

The Protection and Conservation of Fish Act, 1950 (East Bengal Act)

(ACT NO. XVIII OF 1950)

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

WHEREAS it is expedient to provide for the protection and conservation of fishes in [Bangladesh];

It is hereby enacted as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the ²[* * *] Protection and Conservation of Fish Act, 1950.

(2) It extends to the whole of ³[Bangladesh].

(3) It shall come into force on such date as the ⁴[* * *] Government may, by notification in the official Gazette, appoint.

Definitions

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

(1) "Current Jal" means fishing net made of monofilament synthetic nylon fibre of different mesh sizes;

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

(3) "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 decorative article, pond or tank;

(4) "Fishery Officer" means any person whom, the Government or any officer empowered by the Government 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 by any rule made thereunder to be done by such officer:

Provided that, no police officer shall be so empowered;

(5) "Fishing net" means the nets which are specially meant for catching different species of fishes from water bodies and it is one type of fishing gear made of different types of yarns including synthetic yarns of different mesh sizes other than Current Jal. The common tanning materials of net are fruit of gab (*Diospyros embryopteris*) bark of Goran (*Cerriops roxburghiana*) and Coal-tar;

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

Power to make rules

3. (1) The ⁶[* * *] Government may make rules for the purposes hereinafter in this section mentioned.

⁷[(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 ⁸[fishing net] and the size of the mesh of any ⁹[fishing net];

¹⁰[(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 waters 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; ¹¹[* * *]

(f) prohibit all fishing in all waters or in any specified waters for a specified period ¹²;

(g) prohibit the destruction of or any attempt to destroy fishes by drying or dewatering of any fishery:]

Provided that the ¹³[* * *] Government may for the purpose of pisciculture, collection of data and scientific investigation for biological 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 the licence issued for the purpose.

¹⁴[(4) In making any rule under this section, the Government may provide for-

(a) the seizure, removal and forfeiture of any fixed engine ¹⁵], finishing net, Current Jal] 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 ¹⁶], finishing net, Current Jal] or any other contrivance; and

¹⁷[(c) the procedure for disposal of forfeited fixed engine, fishing net ¹⁸], Current Jal] 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 ¹⁹[section 23 of the General Clauses Act, 1897,] 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.

Power to prohibit sale of fish

4. The ²⁰[* * *] Government may, by notification, prohibit for a specified period the ²¹[catching, carrying, transporting, offering, exposing or possession] for sale or barter of fishes below the prescribed size of any prescribed species throughout ²²[Bangladesh] or any part thereof.

Prohibition about Current Jal

²³[4A. (1) No person shall manufacture, fabricate, import, market, store, carry, transport, own, possess or use Current Jal.

(2) Whoever has in his possession Current Jal, shall, within 45 (forty-five) days of coming into force of this provision, surrender such Current Jal to the nearest police station, Office of the Fishery Officer or Office of the Upazilla Nirbahi Officer, and during that period an existing possession of Current Jal by any person shall not be deemed to be an offence.]

Penalties

²⁴[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 year and may extend to two years, or with fine which may extend to five thousand Taka, or with both.

(2) The breach of any prohibition, described in section 4A, in connection with-

(a) manufacture, fabrication, import, marketing or storing of Current Jal by any person shall be punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to five years, and shall also be liable to fine which may extend to ten thousand Taka; and

(b) carrying, transporting, owning, possession or use of Current Jal by any person shall be punishable with rigorous imprisonment for a term which