



Government of the People's Republic of Bangladesh
DEPARTMENT OF FISHERIES, BANGLADESH

THE PROTECTION AND CONSERVATION OF FISH ACT, 1950

(Compiled as modified up to February 1995)

(E. B. Act XVIII of 1950, published in the Dhaka Gazette, Extraordinary, 18th May, 1950)

For Official Use Only



Office of the District Fisheries Officer
Shariatpur

Government of the People's Republic of Bangladesh

THE ¹PROTECTION AND CONSERVATION OF FISH ACT, 1950

(E. B. Act XVIII of 1950, as modified up to February 1995)

An Act to provide for the protection and conservation of fish in ¹Bangladesh.

Whereas it is expedient to provide for the protection and conservation of fishes in ¹Bangladesh;

It is hereby enacted as follows—

1. Short title, extent and commencement.— (1) This Act may be called the Protection and Conservation of Fish Act, 1950.

(2) It extends to the whole of ¹Bangladesh.

(3) It shall come into force on such date as the ²Government may, by notification in the *Official Gazette*, appoint.

2. Definition.— In this act, unless there is anything repugnant in the subject or context,—

(1) “Fish” includes ³*all cartilaginous, bony fishes, prawn, shrimp, amphibians, tortoise, turtles, crustacean animals, mollusks, echinoderms and frogs at all stages in their life history;*

⁴(1a) “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 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) “Fishery officer” means any person whom the ²Government or any officer empowered by the ²Government in this behalf may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made there under to be done by such officer;

Provided that no Police officer shall be so empowered;

(3) “fixed engine” means any net, cage, trap or other contrivance for catching fish, fixed in the earth or made stationary in any other way; and

(4) “omitted⁵”

¹ the word ‘East Bengal’ was omitted *vide* Protection and Conservation of Fish (Amendment) Ordinance, 1982 (Ordinance no. LV of 1982, published in the Bangladesh Gazette, Extraordinary, 15th December, 1982).

² the word ‘Provincial’ was omitted by the Ordinance No. LV of 1982.

³ definition of ‘fish’ was substituted by the Ordinance No. LV of 1982.

⁴ clause ‘(1a)’ was inserted *vide* Protection and Conservation of Fish (Amendment) Act, 1995 [Act No. IX of 1995], (published in the Bangladesh Gazette, Extraordinary, 16th February, 1995).

⁵ sub-section ‘(4)’ was omitted by the Ordinance No. LV of 1982.

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3. (1) The ²Government may make rules for the purposes hereinafter in this section mentioned.

(2) The ²Government may, by notification, apply such rules or any of them to any water or waters⁶;

(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;

⁷(iii) *the use or method of operation of any kind of fishing net⁸ and the size of the mesh of any fishing net;*

⁹(iv) *the manufacture, import, marketing, carrying, transporting or processing 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 destruct fishes by explosives, gun, bow and arrow in inland water within coastal territorial waters;

(c) prohibit the destruction of any attempt to destroy fishes by the poisoning of water or the depletion of fisheries by pollution, by trade effluents 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;¹⁰

(f) Prohibit all fishing in all waters or in any specified waters for a specified period;

¹¹(g) *prohibit the destruction of or any attempt to destroy fishes by drying or dewatering of any fishery;*

Provided that the ²Government may for the purpose of *pisciculture, collection of data and scientific investigation for biological study on fish*¹² 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 the license issued for the purpose.

¹³(4) In making any rule under this section, the ²Government 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;*

⁶ sub-section '(2)' of section 2 was substituted by the Ordinance No. LV of 1982.

⁷ sub-clause '(iii)' was inserted by the East Bengal Protection and Conservation of Fish (Amendment) Act, 1963 (published in the Gazette of East Pakistan, Extraordinary, 25th January, 1964.

⁸ the word *net* was substituted by the words '*fishing net*' vide Act No. IX of 1995.

⁹ the sub-clause '*iv*' was inserted by Act No. IX of 1995.

¹⁰ the word '*and*' was deleted by Act No. IX of 1995.

¹¹ the clause '*(g)*' was inserted by Act No. IX of 1995.

¹² substituted '*pisciculture, collection of data and scientific investigation for biological study on fish*' for the word *pisciculture* vide The East Bengal Protection and Conservation of Fish (Amendment) Ordinance, 1970 (East Pakistan ordinance No. XXVI of 1970, The Dacca Gazette, Extraordinary October 9, 1970)

¹³ the sub-section '(4)' was substituted by the Ordinance No. LV of 1982.

