

12. WILD LIFE AND DOMESTIC ANIMAL

12.1 Wild Life

BANGLADESH WILD LIFE (PRESERVATION)

ORDER, 1973

(P.O. No. 23 of 1973)

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

- (a) "capture" means the taking alive of any wild animal;
- (b) "dealer", in relation to wild animals, trophies or meat means any person who, in course of trade or business carried on by him whether on his own behalf or on behalf of any other person,-
 - (i) sells, purchases or barter any wild animal, trophy or meat; or
 - (ii) cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any wild animals's trophy or meat; or
 - (iii) manufactures any article from trophies or meat;
- (c) "game reserve" means an area declared by the Government as such for the protection of wild life and increase in the population of important species wherein capturing of wild animals shall be unlawful;
- (e) "hunt" means,
 - (i) killing capturing, poisoning snaring and trapping of any wild animal and any attempt to do so; or
 - (ii) driving any wild animal for any of the purposes specified in sub-clause (i); or
 - (iii) injuring or destroying or taking any part of the body of such wild animal or taking of nests or eggs of wild birds and reptiles;
- (f) "licence", "special licence", "permit" and "special permit" mean respectively, a licence, a special licence, a permit or a special permit granted or issued under this Order or the rules made thereunder;
- (h) "national park" means comparatively large areas of outstanding scenic and natural beauty with the primary object of protection and preservation of scenery, flora and fauna in the natural state to which access for public recreation and education and research may be allowed;
- (j) "officer" means any person appointed in this behalf to carry out all or any of the purposes of this Order or to do anything required by this Order or any rule made thereunder to be done by an officer, and includes a Forest Officer as defined in clause (2) of section 2 of the

Forest Act, 1927 (Act No. XVI of 1927), and such other persons as may be authorized by the Government, carry out such purpose on to do such thing as the Government may specify;

- (l) "private game reserve" means an area or private land set aside by the owner thereof for the same purpose as game reserve and declared as such under Article 24;
- (n) "trophy" means any dead wild animal or any horn, antler, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg, shall or other durable part of a wild animal whether or not included in a manufactured or processed article;
- (o) "wild animal" means any vertebrate creature, other than human beings and animals of usually domesticated species or fish, and includes the eggs of birds and reptiles; and
- (p) "wild life sanctuary" means an area closed to hunting, shooting or trapping of wild animals and declared as such under Article 23 by the Government as undisturbed breeding ground primarily for the protection of wild life inclusive of all natural resources, such as vegetation, soil and water.

4. (1) As soon as may be, after the coming into force of this Order, the Government shall constitute, by notification in the Official Gazette, a Board to be called as the Bangladesh Wild Life Advisory Board, consisting of such members as the Government may deem necessary to appoint.

(2) The Bangladesh Wild Life Advisory Board shall perform such function as the Government may assign to it.

5. (1) The wild animals specified in the First Schedule shall be known as "game animals" and shall not be hunted, killed or captured, save in accordance with the terms of a permit.

(2) The wild animals specified in the Third Schedule shall be known as "Protected Animals" and shall not be hunted, killed or captured save as otherwise expressly provided in this Order.

6. (1) No person shall,

- (a) (i) hunt any wild animal by means of a set-gun, drop spear, deadfall gun trap, an explosive projectile bomb, grenade, electrical contrivances, a baited hook or any other trap whatsoever;
- (ii) hunt any game animal by means of an automatic weapon of a calibre used by the Bangladesh Army, Bangladesh Rifle or Police Force, a shot gun, rifle of 22 calibre or less, or a projectile containing any drug or chemical substance having the property

of anaesthetizing, paralysing, stupefying or rendering a wild animal crippled whether partly or totally;

- (b) (i) use any motor vehicle, motor driven vessel, watercraft of any type or aircraft or any other manually or mechanically propelled vehicle of any type to pursue any game animal, or to drive or stampede game animals for any purpose whatsoever;
 - (ii) use or have in his possession any poison or like injurious substance for the purpose of hunting a game animal;
 - (iii) shoot any game animal from any aircraft, motor vehicle, rail trolley cart, boats or any kind of water craft or any other conveyance;
 - (iv) hunt with the help of live decoys, call birds or any other artificial contrivances;
- (c) construct or use or have in his possession any pitfall, game pit, trench or similar excavation or any fence or enclosure, or fire to any vegetation or any other contrivance for the purpose of hunting any game animal.

(2) It shall not be an offence to use a motor vehicle or aircraft to drive any wild animal away from an aerodrome or airstrip when such action is necessary to ensure the safety of aircraft using that aerodrome.

(3) An officer may grant capture licence and allow employment of a method of hunting specified in clause (1).

7. No person shall possess or use Hawks for hawking, or possess or user dogs for cursing, the game animals specified in the First Schedule except under a special licence.

8.(1) If, in any place, any wild animal whether protected or game an meat or trophy of such wild animal which is found dead or dying which has been killed or caught or brad in captivity or kept in possession of any body by any means otherwise than in accordance with the provisions of this Order shall be the property of the Government.

(2) No person shall, by any means, acquire or keep in his possession or custody or control or transfer to any person by way of gift or sale, or destroy, or otherwise damage, such Government property without previous written permission from the officer.

9.(1) Any person having the control, custody or possession of any wild animal or meat or trophy of any wild animal shall, within such period as the Government may by notification in the official Gazette, specify declare to an officer the number and description of such wild animal, meat or trophy and the place where it is kept.

(2) On receipt of such declaration, the officer shall enter upon the premises of such person in the prescribed manner and such person produce the declared wild animal, meat or trophy for inspection and verification before such officer; and if the declaration is found correct, the officer shall fix upon or put such mark of registration on such wild animal, meat or trophy as may be prescribed as lawful possession.

(3) No person shall counterfeit exchange or in any way interfered with any mark of registration fixed or put on by the officer on any wild animal, meat or trophy.

(4) The officer shall, on being satisfied that the requirements of clauses (1) and (2) have been fulfilled, issue, in the prescribed manner, a Certificate of Lawful possession of such wild animal, meat or trophy.

(5) The officer may, pending legal action, seize any wild animal, meat or trophy which has not been legally acquired or imported under this Order.

10. Any person who,-

- (a) fails to make a declaration under clause (1) of Article 9; or
- (b) conceals in such declaration any material fact; or
- (c) counterfeits, exchanges or in any way interferes with any mark of registration fixed or put on any wild animal, meat or trophy, for which Certificate of Lawful Possession has been issued, or alters or in any way changes a certificate or ownership;

shall be guilty of an offence.

11. (1) No person shall transfer by gift, sale or otherwise to any other person any wild animal, meat or trophy of any kind unless he is in possession of a certificate, of Lawful Possession in respect thereof.

(2) No person shall receive by gift, purchase or otherwise any wild animal, trophy or meat unless he receives at the same time a valid certificate, of Lawful Possession in respect thereof.

12. (1) No person shall import or attempt to import into Bangladesh any live wild animal of an endemic or exotic species, or any trophy or meat of a kind specified in the Second Schedule,-

- (i) except through a customs port of entry;
- (ii) unless he produces to the Customs Officer satisfactory proof that such wild animal, trophy or meat has been lawfully exported from the country of export;
- (iii) unless he produces an Import Permit issued by the Government under this Order.

(2) It shall be the duty of a Customs Officer to detain any live wild animal or any trophy or meat of any kind specified in the Schedule until the documents required by clauses (1) have been produced to him; and if those documents are not produced within a reasonable time, the wild animal, trophy or meat, shall be forfeited and disposed of in such manner as may be prescribed.

13. (1) No person shall export or attempt to export any wild animal, trophy or meat except those mentioned in the First schedule,-

- (i) except through a customs port of exit;
- (ii) unless he produces to the Customs Officer an Export Permit issued by the Government under this Order.

(2) An officer may issue, or refuse to issue without assigning any reason, as Export Permit to the owner having the certificate of Lawful Possession of any wild animal, trophy or meat of any kind specified in the First Schedule, and in case of receipt of such Export Permit the owner of the wild animal, trophy or meat shall immediately surrender to the said officer the certificate of Lawful Possession relating thereto.

14. Nothing in this Act shall apply to any wild animal, trophy or meat in transit through Bangladesh:

Provided that the wild animal, trophy or meat,-

- (i) shall be accompanied by the necessary transit customs documents;
- (ii) shall be entered through a custom port of entry;
- (iii) shall not be unloaded from the ship or motor vehicle or any carrier on which it is being carried, or in the case of air transport, it shall not leave the precincts of the airport at which it is landed or transhipped without being checked nor shall, except in the case of custom warehouse, remain in such precincts for more than 48 hours.

15. (1) No person shall, with a view to carrying on a profession, trade or business, buy, sell or otherwise deal in wild animals, trophies or meat or process or manufacture goods or articles from such trophies or meat or process or manufacture goods or articles from such trophies or meat unless he is in possession of a valid permit, hereinafter called a Dealer's Permit, issued for the purpose by an officer.

(2) An officer may grant, or refuse to grant without assigning any reason a Dealer's Permit to any person to deal in any wild animal, trophies or meat, or any class of wild animals, trophies or meat specified in such permit.

(3) A Dealer's Permit shall be issued on payment of the prescribed fee and shall remain valid for a period of one year from the date of its issue unless earlier cancelled.

(4) (i) The holder of a Dealer's Permit shall maintain such register or record of his dealings as may be prescribed and shall produce it for inspection at any reasonable time when called upon to do so.

(ii) The officer may suspend or cancel Dealer's Permit at any time and if he suspends or cancels it, he shall record in writing the reason therefor.

(5) Nothing in this Article shall be construed to exempt the holder of a Dealer's Permit from complying with the provisions of Articles 8, 9, 11, 12 and 13.

16. An officer may stop any vehicle or vessel and may search without warrant any person, vessel, vehicle, animal, package, receptacle or covering or any suspected place to satisfy himself as to whether or not an offence against this Order has been committed.

17. An officer may seize any wild animal together with any firearm, net, trap, snare, bow, arrow or any vehicle or vessel or anything whatsoever used or suspected to have been used in the commission of an offence against this Order.

18. Every person in possession of an wild animal or trophy specified in the Second Schedule shall produce his certificate of Lawful Possession on a demand made by an officer.

19. Every purchaser of forest produce, persons serving under the Public Works Department, *Chaukidars*, *Dafadars*, Village Watchmen, Village Headman, Chairman and members of Union *Panchayet*, *Kanungo* and *Tahsildar* shall be bound, in the absence of a reasonable excuse, to give to an office information in respect of any snaring, trapping, netting, unauthorized killing or any other offence against this Order committed within the limits of his jurisdiction, as soon as the Commission of such offence comes to his knowledge.

21. (1) Notwithstanding any other provisions of this Order, it shall not be an offence,-

- (a) for any person to kill any wild animal by any means in defence of his own life or that of any other person;
- (b) for the owner of any standing crops or his employee to kill by any means within the bounds of such crops, any wild animal causing material damage to such crops;
- (c) for the owner of livestock or his employee to kill any wild animal causing damage to the livestock in any way within a reasonable distance of where that livestock is grazing or where it is enclosed for the night:

Provided that paragraphs (b) and (c) shall not apply to any unlawful occupation of, or cultivation in, a national park, wild life sanctuary, or a

reserved or protected forest or to any livestock illegally grazing or herded therein.

(2) The killing under clause (1) of any wild animal specified in the First or Third Schedule shall be reported to the nearest officer immediately.

(3) The meat or trophy, or any protected or game animal killed under this Article shall be the property of the Government and shall be disposed of in such manner as may be prescribed.

22. When in any proceedings taken under this Order or in consequence of anything done under this Order, a question arises as to whether any wild animal, trophy or meat is the property of the Government, such wild animal, trophy or meat shall be presumed to be the property of the Government until the contrary is proved. Provided that the burden of proving that the accused is in lawful possession, custody or control of such wild animal, meat or trophy shall lie on such person.

23. (1) The Government may, by notification in the official Gazette, declare any area to be wild life sanctuary.

(2) No person shall,-

- (i) enter or reside in any wild life sanctuary; or
- (ii) cultivate any land in any wild life sanctuary; or
- (iii) damage or destroy any vegetation in any wild life sanctuary; or
- (iv) hunt, kill or capture any wild animal in any wild life sanctuary; or within one mile from the boundaries of a wild life sanctuary; or
- (v) introduce any exotic species of animal into a wild life sanctuary; or
- (vi) introduce any domestic animal or allow any domestic animal to stray into a wild life sanctuary; or
- (vii) cause any fire in a wild life sanctuary; or
- (viii) pollute water flowing in or through a wild life sanctuary:

Provided that Government may, for scientific purposes or for aesthetic enjoyment or betterment of scenery, relax all or any of the prohibitions specified above.

