers, masters, engine-drivers, seacunny, greaser, ratings and the persons primarily responsible for passenger safety or other safety measures of an inland ship.

(2) If—

- (a) any training programme is conducted under sub-section (1) and any person is selected for the training, he shall be bound to undertake the training as required; and
- (b) any person refuses to undertake the training without any reasonable cause, his competency certificate or identity card may be suspended till the training is obtained.”।

৯। Ordinance LXXII of 1976 এর section 44 এর সংশোধন।—উক্ত Ordinance এর section 44 এর—

- (ক) sub-section (2) এর “of the ship or ships” শব্দগুলির পর “or by any passenger of the ship or ships or any other person having the knowledge of such casualty” শব্দগুলি সম্মিলিত হইবে;
- (খ) “sub-section (3) এর—
 - (অ) “seventy two hours” শব্দগুলির পরিবর্তে “twelve hours” শব্দগুলি প্রতিস্থাপিত হইবে; এবং
 - (আ) “Subdivisional Magistrate” শব্দগুলির পরিবর্তে “Upazilla Nirbahi Officer” শব্দগুলি প্রতিস্থাপিত হইবে।

১০। Ordinance LXXII of 1976 এর section 45 এর সংশোধন।—উক্ত Ordinance এর section 45 এর sub-section (1) এর “Subdivisional Magistrate” শব্দগুলির পরিবর্তে “Upazilla Nirbahi Officer” শব্দগুলি প্রতিস্থাপিত হইবে।

১১। Ordinance LXXII of 1976 এর section 46 এর সংশোধন।—উক্ত Ordinance এর section 46 এর—

- (ক) sub-section (1) এর “Subdivisional Magistrate” শব্দগুলির পরিবর্তে “Upazilla Nirbahi Officer” শব্দগুলি প্রতিস্থাপিত হইবে;
- (খ) sub-section (2) এর শর্তাংশে উল্লিখিত “Subdivisional Magistrate” শব্দগুলির পরিবর্তে “Upazilla Nirbahi Officer” শব্দগুলি প্রতিস্থাপিত হইবে।

১২। Ordinance LXXII of 1976 এর section 47 এর প্রতিস্থাপন।—উক্ত Ordinance এর section 47 এর পরিবর্তে নিম্নরূপ section 47 প্রতিস্থাপিত হইবে, যথা :—

“47. **Constitution of Marine Court.**—(1) There shall be constituted one or more Marine Courts consisting of a Magistrate of the first class to try the offences punishable under this ordinance.

- (2) The Government may, by notification in the official Gazette, determine the jurisdiction of the Marine Courts, if the number of court is more than one.
- (3) The Marine Court trying the offences punishable under this chapter shall be assisted by not less than two or more than four assessors of whom one shall be a person conversant with maritime affairs and the other or others shall be person or persons conversant with navigation of inland ships or mercantile or marine engineering affairs.
- (4) Every assessor of a Marine Court shall, unless he is for sufficient reason permitted absence on any day by the Magistrate constituting the Court, attend every proceeding of the court and shall deliver his opinion in writing which shall be recorded on the proceedings.”।

১৩। Ordinance LXXII of 1976 এর section 51 এর সংশোধন।—উক্ত Ordinance এর section 51 এর-sub-section (1) এর দ্বিতীয় পংক্তিতে অবস্থিত “master” শব্দটির পূর্বে “owner and” শব্দগুলি প্রতিস্থাপিত হইবে।

১৪। Ordinance LXXII of 1976 এর section 52 এর সংশোধন।—উক্ত Ordinance এর section 52 এর-sub-section (2) এর “one lakh Taka” শব্দগুলির পরিবর্তে “five lakh Taka” শব্দগুলি প্রতিস্থাপিত হইবে।

১৫। Ordinance LXXII of 1976 এ নৃতন section 54A এবং 54B এর সন্নিবেশ।—উক্ত Ordinance এর section 54 এর পর নিম্নরূপ নৃতন sections 54A এবং 54B সন্নিবেশিত হইবে যথা :—

“54A. **Plying in coastal water without permission prohibited.**—(1) No inland ship shall proceed on any voyage or be used for any service without a written permission from the registrar to ply in coastal water.