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(b) *the forfeiture of any fishes taken by means of any such fixed engine or any other contrivance; and*

¹⁴(c) *the procedure for disposal of forfeited fixed engine, fishing net or other contrivance or forfeited fish.*

(5) The power to make rules is subject to the condition of previous publication; and the date to be specified under clause (3) of *section 23 of the General Clauses Act 1897*¹⁵, shall not be less than two months from the date on which the draft of the proposed rules was published.

(6) All such rules shall be published in the Official Gazette and shall unless some later date is appointed, come into force on the date of such publication.

4. Power to prohibit sale of fish.—The ²Government may, by notification, prohibit for a specified period of ¹⁶*catching, carrying, transporting, offering, exposing or possession* for sale or barter of fishes below the prescribed size of any prescribed species throughout the Bangladesh¹⁷ or any part thereof.

5. Penalties.—(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*^{18,19}.

(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*^{20,21}.

6. Arrest without warrant for offence under the Act.—(1) Any person, specially empowered by the ²Government in this behalf, may arrest without warrant any person committing a breach of any rule under section 3 or any prohibition notified under section 4—

(a) If the name and address of the person are unknown to him, and

(b) If the person declines to give his name and address or if there is reason to doubt the accuracy of the name, if given.

¹⁴ the clause '(c)' was substituted by Act No. IX of 1995.

¹⁵ substituted the words, commas and figure *section 24 of the Bengal General Clauses Act, 1899* by words, commas and figure *'section 23 of the Bengal General Clauses Act, 1897'* vide the Ordinance No. LV of 1982.

¹⁶ substituted by the words *'catching, carrying, transporting, offering, exposing or possession'* vide the Ordinance No. LV of 1982 for the words *offering or exposing or possession*.

¹⁷ substituted by E. P. Act, 1963 as amended by the Ordinance No. LV of 1982 for the words *the province of East Pakistan*.

¹⁸ substituted¹⁹ by 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'* vide the Act No. IX of 1995 for the words and commas *may extend to six months, or with fine which may extend to five hundred taka, or with both*.

¹⁹ substituted by the Ordinance No. LV of 1982 for the words and commas *simple imprisonment for a term which extend to one month or with fine which may extend to one hundred rupees*.

²⁰ substituted²¹ by 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'* vide the Act No. IX of 1995 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*.

²¹ substituted by the Ordinance No. LV of 1982 for the words *two hundred rupees, or with simple imprisonment which may extend to two months*.

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(2) A person arrested under this section may be detained until his name and address have been correctly ascertained;

Provided that, no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate or to the nearest police-station according to the provision of the Code of Criminal Procedure, 1898 (Act V of 1898)

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, it will be lawful for the officer in charge of a police station to detain a person produced before him under the proceeding subsection till he is produced before the Magistrate.

(4) All Fishery officers empowered by the ²Government shall have the same powers of search and investigation in respect of an offence under this Act as a police officer of the rank of Sub-Inspector.

²²**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 of 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.*

8. Officers to be deemed public servants.—All persons empowered to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal code (Act XIV of 1860).

9. Indemnity.—No suit, prosecution or other legal proceeding and shall lie against any person empowered to perform any function under this Act for anything which is in good faith done or intended to be done under this Act.

²³**10. Omitted.**

²² section '7' was substituted by the Protection and Conservation of Fish (Amendment) Act, 1995 (Act No. IX of 1995).

²³ section '10' was omitted by the Ordinance No. LV of 1982.

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

NOTIFICATION

Dacca.– No. 6581 Fish.–3rd July 1950–In exercise of power conferred by sub-section (I) of the section 6 of the East Bengal Protection and Conservation of Fishes Act, 1950 (East Bengal Act XVIII of 1950) the Governor is pleased to empowered 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 of the said Act, namely–

- (1) All Magistrates
- (2) All Police Officers not below the rank of Sub-Inspetor of Police or Officer-in-charge of a police-station.
- (3) All forest officers noot below the rank of Deputy Ranger employed in the Sundarbans Forest Division.
- (4) All Officers of the Directorate of the Fisheries not below the rank of Fishery Overseer.

By order of the Governor,

M. A. MAJID
Joint Secretary

GOVERNMENT OF EAST PAKISTAN
AGRICULTURE DEPARTMENT
Fisheries Branch

NOTIFICATION

No. 678 Fish.–30th May, 1959.–In exercise of power conferred by clause (2) of section 2 of the East Bengal Protection and Conservation of Fish Act, 1950 (East Bengal Act XVIII of 1950) and in supersession of this Department Notification No. 9735-Fish, dated the 20th August, 1952, the Governor is pleased to appoint all Fishery Officers of and above the rank of Fishery Overseers and Fish culture Assistants employed in the Directorate of Fisheries to be “Fishery Officers” to carrout all the purposes of the said Act.

By order of the Governor,

M. K. ALI
Joint Secretary to the
Government of East Pakistan