(3) The Government may declare any area to be a national park where the following acts shall not be allowed, namely,-

- (i) hunting, killing or capturing any wild animal in a national park and within the radius of one mile outside its boundary;
- (ii) firing any gun or doing any other act which may disturb any wild animal or doing any act which may interfere with the breeding places of any wild animal;
- (iii) feeling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree therefrom;

- (iv) clearing or breaking up any land for cultivation, mining or for any other purpose;
- (v) polluting water flowing in and through the national park:

Provided that the Government may, for scientific purposes or for betterment, of the national park or for aesthetic enjoyment of scenery or for any other exception reasons, relax all or any of the prohibition specified above.

(4) Construction of access roads rest houses and hotels and provision of amenities for the public shall be so planned as may not impair the primary object of the establishment of a national park.

(5) The Government may declare any area to be a game reserve and allow hunting and shooting of wild animals under a special permit wherein the maximum number of the wild animals to be killed and the area and the duration for which such permit shall remain valid shall be specified.

(6) Such alteration in the boundaries of wild life sanctuaries, national parks and game reserves may be affected as the Government may approve.

24. (1) Where the Government is satisfied that an area of private land has been dedicated by its owner to the same purposes as a game reserve, the Government, on an application of the owner, declare by notification in the official Gazette, such area to be a private game reserve.

(2) The owner of such private game reserve shall within its boundary, exercise all the powers of an officer under this Order.

(3) If the Government is satisfied that a private game reserve does not meet the requirements for being treated as such, the Government may at any time declare, by notification in the official Gazette, that it has ceased to be a private game reserve from such date as may be specified in the notification.

25. Interference by any one in the discharge of the duties of an officer shall be an offence.

26. (1) If a person,-

- (a) contravenes or attempts to contravene the provisions of Articles 5, 7, 9, 10, 11, 12, 13, 14, 15 and 23, he shall be punished with imprisonment which may, subject to the minimum of six months, extend to one years and also with a fine which may, subject to the minimum of taka five hundred, extend to taka one thousand, and the hunting licence, gun licence under Arms Act, 1878, shooting permit or special permit issued to such person shall be cancelled and the firearms, vehicles, vessels, watercraft, appliances or anything used in the commission of the offence including the wild animal, meat or trophy found in his possession shall be confiscated.

- (b) contravenes or attempts to contravene the provisions of Articles 6 and 25, he shall be punished with imprisonment which may, subject to the minimum of one year, extend to two years and also with a fine which may, subject to the minimum of taka one thousand, extend to taka two thousand and the hunting licence, gun licence under Arms Act, 1878, shooting permit or special permit issued to such person shall be cancelled and the firearms, vehicles, vessels, watercraft, appliances or anything used in the commission of the offence including the wild animal, meat or trophy found in his possession shall be confiscated.
- (c) contravenes or attempts to contravene the provisions of Articles 18 and 21, he shall be punished with a fine which may subject to the minimum of taka two hundred and fifty, extend to taka five hundred.

(2) Any person who contravenes any provision of this Order or any rule there under for the contravention of which no specific penalty has been provided, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to taka five hundred, or with both.

28. Nothing contained in this Order shall be deemed to prevent any person from being prosecuted under any other law for any act of commission or omission which constituted an offence under this Order, or from being liable under any other law to any higher punishment or penalty than that provided by this Order.

29. When an offender is not known or cannot be found, any officer may, if he finds that an offence has been committed, confiscate the property used in the commission of the offence.

30. The Government may, as and when considers it necessary, set up a Mobile Court for trying offences under this Order.

31. (1) Any officer not below the rank of Forester or Senior Wild Life Scout may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any offence under this Order.

(2) Every officer making an arrest under this Article shall without un-necessary delay and subject to the provisions of this Order as to release on bond, take or send the person arrested before the Magistrate having been concerned in any offence under this Order.

32. Any officer not below the rank of Forest Ranger or Wild Life Supervisor who or whose subordinate has arrested any person under Article 31 may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police-station.

33. Every officer shall be competent to take all lawful means to prevent the commission of any offence under this Order.

34. The offences under this Order shall be tried by a Magistrate of the First Class.

35. The District Magistrate or any Magistrate of the First Class specially empowered by the Government in this behalf may try an offence punishable under this Order summarily, under the Code of Criminal Procedure, 1898.

36.(1) The Government may, by notification in the official Gazette, empower an officer,-

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any offence under this Order a sum of money by way of compensation for the offence which such person is suspected to have committed; and
- (b) to release any property which has been seized as liable to confiscation, on payment of such value thereof as may be estimated by such officer;
- (c) to discharge in such cases as may be prescribed the suspected person if he is in custody or to release, the seized property on payment of such sum of money, or such value as compensation to such officer as may be determined and to withdraw the proceedings against such person or property.

(2) The sum of money accepted as compensation under sub-section (a) of clause (1) shall not be less than taka one thousand and shall not exceed taka two thousand.

(3) No officer shall have power to compound a second and subsequent offence committed by the same person or persons under this Order.

41. No suit, prosecution or other legal proceedings shall lie against any officer for anything done in good faith or intended to be done in pursuance of any provisions of this Order, or the discharge of his duties under this Order.

42. All police officers shall, upon request made by any person employed under this Order, assist him in the due discharge of his duties under this Order,

43. An officer may, in the course of his official duties, resort to the use of firearms in exercise of his right of private defence of person and properties when the situation and circumstances are beyond the physical control of such officer.

44. The Government may, by notification in the official Gazette, delegate all or any of the powers conferred upon it under the provisions of this Order, to any officer subordinate to it.

45. Notwithstanding anything contained in this Order, the Government may, in the interest of scientific or any public purpose, allow, by notifications in the official Gazette, killing or capturing of any wild animal in such place and by such means as may be specified in the notification.

46. The Government, by notification in the official Gazette, in respect of any specified area,-

- (i) add to or exclude from a Schedule any wild bird or animal subject to such conditions as may be prescribed;
- (ii) alter the period during which any wild bird or animal specified in the First Schedule may be killed.

47. (1) The Government may by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Order.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe-

- (d) in the case of any species of wild animals, the number and the sex that may be killed under a licence;
- (e) rewards to be given to the persons who render help in the detection of offences under this Order;
- (g) the management of wild life sanctuaries, national parks and game reserves.

FIRST SCHEDULE

PART I

List of Crustaceans, Amphibians, Reptiles, Birds and Mammals of Bangladesh which are open to shooting and may be hunted on an ordinary game hunting permit

<i>English Name</i>	<i>Scientific Name</i>	<i>Bengali Name</i>
Crab	CRUSTACEANS Brachyura	কাকড়া
	AMPHIBIANS RANIDAE	
Indian Bull Frog	Rana tigrina	সোনা, ভাউয়া ও কোলা ব্যাঙ

<i>English Name</i>	<i>Scientific Name</i>	<i>Bengali Name</i>
Green Frog	<i>Rana hexadactyla</i>	সবুজ ব্যাঙ
Cricket Frog	<i>Rana limnocharis</i>	বিঝি ব্যাঙ

REPTILES

CHELONIA

Flap shelled	<i>Lissemys punctata</i>	কচছপ, সুন্ধি কাছিম
Spotted Turtle	<i>Punctata</i>	
Roofed Turtale	<i>Kachuga tecta tecta</i>	করিকাইটা
Clawtailed Turtle	<i>Testudo elongata</i>	হলুদ পাহাড়ী কাছিম

BIRDS

ANATIDAE

Pintail	<i>Anas acuta</i>	লেঞ্জা হাঁস
Shoveller	<i>Anas penelope</i>	পাভা মুখী
Wigeon	<i>Anas penelpe</i>	লাল শির
Gadwall	<i>Anas strepera</i>	পিয়ং হাঁস
Grey Leg Goose	<i>Anser anser</i>	ধুসর রাজহাঁস
Bar headed Goose	<i>Anser anser</i>	রাজ হাঁস
Baer's pochard	<i>Aythya baeri</i>	বড় ভুটি হাঁস
Common pochard	<i>Aythya ferina</i>	কালো হাঁস
Lesser Whistling Teal	<i>Dendrocygna jabaica</i>	ছোট সরালী
Rederested Pchard	<i>Netta rufina</i>	রাংগামুরি
Brahminy Duck	<i>Tedorna ferruginea</i>	

BIRDS ARDEDAE

Pond Heron or Paddy Bird	<i>Ardeola grayil</i>	কানি বক
Cattle Egret	<i>Bubulcus ibis</i>	গো-বক
Little Egret	<i>Egretta garzetta</i>	ছোট বক

BIRDS

CHARADRIDAE

Pintail Snipe	<i>Callinago stenura</i>	কাদা খোঁচা, চাগা
Little Rigid Plover	<i>Charedrius dubius</i>	ছোট জিরিয়া
Curlew	<i>Numenius arquata</i>	বড় গুলিন্দা
Eastern Golden	<i>Pulvialis dominica</i>	বাটান

<i>English Name</i>	<i>Scientific Name</i>	<i>Bengali Name</i>
Plover		
Grey Plover	<i>Pulvialis squatorola</i>	
Common Sandpiper	<i>Tringa hypoleucos</i>	চাপক্ষী
Greens Ank	<i>Tringa neularia</i>	সবুজ পা পিউ
Green Sandpiper	<i>Tringa ochropus</i>	
Marsh Sandpiper	<i>Tringa stagnatilis</i>	জলার চা পক্ষী
Greyheaded lapwing	<i>Venellus cinereus</i>	ধুসর টি-টি
PODUCIPEDIDAE		
Little Grebe	<i>Podiceps ruficollis</i>	ডুবুরী
THRESKIORNITHIDAE		
Spoon Bill	<i>Platalea Leucordia</i>	কোদালী বক
MAMMALS		
CARIVORA		
Fox	<i>Vulpes bengalensis</i>	খেক শিয়াল
LAGOMORPHAS		
Rufous tailed Hare	<i>Lepus nigricollis</i>	শশক
ARTIODACTYLA		
Wild Boar	<i>Sus scrofa</i>	বন্য গুর

SECOND SCHEDULE

Wild animals, trophies or meat for the possession, transfer or import of which a certificate of lawful possession is required.

- (1) Any live protected animal or game animal.
- (2) Any trophy or meat derived from a protected animal.
- (3) Horns and tusks, etc., of deer, sambar, bison, gayal, gaur and elephants.
- (4) Skins of bear, otter, tiger, leopard, jungle cat, lizard, deer, samba pangolin, crocodile and python.

THIRD SCHEDULE

Protected Animals, i.e., animals which shall not be hunted, killed or captured

1. All animals, reptiles and birds when immature or not fully grown (except poisonous snakes, rats, mouse, fruit bats, pipistrelles, etc., which endanger public life).
2. All female game animals when,-
 - (a) pregnant
 - (b) in a condition that they are suckling or feeding young
 - (c) accompanied by their immature off-spring.
3. All females of animals as per Part II of the First Schedule (except when declared as in case of a man-eating tigress, rogue elephant, etc.).
4. All individuals of the following species of mammals:

All individuals of the following races, species, genera or groups of mammals:

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
	CARNIVORA	
Binturong		<i>Arctictis binturong</i>
Small Toothed Palm Civet		<i>Arcto galidia trivirgata</i>
Dhole	জংলী কুকুর	<i>Cuon alpinus</i>
Leopard Cat	বন বিড়াল	<i>Felis bengalensis</i>

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Jungle Cat	বন বিড়াল	Felis chaus
Marbled Cat		Felis marmorata
Clouded Loopard		Felis nebulosa
Golden Cat		Felis teemincki
Fishing Cat	মাছ বিড়াল	Felis veverrina
Sun Bear		Helarctos malayanus
Common Moongoose	বেঞ্জী	Herpestes edwardsi
Hyeana	হায়েনা	Hyeana hyeana
Sloth bear	ডাল্লুক	Melursus ursinus
Masked Palm Civet		Peguna larvata
Leopard	চিতাবাঘ	Panthera pardus
Bengal Tiger	বাঘ	Panthera tigris tigris
Plm Civet	ভেদদড়	Paradoxurus hermaphroditus
Asiatic Black Bear	ডাল্লুক	Salenarctos thibetanus
Small Indian Civet	গন্ধগোকুল	Viverricula indica
Panther	চিতাবাঘ	...
CETACEA		
Common Dolphin		Delphinus dielphis
Little Indian Porpoise		Neomeris phocasnoides
Gangetic Dolphin	গুণ্ডুক	Plantanista gangetica
EDENTATA		
Pangolin	বনরুই	Manis crassicaudata
Pangolin	বনরুই	Manis javanica
HYSTRICIDAE		
Brush-tailed Porcupine		Atherurus macrourus
Indian crestless Porcupine	সজারু	Hystrix hodgsonil
INSECTIVORA		
Phygmey Shrew		Suncus etruscus
Common Musk Shrew	চিবগ	Suncus murinus
Kastern Mole		<i>Talpa Micrura</i>
LOGMORPHA		
Assamcese Rabbit	খরগোস	Caprimulgus hispidus