- (2) The registrar shall issue a written permission referred to in sub-section (1) in such manner and on such conditions as may be specified by the Director-General in this behalf.
- (3) The permission to ply in coastal water shall remain valid till the validity of the survey certificate referred to in section 11.
- (4) The Government may exempt any inland ship from the operation of this section for a maximum period of three months.

54B. Voyage without Telecommunication Equipment prohibited.—(1) Inland ship carrying—

- (a) one hundred or more than one hundred passengers; or
- (b) oil, gas or chemical of more than two hundred gross tonnage; or
- (c) cargo of more than three hundred gross tonnage; shall not proceed on any voyage or be used in service unless she has been provided with such telecommunication equipment as may be prescribed.

(2) The Government may by order exempt from the operation of this section any inland ship or class of inland ships, if it is of the opinion that, having regard to the nature of the voyage in which the inland ship is engaged or other circumstances of the case, the provision of the telecommunication equipment is unnecessary or unreasonable.”।

১৬। Ordinance LXXII of 1976 এর section 57A এর প্রতিস্থাপন।—উক্ত Ordinance এর section 57A এর পরিবর্তে নিম্নরূপ section 57A প্রতিস্থাপিত হইবে, যথা :—

57A. Causing obstruction, ect. on any navigable water route prohibited.—No person shall,—

- (a) by setting any fishing net or any other means, cause obstruction to navigation of any inland ship in any navigable water route;
- (b) by any means, cause damage, destroy or remove any buoy or beacon or any other similar equipment or mark which has been installed for the purpose of aid to navigation.”।

১৭। Ordinance LXXII of 1976 এ নৃতন section 58A এর সন্নিবেশ।—উক্ত Ordinance এর section 58 এর পর নিম্নরূপ নৃতন section 58A সন্নিবেশিত হইবে, যথা :—

“58A. Voyage without Insurance or Marine Casualty Trust Fund coverage prohibited.—No inland ship carrying passenger shall proceed on any voyage unless her passengers and crew are insured with an insurance company engaged in the insurance business in Bangladesh or the owner of that ship be a member of the Marine Casualty Trust Fund to be established by the Government in such manner as may be prescribed.”।

১৮। Ordinance LXXII of 1976 এ নৃতন **CHAPTER VA** এর সন্নিবেশ।—উক্ত Ordinance এর CHAPTER V এর পর নিম্নরূপ নৃতন CHAPTER VA সন্নিবেশিত হইবে, যথা :—

“CHAPTER VA

Protection of Inland Water from Pollution

60A. Inland Water Pollution Prohibited.—(1) No inland ship or a facility plying or operating in or around inland waterways shall be used without registration and sanitation facilities as may be prescribed and no inland ship activity shall be conducted to cause pollution of inland water.

(2) Every inland ship shall be granted yearly renewable pollution prevention certificate(s) by the surveyor after getting the application along with prescribed fee(s) from the owner or master of the inland ship.

(3) Every inland ship carrying more than 12 persons including passenger, master, officer and members of the crew of the inland ship, shall have potable water and sanitation system approved by the Department of Shipping.

(4) The discharge of oily mixture and sewage into inland water is prohibited, except when:

- (a) the inland ship is discharging comminuted and disinfected sewage using a system approved by the Department of Shipping ; or
- (b) the inland ship has in operation an approved sewage treatment plant or a retention tank of adequate capacity which has been certified by the Department of Shipping : or
- (c) the discharging of sewerage, oil or oily mixture into inland water necessary for the purpose of securing the safety of a inland ship or saving life on board ; or
- (d) the discharge into inland water of oil, oily mixture or sewage resulting from damage to an inland ship or its equipment, provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; or
- (e) the discharge for the purpose of combating specific pollution incidents in order to minimize the damage from pollution, subject to the approval of the Department of Shipping.