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
	MUSTELIDAE	
Hag Badger		<i>Arctonyx collaris</i>
Clawless Otter	উদ বিড়ালী	<i>Lutra cinerea</i>
Common Otter	উদ বিড়ালী	<i>Lutra lutra</i>
Smooth Indian Otter	উদ বিড়ালী	<i>Lutra perspicillata</i>
Honey Badger	লেঞ্জী	<i>Mellivora capensis</i>
	PRIMATES	
Hoolock	উল্লুক	<i>Hylobates hoolock</i>
Assamese Macaque		<i>Macaca assamensis</i>
Crab-Eating Monkey	প্যারাইল্লা বানর	<i>Macaca cynomolgus</i>
Rhesus Monkey	বানর	<i>Macaca mulatta</i>
Slow Loris	লজ্জাবতী বানর	<i>Nycticebus coucang</i>
Langur	হনুমান	<i>Presbytis entellus</i>
Leaf Monkey		<i>Presbytis pileatus</i>
Southern Capped Langur		<i>Presbytis pileatus durga</i>
	RODENTIA	
Pallas's Squirrel	কাঠ বিড়াল	<i>Callosciurus erythracus</i>
Orange-belli		<i>Dreomys pygerythrus</i>
Hoary-bellied Himalayan Squirrel		<i>Dreomys lokrish</i>
Orange-bellied Himalayan Squirrel		<i>Dreomys lokrish</i>
Indian Palm Squirrel		<i>Funambulus palmaram</i>
Three Striped Squirrel		<i>Funambulus tristriatus</i>
Particoloured flying Squirrel		<i>Hylaptes alboniger</i>
Flying Squirrel		<i>Pataurista pataurista</i>
Giant Squirrel	কাঠ বিড়াল	<i>Ratufa indica</i>
	UNGULATA	
Antelope (Indian)		<i>Antelope corvicarpa</i>
Spotted Deer	চিতল, চিত্রা	<i>Axis axis</i>
Hog Deer	নেতুনী হরিণ	<i>Axis porcinus</i>
Banting	গৌর	<i>Box benteng</i>
Gaur, Bison	বনগরু	<i>Bos gaurus</i>
Gayal, Bison	গয়াল	<i>Bos grontalis</i>

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Nilgai		Boselaphus tragocamalus
Serow		Capricornis sumatrensis
Swamp Deer	বায়শিঙ্গা	Cervus duvancelie
Samber	সম্বর	Cervus unicolor
Elephant	হাতী	Elephas maximus
Barking Deer	মায়ামৃগ	Muntiacus muntjak
Water Buffalo	মহিষ	Probalus nubalis
Lesser One Horned Rhinoceros		Rhinoceros spp.

5. All individuals of the following species genera of families of reptiles:

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
CETACEA		
Little Pink Whale	ভিমি	Balanoptera acutoro strata
Great Indian Fin Whale	ভিমি	Balsenoptera musculus
CHELONIA		
Hamiltons Terrapin		Domonia hamiltonii
Flap Shelled Spotted Turtle	কচ্ছপ	Lissemys Punctata Punctata
Bengal Eyed Terrapin		Morcnia ecellata
Roof Turtle		Machuga tecta tecta
Claw-tailed Tortoise		Testudo elongata
Bengal Three Keeled LandTerrapin		Terrapin nocoria tricarinata
Sacred Black Mud Turtle	কাছিম	Trionyz nigricans
Ganges Soft Shell		Trionyx gangeticus
Brown Soft Shell		Trionyx hurum
EMYDOSAURIA		
Gharial		Garialis gangeticus
Estuarine Crocodile	মেছোকুমীর	Crocodylus perosus

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Beaked Deep Sea Snake		Enbydrina schistoza
Merton's Tokay	ভমক	Gecko gecko azheri
Rock Python	অজগর	Python molurus
Reticulated Python		Python reticulatus
Diads Worm-snake		Typhlopa diardi
Grey Indian Monitor	গোসাপ	Varanus bengalensis
Ruddy Snub nosed Monitor	গোসাপ, সোনাগদী	Varanus flavescans
Tricolour Caspian Monitor	গোসাপ, রামগদী	Varanus griscus caspicu
Ocillated Water Monitor	গোসাপ	Varanus salvator
Black Lizard	কালগদী	Varanus nebulosus

6. All individuals of the following species of BIRDS:

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
	ACCIPITRIDAE	
Skira	তুর্কী বাজ	Accipter bedius
Crested Goshwk		Accipter trivirgatus
Imperial Eagle		Aquila heliaca
Lesser Spotted Eagle		Aquila promarina
Tawry Eagle		Aquila rapax
Blyth's Baza	বাজ	Avideda jerdoni
White Eyed Buzzard		Butastur teesa
Bagle		
Short Toed Eagle		Circaetus gallicus
Marsh Herrier		Circus aeruginosus
Pale Herrier		Circus macrourus
Pied Herrier	রাখাল ডুলানী	Circus melanoleucos
Montagu's Herrier		Circus pygargus
Eastern March Herrier		Circus spilonotus
Black Winged Kite	কাপাল্পি	Elanus caeruleus
Larger Falcon	শিকরে বাজ	Falco biarmicus
Shahree Falcon		Falco peregrinator

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Eastern Peregrine Falcon		Falco peregrinus
Oriental Hobby		Falco serverus
Kestrel	সাপ বাউরী	Falco tinnunculus
Eastern Red-legged Falcon		Falco vespertinus
White Backed Vulture	শকুন	Gyps bengalensis
White Bellied Sea-eagle		Haliaeetus leucogaster
Pall's Fishing Eagle	মাছাল, কুড়া	Haliaeetus leucorhynchus
Brahminy Kite	শঙ্কচিল, লাল চিল	Haliastur indicus
Booted Hawk Eagle		Micropodiceps pennatus
Grey Headed Fishing Eagle	মাছ ঘোড়াল	Ichthyophaga ichthyaetus
Black Eagle		Icthyophaga malayensis
Rufous Bellied Hawk		Lophortyx kienerii
Eagle		Kienerii
White Legged Falconet		Macrohierax melanoleucos
Pariah Kite	কাল চিল	Milvus migrans
Osprey	কোড়াল, কুড়া	Pandion haliaetus
Indian Honey Buzzard	গৃধিনী	Pernis ptilorhynchus
Crested Serpent Eagle	তিবাই বাজ, ধূসা	Spilornis holospilus
Changeable Hawk Eagle		Spizactes limnactes
Black or King Vulture	রাজ শকুন, গিল্লি	Torgos calvus
ALAUOIDE		
Eastern Skylark	ডরত পাখী	Alauda arvensis
Hume's Short Toed Lark		Calandrella acutirostris
Ashy Crowned Lark		Eremophila alpestris
Red Winged Bush Lark		Mirafra erythrogastra
Singing Winged Bush Lark		Mirafra erythrogastra
Assam Winged Bush Lark		Mirafra erythrogastra
ALCEDINIDAE		
Common Kingfisher	ছোট মাছরাঙ্গা	Alcedo atthis
Blyth's Kingfisher		Alcedo hercules

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Blue-eared Kingfisher		Alcedo meninting
Three Toed Kingfisher		Ceys erithacus
Greater Pied Kingfisher		Ceyyle laugubris
	ALLEEDINIDAE	
Lesser Pied Kingfisher	পকড়া মাছরাঙা	Ceyyle rudis
Rudy Kingfisher		Haleyon ceromenda
White Coloured Kingfisher		Haleyon Chloris
Black Eapped Kingfisher		Haleyon pileata
White Brested Kingfisher	সাদা বুক মাছরাঙা	Haleyon smynresis
Brown Winged Kingfisher		Pelargopsis amauroptera
Stork-Billed Kingfisher	বড় মাছরাঙা, খুরিয়াল	Pelargopsis capensis
	ANATIDAE	
Common Teal	পেড়ী হাঁস	Anas crecoa
Spotbill or Grey Duck		Anas heecilorbyncha
Mallard	নিল শির	Anas plantyrhynchos
Winged Teal		Anas querguedula
Forest Bean Goose	রাজ হাঁস	Ansar fabilis
Tupted Pochard Duck		Aythya fuligola
White Winged Wood Duck	ভদি হাঁস	Cairna scutulata
Large Whistling Teal	শরালী	Dendrocygna bicolor
Cotton Teal	বেলে হাঁস	Nattapus coromandelianus
Puck Teaded Duck	গোলব শির	Rhoduessia Caryophyllacea
Mukta or Comb Duck		Sarkidiornis molanotos
Shel Duck	চকা সাচক	Tadorna tadorna
	APODIADAЕ	
House Swift	আবাবিল	Apus affinis
Alpine Swift		Apus mella
White Throated Spine Tailed Swift		Chaetura candakuta
Edible Nest Swift let		Collocalia innominata
Palm swift	বাতাস সিয়া, নাককাট্টি	Cypsiurus parvus

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Crested Swift		Hemiprocne longipennis
	ARDIEDAE	
Grey Heron	অঞ্জন	Ardea cinea
Giant White Billed Heron		Ardea imperialis
Purple Heron	লাল কাক	Ardea purpuria
Chinese Pond Heron		Ardeola grayii
Little Green Heron		Butorides striatus
Black Bittern	নল গোড়া	Dupetor flavicollis
Little Egret	ধর বক, বড় বক	Egretta alba
Indian Reef Heron		Egretta gularis
Smaller Egret	কোরচি বক	Egretta intermedia
Tiger Bittern		Corsachius melanocephalus
Chest Nut Bittern	খয়রি বক, লাল বক	Ixobrychus cinnamomeus
Yellow Bittern		Ixobrychus sinensis
Night Heron	ওয়াক, রাত চোরা	Nycticorax nycticorax
	ARTAMIDAE	
Ashy Swallow Shrike	লাটোরা	Artamus leucorhynchus
	BUCEROTIDAE	
Fufous Necked Hornbill	ধনেশ	Aceros nepalensis
Pied Hornbill	ক্যাট ক্যাইটা ধনেশ	Anthracoceros malabaricus
Great Hornbill	ধনেশ	Buceros bicornis
Wreathed hornbill	ধনেশ	Rhyliceros undulatus
	BURHINIDAE	
Stone Curlew	বগুদি	Burhinus urocygnus
Great Stone Curlew	বগুদি	Esacus magnirostris
Small Indian Pratincole		Glareola lactea
Avacot	বাক চক্ষু	Recurvirostra avosetta

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Smaller Cuckoo Shrike		<i>C. molaschistos</i>
Large Cuckoo Shrike		<i>C. novaehollandiae</i>
Pied Flycatcher Shrike	পাবুদ, কাল কখ্যাতি	<i>Hempipus picatus</i>
Short Billed Minivet		<i>Paricocotus flammacus</i>
Small Minivet		<i>Pericocotus cinnamomeus</i>
Scarlet Minivet		<i>Pericocotus hammacus</i>
Yellow Throated Minivet		<i>Pericocotus solaris</i>
Common Wood Shrike		<i>Tephrodurnis pordicerionus</i>
Large Wood Shrike		<i>Tephrodurnis virgatus</i>
CAPITONIDAE		
Blue Throated Barbet	বড় বসন্ত বাউরী, বেঘবেউ, ধনিয়া পাখি	<i>Megalaima asiatica</i>
Blue Eared Barbet		<i>Megalaima australis</i>
Crimson Breasted Barbet	ছোট বসন্ত বাউরী	<i>Megalaima baemacaphala</i>
Lineated Barbet	বসন্ত বাউরী	<i>Megalaima lineate</i>
CAPRIMULGIDAE		
Franxlin's Night Jar	সন্ধ্যা পেচা	<i>Caprimulgus affinis</i>
Jungle Night Jar	কানা কুয়া	<i>Caprimulgus indicus</i>
Long Tailed Night Jar	দিন কানা	<i>Caprimulgus macruus</i>
CHARADIIDAE		
Turnstone		<i>Arenaria interpres</i>
Sanderling		<i>Calidris albus</i>
Dunlin		<i>Calidris alpinus</i>
Little Stint		<i>Calidris minutus</i>
Little Toed Stint		<i>Calidris subminutus</i>
Termmnck's Stint		<i>Calidris temminckii</i>
Eastern Knot		<i>Calidris tenuirostris</i>
Curlew Sand Piper		<i>Calidris testaceus</i>
Great Snipe	কাদা খোচা	<i>Capella media</i>

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Jack Snipe		Capella minima
Solitary Snipe	বন চাহা	Capella solitaria
Chines Kentish Plover	বাটান	Charadrius alexandrinus
Large Sand Plover	ছোট বাটান	Charadrius alexandrinus
Lesser Sand Plover	বাটান	Charadrius mongolus
Long Billed Ring Plover	বাটান	Charadrius placidus
Spoon Billed Sand Piper		Eurynorhynchus pygmeum
Broad Billed Sandpiper		Linicola falcinellus
Black Tailed Godwit		Limosa limosa
Snipe Billed Godwit		Linodromus sunipalmatus
Ruft and Reeve		Philomachus pugnax
Avocet		Recurvirestra avosetta
Painted Snipe	বেগ সারঞ্জী	Rostratula bengalensis
Wood Cock		Scolopax rusticola
CHARADRDAE		
Wood Sandpiper	বালু বাটান	Tringa glaredda
Armstrongs Sandpiper		Tringa guttifer
Terek Sandpiper		Tringa terek
Spotted Red Shank	মটরি	Tringa totanus
Red Watted Lapwing	হট টিটি	Vanellus indicus
White Tailed Lapwing	টিটি	Vanellus leucurus
Spar Winged Lapwing		Vanellus spinosus
Lapwing	টিটি	Vanellus vanellus
CICONIIDAE		
Open billed Stork	চৌটে ভাঙ্গা, সামক খোল	Anas tomus oscitatus
Eastern White stork		Cinonia ciconia
White Necked stork		Cinonia episcopus
Black Stork		Cinonia nigra
Painted Stork	সোনা জড়	Ibis leucocephalus
Greater Adjutant		Leptoptilos dubius
Lesser Adjutant	মদন চড়, মদন টাক	Leptoptilos javanicus

English Name
Black Nacked Stork

Bengali Name
রাম শালিক

Scientific Name
Xenorhynchus
asiaticus

COLOMBIDA

Emerald Dove

রাজ ঘুঘু

Chalcopnaps indica

Blue Rock Pigeon

Columba livia

Purple Wood Pigeon

বেগুনী কবুতর

Columba punicea

Green Imperial Pigeon

Columba ducula aenea

Bar-tailed Cuckoo Dove

Macropygia unchall

Mountain Imperial
Pigeon

ধুম কল

Ducula badia

Spotted Dove

Streptopelia Chinensis

Rufous Turtle Dove

বন পরাবত, ঘুঘু

Streptopelia orientalis

Red Turtle Dove

লাল ঘুঘু

Shreoptopelia
tregucbarica

Thich Billed Green
Pigeon

হরিকল

Tyran biceneta

Orange-breasted Pigeon

হরিকল

Tyran bicinota

Orange-breasted Pigeon

হরিকল

Tyran curvirostra

Yellow Footed Pigeon

হরিকল

Tyran Phoenicoptera

Grey Fronted Pigeon

হরিকল

Tyran pomdadora

CORACIIDAE

Indian Roller

নীল কষ্ঠ

Coracias benghalensis

Broad Billed Roller or
Blue Tay

নীল কষ্ঠ

Eurystomus orientalis

CORVIDAE

Jungle Crow

দাড় কাক

Corvus
macrorhynchos

Grey Tree-pie

কাঁট ময়ূর

Dendrocitta formosa

Rufous Tree-pie

হাড়ি চাচা, তাউরা

Dendrocitta
vagabunda

Green Magpie

Kitta chinensis

Red Billed Green Magpie

Kitta crythrorhyncha

CUCULIDAE

English Name

Bengali Name

Scientific Name

Plaintive Cuckoo

ছোট কোকিল

Cacomantis merulinus

Banded Bay-cuckoo

Cacomantis Sonneratii

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Crow-pheasant	কানা কোককা, হাঁরিকিরি	Centropus sinensis
Pied Crested Cuckoo	শাহী বুল বুল	Clamator jacobinus
The Cuckoo		Cuculus canorus
Hodgson's Hawk-Cuckoo		Cuculus fugax
Indian Cuckoo		Cuculus micropterus
Small Cuckoo		Cuculus poliocephalus
Common Hawk-cuckoo	চোখ গেল, পাপিয়া	Cuculus varius
Koel	কোকিল	Endynanuy scolopacea
Large Green Bited Malkoha	বন কোকিল	Rhopodytes tristis
Drongo Cuckoo		Turniculus lugubris
Sirkeer Cuckoo		Taccocua leschnaulti
DICAEIDAE		
Yellow-vented Flower Pecker	মধুপায়ী	Dicaeum charysorrhem
Tickells Vented Flower Pecker		Dicaeum erythrorhynchos
Planncolored Flower Pecker		Dicaeum concolor
Scarletbacked Flower Pecker		Dicaeum Cruentatum
Orange Bellied Flower Pecker		Dicaeum Trigonostigma
DICRURIDAE		
Black Drongo	ফেঙে, ফেউচ্চা	Dicrurus adsimilis
Bronzed Drongo	ভূতরাজ	Dicrurus aenena
Lesser Racket Tailed Drongo		Dicrurus annectans
Crow Billed Drongo		Dicrurus coernlescens
White Billed Drongo		Dicrurus hottentuttus
Hair-crested Drongo	ঝুটিদার ফিঙে	Dicrurus leucophaeus
Ashy Drongo		
Grater Racket Tailed Drongo	ধীরাজ, ভূঙ্গরাজ	Dicrurus paradiscus

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
	EMBERIZIDAE	
Deccan Crested Bunting		Melophus lathamii
Black-faced Bunting		Emberiza spodocephala
Yellow Breasted Bunting		Emberiza Sureola
	ESTRILDIDAE	
Red Munia		Estrilda emambara
White Throated Munia		Lonchura malabarica
Chast Nut Munia		Lonchura punctulata
Whitehacked Munia		Lonchura striata
Spotted Munia	সবুজ বনিয়া	Lonchura punctulata
	EURYLAIMIDAE	
Gould's Broad Billed		Serilophus lunatus
	FRINGILLIDAE	
Common Rosefinch		Carpodacus erythrinus
	DRUIDAE	
Demoiselle Crane		Anthropoides virgo
		HELIORNITHIDAE
Masked Finfoot		Helippais personata.
	HIRUNDINIDAE	
House Martin	আবাবিল	Delichon kashmiriense
Striated Swallow	নাকুটি চাতক	Hirundo daurica
Sand Martin	আবাবিল	Hirundo rustica
Wire Bailed Swallow	সূচ লেঞ্জা	Hirundo smitnii
Larger Straited Swallow	তাল চক্ষু, তাল চটা	Hirundo striolata.
Plain Sand Martin	আবাবিল	Riparia paloudicala
Collard Sand Martin	আবাবিল	Riparia riparia
	IRENIDAE	
Common Lora		Aegithina tiphia
Gold Fronted Chloropsis	সবুজালী	Chloropsis aurifrons
Blue Winged Chloropsis	সবুজালী	Chloropsis Cochirchmensis
Orange Tolloed Chloropsis	সবুজালী	Chloropsis hardwickil

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Fairy Blue Bird		<i>Irona puella</i>
JACANIDAE		
Pheasant Tailed Jacana	বেউয়া, বিল	<i>Hydrophasianus chirurgus</i>
Bronzed Winged Jacana	জল পিপি	<i>Metopidius idicus</i>
LANIDAE		
Brown Shrike	লাটোয়া	<i>Lanius cristatus</i>
Black Headed Snrike	লাটোয়া	<i>Lanius schach</i>
Tipetan Shrike	লাটোয়া	<i>Lanius tephronotus</i>
Large Cuckoo Shrike	কাপ মৃসী	
LARIDAE		
Whiskered Tern	গাঙচিল	<i>Chlidonias hybrida</i>
White Winged Black Torn		<i>Chlidonias leucoptera</i>
Gull Billed Tern		<i>Gelocheliden nilotica</i>
Caspian Tern		<i>Hydroprogne caspia</i>
Brown Headed Gull		<i>Larus brunnicephalus</i>
Lesser Black Backed Owl		<i>Larus fuscus.</i>
Great Black Head Gull		<i>Larus ichthyætus</i>
Black Headed Gull		<i>Larus ridibundus</i>
Indian Skimmer	গাঙচিল	<i>Rychope albicollis</i>
Black Bellied Tern	গাঙচিল	<i>Sterna acuticauda</i>
Large Erested Tern		<i>Sterna bergi</i>
Common Tern		<i>Sterna hirundo</i>
Little Tern		<i>Sterna sibifrons</i>
Indian River Tern		<i>Sterna surautia</i>
MEROPIDAE		
Chestnut-headed Bee-eater	বাঁশপাতি	<i>Merops leschenaulti</i>
Green Bee-eater	সুইচোর	<i>Merops oricutalis</i>
Blue Tailed Bee-eater	বড় সুইচোর	<i>Merops philippinus</i>
Blue Bearded Bee-eater		<i>Nyctyonis athertoni</i>

English Name**Bengali Name****Scientific Name****MOTACILLIDAE**

Chinese Three Pipit

Anthus hodgsoni

Paddy Field Pipit

Anthus novaeseelandiae

Dark Pipit

Anthus Pelopus

Pied or White Wagtail

Anthus Motacilla alba

Grey Wagtail

Motacilla Caspica

Yellow Headed Wagtail

Motacilla citreola

Yellow Wagtail

*Motacilla flava***MUSCICAPIDAE**

Paddy Field Warbbor

*Acrocephalus agricola*Blunt Winged Paddy
Field Warbler*Acrocephalus
concinens*

Blythis Reed Warbler

*Acrocephalus
dewatorum*

Great Reed Warbler

*Acrocephalus
stentoeus*

Napal Babbler

Alcippe commoda

Red Throated Tit Babbler

Alcippe rufogutaris

Spotted Bush Warbler

*Bradypterus
thoracicus*Great Necked Laughing
Thrush*Carrulax moniligerus*White Crested Laughing
Thrush*Carrulax pectoralis*

Bristled Grass Warbler

Chaetornis strisatus

Yellow Yed Babbler

Chrysomma Sinensis

White Tailed Blue Robin

*Cinclidium leicurum*Yellow Bellied Fentail
Warbler*Cisticola exilis*

Streaked Fentail Warbler

Cisticola juncidis

Magpie Robin

Copsychus saularis

Grey Headed Fly Catcher

ফুটকী

Culicicafa ceybrensis

Black Backed Forktail

Enicurus immaculatus

Leschenaults Forktail

Enicurus leschemsulti

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Spotted Forktail		Enicurus maculatus
Staty Backed Forktail		Tnicurus schistaceus
Bhle Chat		Erithacus brunneus
Ruby Throat		Erithacus calliope.
Siberian Blue Chat		Erithacus cyane
Himalayan Ruby Throat		Erithacus pectoralis
Blue Throat		Erithacus arecicus
Delesserts Laughing Thrush	বক গুর গুরালী	Gaurulax delesserti
Yellow Throated Laughing Thrush	বক গুর গুরালী	Garrulax galbanus
Crimson Winged Laughing thrush	বক গুর গুরালী	Garrulax phoeniceus
Rufous Necked Laughing Thrush	বক গুর গুরালী	Garrulax ruficellis
Streaked Laughing Thrush	বক গুর গুরালী	Garrulax virgatus
Large Grass Warbler		Graminicola lenghalensis
Booted Warbler		Hippalais caligata
Slender Billed Scimitar Babler		Kiphirhyncus superciliaris
Silver Eard Mosia		Leiothrix argentaureis
Palla's Grass Hopper Warbler		Locustella certhiola
Temminck's Grass Hopper Warbler		Locustella lanceolata
Yellow Breasted Babbler		Macronous gularis
Straited Marsh Warbler		Megalurus paluris
Lesser Scaly Breasted Wren Babbler		Miroura pusilla
Black Naped Flycatcher		Monarcha azurea
Blue Rock Thrush	পাথুরে দোয়েল	Monticola solitarius
Red Breasted Flycatcher		Muscicapa albicilla
Large Billed Blue Fly Catcher		Muscicapa banyumas