*Explanation.—*In this section—

- (a) “Pollution” means contamination or other alteration of the physical, chemical or biological properties of inland water, soil or air including change in their temperature, taste, odor, density, colour or any other characteristics of such water, soil or air including sound or noise level more than a prescribed limit or such discharge of any liquid, gaseous, solid substance, radio active or other substance including non biodegradable waste and sewage into such water, soil or air as it will, or is likely to create a nuisance or render such water, soil or air harmful, injurious, detrimental or disagreeable to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational or other *bonafide* uses or to livestock, wild animal, bird, fish, plant or other form of life,” and
- (b) “Sewage” means :
 - (i) drainage and other wastes from any form of toilets, urinals, and water commode scuppers;
 - (ii) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;
 - (iii) drainage from spaces containing liveing animals; or
 - (iv) other waste water when mixed with drainages defined above.

(5) Pollution prevention certificate(s) shall be obtained by the owner of the—

- (a) existing inland ship within three years from;
- (b) new inland ship immediate after;

the commencement of the Inland Shipping (Amendment) Act, 2005

60B. Pollution prevention certificate(s) to be carried on board.—Pollution prevention certificate(s) mentioned in section 60A be carried on board the ship, at all times, by the owner or master and shall be open to inspection by a person authorized by the Government or the Department of Shipping.”

১৯। Ordinance LXXII of 1976 এর section 61 এর সংশোধন।—উক্ত Ordinance এর section 61 এর "one year, or with fine which may extend to taka ten thousand" শব্দগুলি ও কমার পরিবর্তে "two years, or with fine which may extend to taka thirty thousand" শব্দগুলি ও কমা প্রতিস্থাপিত হইবে।

২০। Ordinance LXXII of 1976 এর section 61A এর সংশোধন।—উক্ত Ordinance এর section 61A এর "ten thousand" শব্দগুলির পরিবর্তে "thirty thousand" শব্দগুলি প্রতিস্থাপিত হইবে।

২১। Ordinance LXXII of 1976 এর section 62 এর সংশোধন।—উক্ত Ordinance এর section 62 এর "extend to six months, or with fine which may extend to taka two thousand" শব্দগুলি ও কমার পরিবর্তে "extend to three months, or with fine which may extend to taka five thousand" শব্দগুলি ও কমা প্রতিস্থাপিত হইবে।

২২। Ordinance LXXII of 1976 এর section 63 এর সংশোধন।—উক্ত Ordinance এর section 63 এর "one thousand" শব্দগুলির পরিবর্তে "five thousand" শব্দগুলি প্রতিস্থাপিত হইবে।

২৩। Ordinance LXXII of 1976 এর section 64 এর সংশোধন।—উক্ত Ordinance এর section 64 এর—

(ক) Sub-section (1) এর "ten thousand" শব্দগুলির পরিবর্তে "thirty thousand" শব্দগুলি প্রতিস্থাপিত হইবে।

(খ) Sub-section (2) এর "five thousand" শব্দগুলির পরিবর্তে "twenty thousand" শব্দগুলি প্রতিস্থাপিত হইবে।

২৪। Ordinance LXXII of 1976 এর section 65 এর সংশোধন।—উক্ত Ordinance এর section 65 এর "five thousand" শব্দগুলির পরিবর্তে "fifteen thousand or with both" শব্দগুলি প্রতিস্থাপিত হইবে।

২৫। Ordinance LXXII of 1976 এর section 66 এর সংশোধন।—উক্ত Ordinance এর section 66 এর "ten thousand" শব্দগুলির পরিবর্তে "fifty thousand" শব্দগুলি প্রতিস্থাপিত হইবে।

২৬। Ordinance LXXII of 1976 এর section 67 এর সংশোধন।—উক্ত Ordinance এর section 67 এর clause (b) এর পরিবর্তে নিম্নরূপ নৃতন clause (b) প্রতিস্থাপিত হইবে, যথা :—

"(b) the owner or his representative, if present, on board the inland ship or at the terminal at the time of voyage, loading or unloading or master of the inland ship shall be punishable with fine which may extend to taka three hundred for each passenger so in excess up to a maximum of taka one lakh."।

২৭। Ordinance LXXII of 1976 এ নৃতন section 67A ও 67B এর সন্নিবেশ।—উক্ত Ordinance এর section 67 এর পর নিম্নরূপ নৃতন sections 67A ও 67B সন্নিবেশিত হইবে, যথা :—

"67A. **Penalty for improperly loading an inland ship.**—The owner or his representative, if present, on board the inland ship or at the terminal at the time of voyage, loading or unloading or master or both of an inland ship shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to taka fifty thousand, or with both, if he loads the inland ship in such a manner which endangers the ships, its property or lives on board thereof.