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Brooks Fly Catcher		<i>Muscicapa poliogenys</i>
Blue Throated Fly Catcher		<i>Muscicapa rubeculoides</i>
White Browed Blue Flycatcher		<i>Muscicapa superciliaris</i>
Verditer Flycatcher		<i>Muscicapa thalassina</i>
Thickell's Blue Flycatcher		<i>Muscicapa tickelliae</i>
Golden Headed Tailor Bird		<i>Orthotomus cucullatus</i>
Tailor Bird	টুনটুনি	<i>Orthotomus sutorius</i>
Managrove Whistler		<i>Pachycophala cinera</i>
Red Headed Barrot Bill		<i>Pavadoxornis ruficeps</i>
Black Redstart		<i>Phoenicurus ochrunus</i>
Daurian Redstart		<i>Phoenicurus suroreus</i>
Thick Billed Warbler		<i>Phragmaticola acdon</i>
Thickell's Leaf Warbler		<i>Phylloscopus affinis</i>
Black Browed Leaf Warbler		<i>Phylloscopus cautator</i>
Smoky Willow Warbler		<i>Phylloscopus fuligiventer</i>
Dusky Leaf Warbler		<i>Phylloscopus fuscatus</i>
Yellow Browed Leaf Warbler		<i>Phulloscopus inornatus</i>
Large Billed Leaf Warbler		<i>Phylloscopus mgnirostris</i>
Phythis Leaf Warber		<i>Phylloscopus reguloides</i>
Dull Green Leaf Warbler		<i>Phylloscopus trochiloides</i>
Rustysheeked Scimitar Babbler		<i>Pomotorhinus erythrogy</i>
Large Scimitar Babbler		<i>Pomotorhinus hypoleucos</i>
Rufous Necked Scimitar Babbler		<i>Pomatohinus ruficolis</i>
Long Tailed Grass		<i>Prinia burnesi</i>

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Warbler		
Yellow Bellied Long Tailed Warbler		<i>Prinia flaviventris</i>
Streaked Longtailed Warbler		<i>Prinia gracilus</i>
Franklinis Longtailed Warbler		<i>Prinia hodgsonii</i>
Beavens Longtailed Warbler		<i>Prinia rufescens</i>
Ashy Longtailed Warbler		<i>Prinia socialis</i>
Tawny Flanked Longtailed Warbler		<i>Prinia sublara</i>
Jungle Longtailed Warbler		<i>Prinia sylvatica</i>
Chestnut Throated Shrike Babbler		<i>Pteruthius melanotis</i>
White Browed Fantail Flycatcher		<i>Rhipidura albicollis</i>
Yellow Bellied Fantail Flycatcher		<i>Rhipidura hyposantha</i>
Phumbeoous Redstart		<i>Ryhacornis fuliginonus</i>
Long Billed Wren Babbler		<i>Rimator malacoptilus</i>
Pied Bush Chat		<i>Saxicola caprata</i>
Barkgrey Bush Chat		<i>Saxicola ferrea</i>
Jerdon's Bush Chat		<i>Saxicola jerdoni</i>
Stone Chat		<i>Saxicola torguta</i>
Yellow Eyed Flycatcher Warbler		<i>Seicecus burkei</i>
Goldex-headed Rubbler		<i>Siachyris chrysaee</i>
Red-fronied Babbler		<i>Stachyris rufifrons</i>
Paradise Flycatcher		<i>Terpsiphone paradise</i>
Abbot's Babbler		<i>Trichastoma abotti</i>
Red-capped Babbler		<i>Timalia pileata</i>
Straited Babbler		<i>Turdoides earlei</i>
Jungle Babbler		<i>Turdoides striatus</i>

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Black Throated Thrush		<i>Turdus ruficollis</i>
Headed Yutina Chestnut		<i>Yuhina castaniceps</i>
Yellow Napped Yutina		<i>Yuhina flavicollis</i>
Black-clinned Yuhunia		<i>Yuhina nigrementa</i>
White Bbellied Yuhunia		<i>Yuhina antholeuca</i>
Golden Mountain Thrush		<i>Zoothera dauma</i>
Orange Headed Ground Thrush		<i>Zoothera eitrina</i>

NECTARINIIDAE

Mrs. Gould's Sunbird		<i>Aethopyga gouldiae</i>
Yellow backed Sunbird		<i>Aethopyga siparaja</i>
Purple Sunbird		<i>Nectarinia Zeylonica</i>
Little Spider Hunter		<i>Arachnothera longirostris</i>
Streaked Spider Hunter		<i>Arachnothera magna</i>
Van Hasselts Sunbird		<i>Nectarinia sperata</i>
Purple Rumped Sunbird		<i>Nectarinia asiatica</i>

OTIDIDAE

Bengal Horican		<i>Eupodotia bengalensis</i>
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PARIDAE

Grey Tit		<i>Parus majer</i>
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PELECANIBAE

Spotted Billed Pelican	গগন বেড়	<i>Pelecanus philippensis</i>
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PHALACROCORACIDE

Darter or Snak Bird	গয়ার	<i>Anhinga rufa</i>
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Shag	পান কাউড়	<i>Phalacrocorax fuscicollis</i>
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PHASIANIDAE

White Cheekad Hill Partridge		<i>Arborephila atrogularia</i>
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<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Rufus Throated Hill Partridge		Arborophila rufogularis
Bamboo Partridge		Bambusicola fytctii
Blue Breasted Quail		Coturnix chinensis
Rain quail	তিভির	Coturnix coromandelica
Assam Black Partridge		Francolinus francotinus
Swamp Tartridge		Francolinus gularis
Red Jungle Fowl		Gallus gallus
Black Breasted Kalij	মথুরা	Lophura leucomelana
Common Pea Fowl		Pavo cristatus
Burmese Fowl		Pavo muticus
Peacock Pheasant	কাঠ ময়ূর	Polyplectron bicalcarats
Peacock	ময়ূর	
PICIDAE		
Red Eard Bay Wood-pecker	কাঠ ঠোকরা	Blythipicus pyrrhotis
Larga Golden Becked Wood Peacker	কাঠ ঠোকরা	Chrysocolaptes leucidus
Stripe Breasted Pied Wood pecker	কাঠ ঠোকরা	Dendrocopos atratui
Grey-crowned Pigmy Wood Pecker	কাঠ ঠোকরা	Dendrocopos canicapillus
Yellow Fronted Pied Wood-Pecker	কাঠ ঠোকরা	Dendrocopos mabrattensis
Fulvous Breasted Pied Wood-pecker	কাঠ ঠোকরা	Dendrocopos macei
Pigmy Wood-pecker	কাঠ ঠোকরা	Dendrocopos namus
Lesser Golden Backed Wood Pecker	কাঠ ঠোকরা	Dinopium bengalensis
Golden Backed Three Toed Wood-pecker	কাঠ ঠোকরা	Dinopium javanensis
Yellow Fronted Rised Wood-pecker	কাঠ ঠোকরা	Dinopium marnathensis
Pale Headed Wood-pecker	কাঠ ঠোকরা	Gecinulus grautia

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Heart Spotted wood-pecker	কাঠ ঠোকরা	Hemicircus cancute
Rufous Bellied Wood-pecker	কাঠ ঠোকরা	Hypopicus hyperithrus
Wryneck Wood-pecker	কাঠ ঠোকরা	Jynx torquilla
Rufous Wood-pecker	কাঠ ঠোকরা	Micropternus breachyurus
Great Slaty Wood-pecker	কাঠ ঠোকরা	Mulleripicus pulveulentus
Speckled Piculet		Picunus innominatus
Black Naped Green Wood-Pecker	কাঠ ঠোকরা	Picus canus
Small Yellow-naped wood-pecker	কাঠ ঠোকরা	Picus chorolophus
Large Yellow-naped Wood-pecker	কাঠ ঠোকরা	Picus harinucha
Little Scaly Billed Green Wood-pecker	কাঠ ঠোকরা	Picus myrmecophoneus
Rufous Piculet		Sasia ochracea

PITTIDAE

Indian Pitta		Pitta brachyura
Blue Pitta		Pitta cyanea
Blue Winged Pitta		Pitta mouleccensis
Blue Napped Pitta		Pitta nepalensis
Green Breasted Pitta		Pitta sordida

PLOCEIDAE

Black-throated Baya		Ploceus bengalensis
Streaked Baya		Ploceus manyar
Baya		Ploceus

PODARCIDAE

Hodgson's Frogmouth		Patrachostomus hodgsoni
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PSITTACIDAE

Lorikeet	লট কল	Loriculus vernalis
Red-breasted Parakeet	টিয়া কাজলা	Psittacila alexandri
Blossom headed Parakeet	টিয়া কইরিদি	Psittacila cyanocephala

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Large Indian Parakeet	তোতা পাখা	Psittacula eupatria
Burmese Slaty Headed Parakeet	টিয়া মানো	Psittacula finschil
Roseringed Parakeet	টিয়া	Psittacula krameri
Eastern Blossom Headed Parakeet	টিয়া	Psittacula roseata

PTEROCLIDAE

Painted Sandgrouse		Pterocles indicus
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PYCNONOTIDAL

White Throated Bulbul	সিপাহী বুলবুল	Criniger flaveolus
Brown Cared Bulbul		Hypsipetes flavalus
Black Bulbul		Hypsipetes madagascariensis
Rufous Bellied Bulbul		Hypsipetes virescens
Olive Bulbul		Hypsipetes viridiscens
Black peaded Bulbul		Pycnontus atriceps
Redvented Bulbul	সিপাহী বুলবুল	Pycnontus cafer
Blyth's Bulbul	সিপাহী বুলবুল	Pycnontus flavescens
Red-whiskered Bulbul	সিপাহী বুলবুল	Pycnontas jacosus
Black headed yellow Bulbul		Pycnontus Melanictorus
Pinch-billed Bulbul	বুলবুল	Spizixos canifrons

RALLIDAE

Brown Crane	কাগ	Amauornis abool
Rudy Crane	পিঠা কাগ	Amauornis fuscus
White breasted Waterhen	ডাহুক	Amauornis phoenicurus
Elwesc crane	কাগ	Amauornis spp
Coot	জল কুক্কট	Falica atra
Water cock, kora	কোড়া	Gallicrex cinerea
Moorhen	তেল কুঁপি	Gallinula chloropus
Purple Moorhen		Porphyrio porphyrio
Water rail	জল মুরগী	Rallus aquaticus

SITTIDAE

Chestnut bellied Nuthatch	চোরা পাখী	Sitta castanea
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<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
Beautiful Nuthatch		Sitta formosa
SITTIDAEI		
Velselfronted Nuthatch		Sitta frontalis
STRIGIDAE		
Spotted Owlet	কোটের পৈঁচা	Athene brama
Short earned Owl		Asio flammeus
Eagle owl		Bubo bubo
Tawny fish Owl		Bubo flavipes
Focrest eagle Owl		Bubo nipalensis
Brown fish Owl	ভূতম পেঁচাধুদু	Bubo zeylonensis
Pigmy Owlet		Glancidium brodii
Barred Owlet		Glaudidium cucuclouides
Brown Hawk Owl		Ninox scutulata
Collard Scops Owl		Otus spilocephalus
Scops Owl		Otus Scops
Spotted Scops Owl		Otus spilocephalus
Bay Owl		Phodilus badius
Barn Owl	লক্ষী পেঁচা	Tyto alba
Grass Owl		Tyto capensis
STURNIDAE		
Jungle Myna	বন শালিক	Acridotheres fuscus
Bank Myna	গাঙ শালিক	Acridotheres ginginianus
Short Crested Myna	ঝুটি শালিক	Acridotheres javanicus
Common Myna	শালিক	Acridotheres tristis
Glossy Starling	জোয়ারী	Aplonis panayensis
Grackle or Hill Myna	ময়না, পাহাড়ী ময়না	Gracula religiosa
Spotted Winged Stare		Saroglossa spioptera
Pied Myna	গোশালিক	Sturnus contra
Grey Headed Myna	কঁট শালিক	Sturnus malabaricus
Brahminy Myna	বাল শালিক	Sturnus pagodarum
THRESKIORNITHI DAE		
Glossy Ibis		Plegadis falcinellus
Black Ibis	খয়রা	Pseudibis papillosa

<i>English Name</i>	<i>Bengali Name</i>	<i>Scientific Name</i>
White Ibis	সাদা দোচরা	Threskiornis melanocephala
TROGONIDAE		
Red Headed Trogon		Harpactes erythrocephalus
TURNICIDAE		
Common Bustard Quail	ভিভির	Turnix suscitator
Little Bustard Quail		Turnix sylvatica
UPUPIDAE		
Hoopee	হুদহুদ	Upupa epops
ZOSTEROPIDAE		
White Eye		Zosterops pallpehrosa

12.2 Domestic Animal

THE ANIMALS SLAUGHTER (RESTRICTION) AND MEAT CONTROL ACT, 1957 (E.P. Act VIII of 1957)

An Act to provide for restriction on the slaughter of certain animals and for control of consumption of meat thereof.

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

- (a) "animal" means any bull, bullock, cow, ox, heifer, calf buffalo, goat and sheep;
- (b) "carcass" means the dead body or any portion of the dead body of an animal as defined in clause (a);
- (c) "catering establishment" means any hotel, restaurant, eating house, cafe, canteen, and includes any other place of a like nature open to the public or to any limited class of the public where meat in any form is consumed or procurable;
- (d) "meat" means the flesh or other edible portion of any animal which has been slaughtered in a slaughter-house as defined in clause (f);
- (f) "slaughter-house" means any place used for the slaughter of any animal for the purpose of selling the fish thereof as meat or otherwise, but excludes any slaughter-house belonging to or maintained by the Armed Forces of Bangladesh.

3.(1) No person shall, during the period of 24 hours commencing at sunset on the day immediately preceding the prohibited day, slaughter any animal at any slaughter-house or at any other place for the sale of its meat.

(2) No person shall on any prohibited day sell or expose for sale any meat at any market or other place.

5. No person shall slaughter or cause or permit to be slaughtered or offer for slaughter in a slaughter-house,-

- (a) a she-goat or ewe below the age of two years or any other female animal below the age of three years ;
- (b) a he-goat, ram or lamb of or below the age of one year or any other male animal of or below the age of seven years, if such animal is used or capable of being used for draught or breeding purposes;
- (c) a she-goat or ewe of or below the age of five or any other female animal of or below the age of ten years, if such animal is not unsuitable for bearing offspring and is capable of producing milk; or
- (d) any female animal which is pregnant or is in milk;

Provided that nothing in this section shall apply to any animal which on account of any bodily injury, illness or other infirmity is certified in writing by an officer of the Directorate of Livestock Services not below the rank of Thana Livestock Officer,-

- i) in the case of an animal falling under clause (a), to be unlikely to live or to be fit for any of the purposes enumerated in clauses (b) or (c) as the case may be;
- ii) in the case of an animal falling under clauses (b) or (c), to be unfit for the purposes respectively enumerated therein; and
- iii) in the case of an animal falling under clause (d), to be unfit to be allowed to remain pregnant or produce milk:

Provided further that if any such certificate is proved to have been procured through fraud or collusion it will be treated as invalid and the officer giving such certificate shall be severely dealt with.

6.(1) Any Officer authorized by Government by notification in the Official Gazette in this behalf may,-

- a) at any time enter and inspect any place used or believed to be used for the slaughter of animals for the purpose of selling or consuming the meat thereof or any place where meat is sold or exposed for sale or where any food containing meat is served, supplied or sold if there is reason to believe that meat has been or is being served, supplied, sold or exposed for sale in such place in contravention of the provisions of this Act;

- b) seize any animal or the carcass thereof found in such place, or any meat, receptacle, covering in which such meat is found or any other article by means of which he has reason to believe that contravention of any provision of the Act has been or is being or is likely to be committed;
- c) require the owner, Manager or person in charge or control of any slaughter-house or of any catering establishment to furnish such information as may be necessary for the purpose of securing compliance with this Act.

(2) The Officer taking action under sub-section (1) of this section shall immediately report the matter to the nearest Magistrate having jurisdiction to enquire in to or try the case or to the Officer-in-charge of the nearest police-station who on receiving such report shall have the same powers of investigation as he may exercise in a cognizable case, but shall not arrest without warrant ...

7. If any person contravenes any provisions of this Act,-

- a) he shall on conviction by a competent Court be punishable with imprisonment of either description for a term which may extend to 6 months or with fine not exceeding taka 1000 or with both.
- b) without prejudice to the punishment referred to in clause (a), any Court trying the offence may order that any animal or the carcass of such animal in respect of which the Court is satisfied that the offence has been committed, shall be forfeited to the Government and disposed of by sale or otherwise as may be prescribed.

THE CATTLE (PREVENTION OF TRESPASS)

ORDINANCE, 1959

(Ordinance No. XII of 1959)

To supplement the law relating to trespass and damage of crops by cattle.

2. (1) Any Police officer may take charge of any cattle which may be found straying in any street or trespassing on any land, and doing damage thereto or to the crop or produce thereon and may take or send the same to the nearest pound.

(2) If any cattle is found straying in a street or trespassing on any land or doing damage thereto or to any plant or crop or produce thereon with the knowledge or connivance of the keeper or where there is no keeper, the owner, such keeper or owner, as the case may be, shall, on conviction by a Magistrate, be punishable with fine which may extend to taka 200.

3.(2) The provisions of this Ordinance shall be in addition to and not in derogation of the provision of the Cattle Trespass Act, 1871.

**THE BANGLADESH SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS ORDINANCE, 1962**
(Ordinance No. XV of 1962)

1. (1) This Ordinance may be called the Bangladesh Society for the Prevention of Cruelty to Animals Ordinance, 1962.

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

(a) "animal" means any domestic or captured animal.

3. (1) There shall be constituted a Society to be known as "the Bangladesh Society for the Prevention of Cruelty to Animals".

(2) The Governor of Bangladesh shall be the Chairman of the Society and the first members thereof shall be appointed either by name or by office by the Government.

(3) The headquarters of the Society shall be at Dhaka.

5. Subject to the provisions of this Ordinance, and of the Bengal Cruelty to Animals Act, 1920, the functions of the Society shall include,-

(a) the exercise of such powers as may be delegated to it under section 30 of the Bengal Cruelty to Animals Act, 1920;

(b) the arrangement for the proper treatment and care of animals;

(c) the education of the general public in the proper care, treatment and destruction of animals; and

(d) the exercise of such powers and performance of such duties as may be prescribed by rules.

11. (1) There shall be a branch of the Bangladesh Society for the Prevention of Cruelty to Animals for every district in Bangladesh.

(2) The Deputy Commissioner of the district shall be the Chairman of the Branch Society, and the first members thereof shall be appointed either by name or by office by the Deputy Commissioner.

13. The Executive Committee of the Society shall have authority to determine in all cases what matters properly fall within the scope of section 10, and its decision in all such matters shall be binding on all the Branch Societies.

17. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**THE LIVESTOCK RESEARCH INSTITUTE
ORDINANCE, 1984
(Ordinance No. XXVIII of 1984)**

An Ordinance to provide for the establishment of a Livestock Research Institute.

3. Establishment of the Institute.-(1) There shall be an Institute to be called the livestock Research Institute for carrying out the purposes of this Ordinance.

6. Functions of the Institute.-The functions of the Institute shall be,-

- (a) to identify and solve the basic livestock problems of the country through research;
- (b) to develop suitable method for quick diagnosis and treatment of various livestock diseases;
- (c) to study epidemiology on the existing situation of various bacterial, viral, fungal parasitic diseases and their pathogenic effects on the productivity of animals;
- (d) to study immunological characteristic of various organism of important disease of livestock and poultry and to develop appropriate technology for production of suitable biologics;
- (e) to develop suitable breed of livestock for increasing production of milk, meat and drought powers and poultry for eggs and meat;
- (f) to develop methods for improving production and preservation of fodder and feeds, and for better utilisation of agricultural by-products, wastes and non-conventional foodstuff for improving livestock production;
- (g) to improve management practices that will ensure better health and production of animals and birds;
- (h) to evaluate indigenous herbs and shrubs and explore the possibility of their use as drugs in livestock treatment;
- (i) to identify poisonous plants and their effects on animal health and their remedy;
- (j) to develop improved methods for collection, processing and storage of livestock products that will reduce spoilage and improve storage quality;
- (k) to assess the production cost of components of various livestock and their products;

- (l) to identify marketing problems of livestock and their products and develop suitable system for grading and marketing of livestock products;
- (m) to improve livestock production technology;
- (n) to disseminate information regarding research of livestock to the farmers;
- (o) to organise seminar, symposium and workshop on problems of national importance in the field of livestock;
- (p) to publish annual reports of the activities of the Institute; and
- (q) to perform such other functions as may be necessary for the purposes of this Ordinance.

12.2.1 Protection of Domestic Animal

THE CRUELTY TO ANIMALS ACT, 1920 (Bengal Act No. I of 1920)

An Act to consolidate and amend the law relating to the prevention of cruelty to animals in Bangladesh.

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

- (1) "animal" means any domestic or captured animal;

4. If any person,-

- (a) overdrive, cruelty or unnecessarily beats, or otherwise ill-treats any animal; or
- (b) binds, keeps or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering; or
- (c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner;

he shall be punished for every such offence with fine which may extend to one hundred Taka, or with imprisonment for a term which may extend to three months, or with both.

5. If any person overloads any animal he shall be punished with fine which may extend to one hundred taka, or with imprisonment for a term which may extend to three months, or with both; and

- (1) if the owner of that animal, and
- (2) if any person who, as a trader, carrier or contractor, or who, in virtue of his employment by a trader, carrier or contractor, is in possession of that animal or in control over the loading of it,

permits such overloading, he shall be punished with fine which may extend to one hundred taka.

Explanation.-For the purposes of this section an owner or other person referred to in clauses (1) and (2) above shall be deemed to have permitted overloading if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

6. If any person performs upon any cow or other milch animal the operation called phuka he shall be deemed to have committed a cognizable offence and, shall be punished with fine which may extend to five hundred taka, or with imprisonment for a term which may extend to two years, or with both, and the owner of the cow or other milch animal and any person in possession of or control over it shall be liable to the same punishment and the cow or the milch animal on which the operation of phuka was performed shall be forfeited to Government:

Provided that in the case a second or subsequent conviction of a person under this section, such person shall be punished both with fine which may extend to five hundred taka and with imprisonment which may extend to two years.

7. If any person kills any animal in an unnecessarily cruel manner he shall be punished with fine which may extend to two hundred taka, or with imprisonment for a term which may extend to six months, or with both:

Provided that nothing in this section shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class, or for any *bona fide* scientific purpose or for the preparation of any medicinal drug.

8. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner so as to constitute an offence under section 7, he shall be punished with fine which may extend to one hundred Taka, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.

9.(1) If any person is charged with the offence of killing a goat contrary to the provisions of section 7, and it is proved that such person has in his possession,

after the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner.

(2) If any person is charged with an offence against section 8, and it is proved that such person had in his possession, at the time of the alleged offence, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe.

10. If any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, he shall be punished with fine which may extend to one hundred Taka, and

- (1) if the owner of that animal; and
- (2) if any person who, as a trader, or contractor, or who, in virtue of his employment by a trader, carrier or contractor, is in possession of that animal or in control over the employment of it,

permits such employment, he shall be liable to the same punishment.

Explanation.-For the purposes of this section an owner or other person referred to in clauses (1) and (2) above shall be deemed to have permitted such employment if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

11. If any person,-

- (a) incites any animal to fight; or
- (b) baits any animal; or
- (c) aids or abets any one in such incitement or baiting,

he shall be punished with which may extent to fifty taka.

12. If any person wilfully allows any animal of which he is the owner or of which he is in charge to go at large in any public place while the animal is affected with contagious or infectious disease, or without reasonable excuse, allows any diseased or disabled animal of which he is the owner or of which he is in charge to go at large or die in any public place, he shall be punished with fine which may extend to one hundred taka.

12A. If any person employs a buffalo for draught purposes between such hours during such period as may be prescribed he shall be punished for every such offence with fine which may extend to fifty taka.

14. The Government may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against this Act are believed to have been committed.

15. The Government may appoint such persons as they think fit,-

- (a) to be Veterinary Inspectors for carrying into effect the provisions of this Act, and may declare the areas within which such officers shall exercise their powers under this Act and areas of which they shall be in charge;

16. Within the limits of any area for which a weighbridge has been established under section 13, any police-officer, or any other person duly authorized by the Government in this behalf, who has reason to believe that an offence against section 5 is being committed in respect of any animal, shall seize and take it, together with its load and the person in charge of the animal, to such weighbridge, and shall cause the load to be weighed on the weighbridge in the presence of such person.

17.(1) If the weighbridge-officer is not satisfied that an offence against section 5 has been committed, he shall inform the police-officer or person who seized the animal accordingly, and that officer or person shall forthwith release the animal and load.

(2) If the weighbridge-officer is satisfied that an offence against section 5 has been committed, he shall cause the excess load to be removed.