67B. Penalty for over loading of goods (solid, liquid, gaseous or bulk).—If an inland ship carries on board any goods in excess of the load line mark set forth in the certificate of registration of the ship for which the ship is fit to carry, the owner or his representative, if present, on board the inland ship or at the terminal at the time of voyage, loading or unloading or master of the inland ship carrying the excess goods shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to,—

- (a) in the case of an inland ship having capacity up to one hundred fifty gross ton, ten thousand taka; and
- (b) in the case of an inland ship having capacity above one hundred fifty gross ton, fifty thousand taka, or with both.”।

২৮। Ordinance LXXII of 1976 এর section 68A-এর সংশোধন।—উক্ত Ordinance-এর section 68A-এর “six months, or with fine which may extend to taka five thousand” শব্দগুলি ও কমার পরিবর্তে “one year, or with fine which may extend to twenty five thousand” শব্দগুলি ও কমা প্রতিস্থাপিত হইবে।

২৯। Ordinance LXXII 1976 এ নৃতন section 68B-এর সম্বিবেশ।—উক্ত Ordinance এর section 68A এর পর নিম্নরূপ নৃতন section 68B সন্নিবেশিত হইবে, যথা :—

“68B. Penalty for Contravention of sections 54A, 54B and 58A.—The owner and the master of an inland ship shall each be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to taka thirty thousand, or with both if any of them contravenes the provisions of section 54A, 54B or 58A.”।

৩০। Ordinance LXXII of 1976 এর section 69 এর সংশোধন।—উক্ত Ordinance এর section 69 এর “three months, or with fine which may extend to taka five thousand” শব্দগুলি ও কমার পরিবর্তে “one year, or with fine which may extend to taka twenty five thousand” শব্দগুলি ও কমা প্রতিস্থাপিত হইবে।

৩১। Ordinance LXXII of 1976 এর section 70 এর সংশোধন।—উক্ত Ordinance এর section 70 এর sub-section (2) এর “by the master or any officer or other member of the crew of the ship, the master or any officer or other member of the crew of such ship or each of them shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to taka ten thousand, or with both” শব্দগুলি ও কমাগুলির পরিবর্তে “by the owner, master or any officer or other member of the crew of the ship, the owner, master or any officer or other member of the crew of such ship or each of them shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to taka one lac but shall not be less than taka ten thousand, or with both” শব্দগুলি ও কমাগুলি প্রতিস্থাপিত হইবে।

৩২। Ordinance LXXII of 1976 এর section 71 এর সংশোধন।—উক্ত Ordinance এর section 71 এর “two thousand” শব্দগুলির পরিবর্তে “ten thousand” শব্দগুলি প্রতিস্থাপিত হইবে।

৩৩। Ordinance LXXII of 1976 এ নৃতন section 71A এর সমিবেশে —উক্ত Ordinance এর section 71 এর পর নিম্নরূপ নৃতন section 71A সন্নিবেশিত হইবে, যথা :—

“71A. **Penalty for Contravention of section 60A.**—(1) Any person who contravenes the provision of section 60A shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to taka one lakh, or with both, and with recovery as compensation for the actual damage caused in any form, including the cost of clean up or containment or mitigation measures required.

(2) The extent of environmental damages and other relevant expenses shall be determined by a committee appointed by the Government for this purpose.”।

৩৪। Ordinance LXXII of 1976 এর section 72 এর সংশোধন —উক্ত Ordinance এর section 72 এর “one thousand” শব্দগুলির পরিবর্তে “ten thousand” শব্দগুলি প্রতিস্থাপিত হইবে।

৩৫। Ordinance LXXII of 1976 এর section 78 এর সংশোধন —উক্ত Ordinance এর section 78 এর “1908” সংখ্যার পরিবর্তে “1860” সংখ্যা প্রতিস্থাপিত হইবে।