18. Any police-officer, or any other person duly authorized by the Government in this behalf, who has reason to believe that an offence against section 10 is being committed in respect of any animal shall seize and take it, together with its load, if any, and the person in charge of the animal, to the weighbridge, if any, appointed for the area, within which such seizure is made, or in the case of there being no weighbridge appointed for the area, to the nearest police station, and shall remove the load forthwith and report the fact of such seizure to the Veterinary Inspector in charge of that area.

21.(1) Any police-officer, or any other person duly authorized by the Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if the circumstances so require, seize the animal and produce the same for examination by the Veterinary Inspector in charge of the area in which the animal is seized.

(2) The police-officer or person who seizes any animal under sub-section (1) may require the person in charge of the animal to accompany it to the place of examination.

22.(1) For the purposes of the examination of an animal sent to a Veterinary Inspector in accordance with the provisions of section 21, he may submit the animal to any test which the Government may prescribe by rules made under section 29.

(2) If on such examination, the Veterinary Inspector is of opinion that the animal is unfit to be employed on the work or labour on which it was employed at the time of its seizure, he shall either send the animal for treatment and care to an infirmary appointed under section 14, and inform the owner of the animal of his having done so, or (if he considers that a prosecution is necessary, or if the owner of the animal so elects) direct the prosecution of the offender and produce the animal before the Magistrate.

23. The Magistrate before whom a prosecution for any offence under this Act has been instituted may, if he thinks fit, direct that the animal, in respect of which the offence is alleged or proved to have been committed, shall be sent for treatment and care to an infirmary appointed under section 14.

24.(1) When any animal has been sent to an infirmary in accordance with the provisions of section 22, sub-section(2), or of section 23, it shall be detained there until, in the opinion of the officer in charge of the infirmary, it is cured, or again fit for the work or labour on which it is the intention of the owner to employ it.

25.(1) When any Magistrate has reason to believe that an offence against this Act has been committed in respect of any animal, the Magistrate, may direct the immediate destruction of the animal, if, in his opinion, its physical condition is such as to render such a direction proper.

(2) When any animal is sent to an infirmary in accordance with the provisions of section 22 sub-section (2), or of section 23, the officer in charge of the infirmary may direct the immediate destruction of the animal, if, in his opinion, its physical condition is such as to render such direction proper, or if he considers it to be permanently unfit for work by reason of old age or some incurable disease:

Provided that no order directing destruction shall be made in respect of any bull, bullock or cow which is unfit for work by reason only of old age.

(3) Any police-officer who finds any animal so diseased, or so severely injured, or in such a physical condition, that it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Inspector in charge of the area in which the animal is found and, if the Veterinary Inspector certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police-officer may, without the consent of the owner, kill the animal or cause it to be killed.

26.(1) Any police-officer may arrest without a warrant any person committing in his view any offence against this Act, or any person against whom he has received credible information of having committed an offence against this Act, if the name and address of the accused person is unknown to the officer, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) When the true name and address of a person arrested under sub-section (1) have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that if such person is not resident in Bangladesh, the bond shall be secured by a surety or sureties resident in Bangladesh.

(3) If the true name and address of such person is not ascertained within twenty-four hours from the time of arrest, or if he fails to execute the bond, or if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

27. If a police-officer, not below the rank of Sub-Inspectors, has reason to believe that an offence against section 7 in respect of a goat is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence.

28.(1) If a Magistrate of the first class upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 6, section 7 or section 10 is being or is about to be, or has been, committed in any place, he may, at any time by day or by night, without notice, either himself enter and search, or by his warrant, authorize any police-officer above the rank of a constable to enter and search, the place.

(2) The provision of the Code of Criminal Procedure, Act V of 1898, relating to searches under that Code shall, so far as of those provision can be made applicable, apply to a search made under sub-section (10) or under section 27.

29.(1) The Government may, from time to time, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules,-

- (a) Prescribing the maximum weight of the loads to be carried on or drawn by animals;
- (b) for preventing the overcrowding of animal;
- (bb) prescribing the period during which and hours between which buffaloes shall not be used for draught purposes;

Note: See also the Public Parks Act, 1904(15.4).

12.2.2 Control of Diseases Amongst Animals

THE LIVE-STOCK IMPORTATION ACT, 1898 (ACT No. IX of 1898)

An Act to make better provision for the regulation of the importation of live-stock.

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

- (a) the expression "infectious or contagious disorders" includes tick-pest, anthrax, glanders, farcy, scabies and any other disease or disorder which may be specified by the Government by notification in the official Gazette; and
- (b) "live-stock" includes horses, kine, camels, sheep and any other animal which may be specified by the Government by notification in the official Gazette.

3.(1) The Government may, by notification in the official Gazette regulate, restrict or prohibit, in such manner and to such extent as it may think fit, the bringing or taking by sea or land, into Bangladesh or any specified place therein, of any live-stock which may be liable to be affected by infectious or contagious disorders, and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or that may have been in contact therewith.

(2) A notification under sub-section (1) shall operate as if it had been issued under section 16 of the Customs Act, 1969, and the officers of custom at every port shall have the same powers in respect of any live-stock or thing, with regard to the importation of which such a notification has been issued, and the vessel containing the same, as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

4. (1) The Government may make rules for the detention, inspection, disinfection or destruction of imported live-stock, and of fodder, dung, stable-litter, clothing, harness of fittings appertaining to imported live-stock or that may have been in contact therewith, and for regulating the powers and duties of the officers whom it may appoint in this behalf.

(2) In making any rule under this section the Government may direct that a breach thereof shall be punishable with fine which may extend to one thousand taka.

THE GLANDERS AND FARCY ACT, 1899
(Act No. XIII of 1899)

An Act to consolidate and amend the law relating to Glanders and Farcy.

2. (1) In this Act, unless there is anything repugnant in the subject or context; "diseased" means affected with the glanders or farcy or any other dangerous epidemic among horses which the Government may, by notification in the official Gazette, specify in this behalf.

(2) The provisions of this Act relating to horses shall apply also to camels, asses and mules.

3.(1) The Government may, by notification in the official Gazette, apply this Act or any provisions of this Act to any local area, to be specified in such notification.

4. (1) When this Act has been so applied to a local area, the Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

5. Within the local limits for which he is so appointed, any such Inspector as aforesaid may... enter and search any field, building or other place for the purpose of ascertaining whether there is any horse which is diseased.

6. Within such limits as aforesaid, the Inspectors may seize any horse which is diseased.

7. (1) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as the Government may appoint in this behalf.

8. (1) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed:

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased may, subject to any rules which the Government may make in this behalf be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

9. (1) When any diseased horse has been in any building, shed, place or other enclosed place, or in any open lines, the Inspector may, issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Government may by rule prescribe, destroyed.

(2) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed...

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the Government may appoint in this behalf.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

13. Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9, or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty taka or with both.

THE BENGAL DISEASES OF ANIMALS ACT, 1944 **(Bengal Act VI of 1944)**

An Act to provide for the prevention of the spread of contagious diseases amongst animals in Bangladesh.

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

- (1) "animals" means bulls, bullocks, cows, oxen, heifers, calves, buffaloes, sheep, goats, and all other ruminating animals, dogs, swine and includes such other domesticated animals excepting horses, camels, asses and mules as may be specified in this behalf by the Government by notification in the Official Gazette;
- (2) "contagious disease" means rinderpest that is to say, the disease commonly known as cattle plague, anthrax, haemorrhagic septicaemia, foot-and-mouth disease, rabies and includes such other diseases as may be declared by the Government by notification in the Official Gazette to be contagious diseases for the purposes of this Act;
- (4) "infective" used with reference to an animal means affected by a contagious disease or having recently been in contact with or proximity to an animal so affected;

3.(1) Every owner or person in charge or having control of an animal, and every Veterinary Practitioner attending any animal in the course of his veterinary practice or otherwise, who has reason to believe that such animal is infective shall forthwith report and other person who has reason to believe that an animal is infective may report the fact to the Chairman of the Union Parishad within the area of which such animal is for the time being kept.

(2) The Chairman of the Union Parishad on receiving any report under sub-section (1) shall without delay communicate such report to the District Magistrate who shall, unless for reasons to be recorded in writing, he considers that the report is unfounded in fact, instruct the Veterinary Assistant to proceed to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case, and on receiving such instructions the Veterinary Assistant shall without delay comply therewith.

(3) Whenever a Veterinary Assistant has reason to believe that any animal within his jurisdiction is infective he shall proceed as soon as possible to the place where the animal is and examine it and inquire into the circumstances of the case, notwithstanding that no report under sub-section (2) in respect of such animal has been received by him.

(4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3) the Veterinary Assistant is of the opinion that the animal is infective, he shall report the matter in the manner prescribed to the Government ... and the Veterinary Assistant shall also take such further action under the provisions of this Act as may be necessary or expedient....

4. Every owner or person in charge or having control of an animal who has reason to believe that such animal is infective shall as far as may be possible in the circumstances segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching near to such animal.

5.(1) The Government or such officer as it may authorise in this behalf may by notification published in the manner prescribed, declare any area in which any contagious disease has broken out, or any area within which in the opinion of the Government, or such officer, there is a danger of the spread of any such disease, to be an infected area.

6.(1) Save in accordance with the conditions of a licence granted by Veterinary Assistant,-

- (a) no person shall remove any animal, alive or dead, or any product of any animal (including its excreta) or any part of any animal or any fodder, bedding, harness or other thing used in connection with an animal; and

- (b) no person owning or having charge or control of any animal shall allow such animal to proceed;

from any place within an infected area to any place outside such area or from any place outside an infected area to any place within such area.

(2) Nothing in sub-section (1) shall prevent the carriage by railway or by any mechanically propelled vessel of a type approved by the Government of any animal or thing referred to in that sub-section through an infected area:

Provided that if such animal or thing at any stage during its carriage by railway or such vessel through an infected area is unloaded therein it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

7.(1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious disease in respect of which an area has been declared to be an infected area, the Veterinary Assistant shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.

(2) When a Veterinary Assistant vaccinates or inoculates any animal he may for the purpose of identification also mark such animal in such manner as may be prescribed.

8.(1) Where a Veterinary Assistant, after due examination of an animal and such enquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may by order in writing direct the owner or person in charge or having control of such animal,-

- (a) to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order;
- (b) to subject it to such treatment as may be specified in the order;

and such owner or person in charge or having control of such animal shall comply with such order:

Provided that where there is no person in charge or having control of the animal and the owner is either unknown and cannot be ascertained without undue delay, or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal fails to comply with the order within such time as in the opinion of the Veterinary Assistant is reasonable, the Veterinary Assistant shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent applies in the prescribed manner for the return of such animal to his possession, the animal shall be so returned if such owner or his authorised agent pays any expenses, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal the owner or his authorised agent, as the case may be, shall comply with any order which the Veterinary Assistant may see fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso to sub-section (1) or his authorised agent does not apply for the release of the animal under sub-section (2) and the animal is, in the opinion of the Veterinary assistant, no longer likely to infect any other animals with the contagious disease in respect of which it was seized, the Veterinary Assistant shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed.

(4) Notwithstanding anything in sub-sections (1), (2) and (3) if the Veterinary Assistant, after due examination of any animal, certifies in writing that such animal is affected with any of such contagious diseases as may be prescribed in this behalf, he may destroy the animal or deal with in such other manner as may be prescribed.

9. Subject to such rules as may be prescribed, the Veterinary Assistant may by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept to have such building, yard, vehicle or vessel disinfected, and the internal fittings thereof and other things found therein to be disinfected or destroyed in such manner and to such extent as may be specified in the order, and such owner, occupier or person in charge shall comply with such order.

10. No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals whether for the purpose of sport or trade, without the permission in writing of the Government or such officer as the Government may authorise in this behalf.

11. If the Veterinary Assistant suspects that any animal is infective he may subject it to such tests as may be prescribed and the owner or person in-charge or having control of such animal shall render every facility and assistance to him in carrying out the tests.

12. Subject to such rules as may be prescribed the Veterinary Assistant may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective or suspected to have been then infective and for this purpose he may cause the carcass of any such animal to be exhumed.

13.(1) Every animal which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or deal with in such other manner as may be prescribed.

(2) Except in the case of the exhumation of a carcass under section 12, no person shall disinter or otherwise remove the carcass of an animal buried in compliance with the provisions of sub-section (1).

14. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of a first conviction to fifty taka and in the case of a second or subsequent conviction to one hundred taka.