৩৬। Ordinance LXXII of 1976 এর section 81 এর সংশোধন —উক্ত Ordinance এর section 81 এর—

(ক) sub-section (1) এর—

(অ) clause (a) এর “and cargo” শব্দগুলির পরিবর্তে “cargo and passenger” শব্দগুলি ও কমার প্রতিস্থাপিত হইবে;

(আ) clause (d) বিলুপ্ত হইবে;

(ই) বিলুপ্ত clause (d) এর পর নিম্নরূপ নৃতন clause (e) সংযোজিত হইবে, যথা :—

“(e) inspect and examine an inland ship which is overloaded or improperly loaded.”;

(খ) sub-section (2) এর “under sub-section (1),” শব্দগুলি, সংখ্যা, বক্ষনীগুলি ও কমার পরিবর্তে “under sub-section (1), section 81A or 81B.” শব্দগুলি, সংখ্যাগুলি, বক্ষনীগুলি ও কমাগুলি প্রতিস্থাপিত হইবে।

৩৭। Ordinance LXXII of 1976 এ নৃতন section এর সমিবেশে —উক্ত Ordinance এর section 81 এর পর নিম্নরূপ নৃতন sections 81A, 81B, 81C, 81D ও 81E সন্নিবেশিত হইবে, যথা :—

“81A. **Temporary detention of inland ship for unsafe plying, etc.**—(1) Where an officer, after the inspection and examination under sub-section (1) of section 81, is of the opinion that the inland ship is not complying with the provisions of this Ordinance or rules made thereunder, for which the voyage is unsafe for the ship, lives or properties on board thereof, he may temporarily detain that ship and such documents as he feels necessary and make an order in writing not to proceed on any voyage till such time the ship is made safe for the voyage to the satisfaction of that officer.

81B. Power to detain inland ship plying without certificate of registration or certificate of survey or temporary plying permit.—(1) Any officer appointed under section 81 has reason to believe that an inland ship has been or is being used in contravention of the provisions of sub-section (1) of section 18 or without the certificate of survey required by sub-section (1) of section 9 or without the permit required by sub-section (3) of section 9, seize and detain the inland ship.

(2) Notwithstanding anything contained in sub-section (1), where any such officer or person has reason to believe that an inland ship has been or is being used without the certificate of survey required by sub-section (3) of section 9, he may, instead of seizing the inland ship, seize the certificate of registration of the ship, certificate of competency of master and driver and shall issue an acknowledgement in respect thereof.

(3) Where no owner of a detained inland ship is found after a reasonable enquiry, the ship may be auctioned in public in such manner as may be prescribed or taken in to custody in favour of the Government, in order to stop the non-compliance.

81C. Assistance from law enforcing agencies and other authorities.—The Director-General or a person authorised by him or an officer appointed under the provisions of this Ordinance may, for the purpose of exercising any power or performing any function under this Ordinance, request any law enforcing agency, or any other Government or statutory authority to render necessary assistance, and upon such request that agency or authority shall render the assistance.

81D. Delegation of Power.—The Government may, by notification in the official Gazette, direct that the powers exercisable by it or the Director-General under any of the provisions of this Ordinance shall, subject to such conditions, if any, as may be so specified in that notification, be exercisable by a competent authority declared as such by the Government in the said notification.

81E. Special provision regarding fines.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any Magistrate of the first class to pass a sentence of fine under this Ordinance exceeding ten thousand taka”।

৩৮। **Ordinance LXXII of 1976** এর section 82 এর সংশোধন।—উক্ত Ordinance এর section 82 এর sub-section (2) এর clause (XXV) এর পরিবর্তে নিম্নরূপ clause (XXV) প্রতিস্থাপিত হইবে, যথাঃ—

“(XXV) pollution prevention, sanitary and other measures to be taken on board an inland ship for ensuring cleanliness and convenience of passengers and inland water”।

ড. মো. আমর ফারুক খান
সচিব।

মোঃ নূর-নবী (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রণালয়, তেজগাঁও, ঢাকা কর্তৃক মুদ্রিত।
মোঃ আমিন জুবেরী আলম, উপ-নিয়ন্ত্রক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।