15. Whoever sells or attempts to sell or to transfer in any manner to another person any animal which he knows or has reason to believe to be infective shall be punished with fine which may extend in the case of first conviction to one hundred taka and in the case of a second or subsequent conviction to five hundred taka.

16. (1) Whoever,-

- (a) having reason to believe that an animal is infective fails to give information as required ...; or
- (b) fails to segregate any animal ...; or
- (c) contravenes the provisions of section 6; or
- (f) fails to comply with an order made under section 9; or
- (g) organises, holds or promotes, as the case may be, any animal market, animal fair, animal exhibition or other concentration of animals in contravention of the provisions of section 10; or
- (h) fails to render every facility and assistance to a Veterinary Assistant as required by section 11; or
- (i) contravenes any of the provisions of section 13, shall be punished with fine which may extend to fifty taka.

(2) If any person having been convicted of an offence punishable under any of the clauses (a) to (i) of sub-section (1) is again guilty of any offence punishable under that clause or is guilty of any offence punishable under any of the remaining said clauses, he shall be punished for every such subsequent offence with fine which may extend to one hundred taka.

**THE BANGLADESH VETERINARY PRACTITIONERS
ORDINANCE, 1982
(Ordinance No. XXX of 1982)**

An Ordinance to make provision for the regulation, control and registration of Veterinary practitioners in Bangladesh and for the constitution of a Veterinary Council and for matters connected therewith.

3. Constitution of the Council.-(1) There shall be constituted a Council which shall consist of the following members, namely,-

- (a) the Director of Livestock Services, Ex-officio;
- (b) one Registered Veterinary Practitioner from each of the Administrative Divisions of Bangladesh, to be elected in the manner prescribed:

Provided that the President shall have power to nominate a registered veterinary practitioner if no such practitioner is elected from any division under this clause;

- (c) one Registered Veterinary Practitioner, to be nominated by the Bangladesh Agricultural University;
- (d) the Dean of the Faculty of Veterinary Science of the Bangladesh Agricultural University, Ex-officio;
- (e) the President of the Bangladesh Veterinary Association, Ex-officio;
- (f) one member, belonging to the legal profession, to be nominated by the Chief Justice of Bangladesh; and
- (g) one member of the defence services possessing recognised veterinary qualification, to be nominated by the Bangladesh Army:

Provided that for the constitution of the Council for the first time, the President shall be appointed by the Government.

10. Register of Veterinary Practitioner.-(1) The Council shall, as soon as may be after its constitution, arrange for the registration of veterinary practitioners and, for that purpose, shall, by notification in the official Gazette and publishing notice in at least two daily newspapers of wide circulation, one in the Bengali Language and the other in the English Language, appoint a date on or before which applications for registration of names shall be made by veterinary practitioners possessing recognised veterinary qualification.

(2) The names and addresses, the recognised veterinary qualification together with the dates on which such qualifications were acquired and the dates of registration of all veterinary practitioners registered under this Ordinance shall be entered in a register to be maintained by the Council for the purpose.

11. Custody and maintenance of register.-(1) The Registrar shall maintain the register in such form and in such manner as may be prescribed and shall make from time to time such entries, corrections, alterations and modifications in the entries therein as may be necessary or as may be directed by the Council.

(2) The Registrar may, for the purpose of carrying out his duties imposed under sub-section (1), call for any information he may require from any registered Veterinary Practitioner or a Veterinary Practitioner applying for registration.

12. Persons entitled to be registered.-(1) Every person possessing a recognised veterinary qualification may, subject to the provisions of this Ordinance and on payment of such fees as may be prescribed, apply to the Council to have his name entered in the register.

(2) Every person making an application under sub-section (1) shall,-

- (a) satisfy the Council that he is in possession of a recognised veterinary qualification;
- (b) specify in his application the date on which he acquired the qualification which entitles him to claim registration; and
- (c) furnish such other information as the Council may require for the purpose of registration.

13. Registration.-(1) The Council may on being satisfied that a person applying for registration possesses a recognised veterinary qualification and has paid the prescribed fee, allow the application and direct the Registrar to enter his name in the register.

(2) The Registrar shall, on the registration of the person's name, give him a certificate of registration signed by him and countersigned by the President.

(3) The Council may after giving the person concerned an opportunity of being heard, refuse to permit the registration, or cancel the registration of the name of any person,-

- (a) who has been convicted by any court for any offence involving moral turpitude;
- (b) whom the Council, after due enquiry, finds guilty of infamous conduct in his professional capacity.

(4) The Council may, on its own motion or upon an application made to it by any person, direct after giving the person concerned an opportunity of being heard,-

- (a) for the purpose of rectification of any error, amendment or any entry in the register;

- (b) cancellation of any registration which has been fraudulently made or effected.

19. Responsibility of Registered Veterinary Practitioner.(1) Every registered Veterinary Practitioner shall inform the Council any change of his address within sixty days of such change and, on receipt of the information, the Registrar shall make the necessary corrections in the register.

(2) No registered veterinary practitioner shall use or publish in any way whatsoever any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses any recognised veterinary qualification higher than that he or other professional qualification unless the same has been conferred upon him by a legally constituted authority within or outside Bangladesh.

20. Privileges of registered veterinary practitioner.-(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no one, other than a registered Veterinary Practitioner, shall be competent to hold any veterinary appointment in a veterinary institution, hospital, dispensary or abattoir maintained or aided by the Government or any local authority.

(2) Notwithstanding anything contained in any other law for the time being in force, no certificate required by any such law to be signed by a veterinary practitioner shall be valid unless it is signed by a registered veterinary practitioner.

(3) No person shall be entitled to recover any fee or charge any court for any veterinary advice or attendance, or for the performance of any operation, or for any medicine supplied, unless he shall prove upon the trial that he is a duly registered veterinary practitioner.

21. Persons not registered under the Ordinance not to practise.-(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no one, other than a registered veterinary practitioner, shall practise, or hold himself out as practising, the veterinary medicine or surgery.

(2) Whoever, after the date fixed in this behalf by notification in the official Gazette by the Council, contravenes the provision of sub-section (1) shall be punishable with fine which may extend to taka five hundred;

(3) The provisions of sub-section (1) shall not apply to any person who performs any of the following acts, namely,-

- (a) rendering to any animal first aid for the purpose of saving life or relieving pain;
- (b) destruction of any animal by painless method;
- (c) castration of any animal or castrating of any poultry or bird;
- (d) docking of the cattle or dog before its eyes are open;
- (e) amputation of the claws of a dog before its eyes are open;
- (f) inoculation or vaccination of any animal, poultry or bird.

THE SCHEDULE

[See Sections 2(e) and 15]

PART A.—Degree in Veterinary Science

1. Bachelor of Animal Husbandry of the Dhaka University.
2. Bachelor of Veterinary Science and Animal Husbandry of the Dhaka University;
3. Bachelor of Veterinary Science and Animal Husbandry of the Bangladesh Agriculture University.
4. Doctor of Veterinary Medicine of the Bangladesh Agriculture University.
5. Member of the Royal College of Veterinary Surgeon, United Kingdom.

PART B.—Diploma in Veterinary Science

1. Graduate in Veterinary Science (G.V.Sc.) of Bengal Veterinary College, Calcutta, India.
2. Diploma in Veterinary Medicine and Surgery (D.V.M.S.) of the Dhaka University.
3. Licentiate Veterinary Surgeon (L.V.S.) of the Bangladesh Agricultural University.
4. Licentiate Veterinary Surgeon (L.V.S.) of the Dhaka University.

12.2.3 Cattle Trespass

THE CATTLE-TRESPASS ACT, 1871

(Act No. I of 1871)

An Act to consolidate and amend the law relating to trespass by Cattle.

4. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

10. The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and send them or cause them to be sent within twenty-four hours to the pound established for the village in which the land is situate.

All officers of police shall, when required, aid in preventing (a) resistance to such seizures, and (b) rescue from persons making such seizure.

11. Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like and officers of police, may seize or cause to be seized any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments and the like, or the sides or slopes of such roads, canals, drainage-works or embankments or found straying thereon, and shall send them or cause them to be sent within twenty-four hours to the nearest pound.

12. For every head of cattle impounded as aforesaid the pound-keepers shall levy a fine...

26. Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine ...

27. Any pound-keeper ... omitting to provide any impounded cattle with sufficient food and water, ..., shall, over or above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine...

Note: See also the Local Government Laws (14), the Metropolitan Police Laws (15.6), the Highways Act, 1923 (16.2) and the Forest Act, 1927 (11.1).

13. ENERGY AND MINERAL RESOURCES

13.1 Mining

THE MINES ACT, 1923 (Act No. IV of 1923)

An Act to amend and consolidate the law relating to the regulation and inspection of mines.

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

- (c) "child" means a person who has not completed his fifteenth year;
- (cc) "day" means a period of twenty-four hours beginning at midnight;
- (d) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;
- (f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine :

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals;

- (g) "owner", when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he was an owner, but not so as to exempt the owner from any liability;
- (k) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to

the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days;

4.(1) The Government may, by notification in the official Gazette, appoint a duly qualified person to be Chief Inspector of mines for the whole of Bangladesh and duly qualified persons to be Inspectors of Mines subordinate to Chief Inspector.

(3) The District Magistrate may exercise the powers and perform the duties of Inspector subject to the general or special orders of the Government:

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32.

6. The Chief Inspector and any Inspector may,-

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine;
- (b) with such assistant if any as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine;
- (c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

7. Any person in the service of the Republic duly authorized by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three day's notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

10.(1) The Government may constitute for any part of Bangladesh, for any group or class of mines, a Mining Board

11. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of,-

- (a) a chairman nominated by the Government or by such officer of authority as the Government may authorize in this behalf;

- (b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee; and
- (c) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Government to represent the interests of the persons employed in the mine.

(4) The committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the Government.

(5) On receiving such report the Government shall pass orders in conformity therewith unless the Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the Government may proceed to review such decision and to pass such orders in the matter as it may think fit. If an objection is lodged by the Chief Inspector, notice of the same shall forthwith be given to the owner, agent or manager of the mine.

16.(1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(2) In the event of any contravention of any such provisions by any person whomsoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention :

Provided that the owner or agent shall not be so deemed if he proves,-

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine; and
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties; and
- (c) that the offence was committed without his knowledge, consent or connivance.

17. There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supplies of water fit for drinking, as may be prescribed.

18. At every mine in respect of which the official Gazette, declare this section to apply, such supply of ambulances or stretchers, and of splints, bandages and

other medical requirements, as may be prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.

19.(1) If, in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.

(1A) Without prejudice to the generality of the provisions contained in sub-section (1), the Chief Inspector or the Inspector may, in any area to which the Government may by notification in the official Gazette declare that this sub-section applies, by order in writing addressed to the owner, agent or manager of a mine,-

prohibit the extraction or reduction of pillars in any part of the mine if, in his opinion, such operation is likely to cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger the mine, or if, in his opinion, adequate provision against the outbreak of fire has not been made by providing for the sealing off and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by a fire :

and the provisions of sub-sections (3), (4), (5) and (6) shall apply to an order made under this sub-section as they apply to an order made under sub-section (2).

(2) If the Chief Inspector or an Inspector authorized in this behalf by general or special order in writing by the Chief Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

20.(1) When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall give such notice of the occurrence to such authorities, and in such form, and within such time, as may be prescribed.

(2) The Government may, by notification in the official Gazette, direct that accidents other than those specified in sub-section (1) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding forty-eight hours, shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1).

21.(1) When any accidental explosion, ignition, outbreak of fire or irruption of water or other accident has occurred in or about any mine, the Government, if it is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

22A. No person shall be allowed to work in mine on more than six days in any one week.

22B.(1) A person employed above ground in a mine shall not be allowed to work for more than fifty-four hours in any week or for more than ten hours in any day.

(2) The periods of work of any such person shall be so arranged that, along with his intervals for rest, they shall not in any day spread over more than twelve hours, and that he shall not work for more than six hours before he has had an interval for rest of at least one hour.

(3) Persons belonging to two or more relays shall not be allowed to do work of the same kind above ground at the same moment:

Provided that for the purposes of this sub-section persons shall not be deemed to belong to separate relays by reason only of the fact that they receive their intervals for rest at different times.

22C.(1) A person employed below ground in a mine shall not be allowed to work for more than nine hours in any day.

(2) Work of the same kind shall not be carried on below ground in any mine for a period spreading over more than nine hours in any day except by a system of relays so arranged that the periods of work for each relay are not spread over more than nine hours.

(3) No person employed in a mine shall be allowed to be in any part of the mine below ground except during the periods of work shown in respect of him in the register kept under sub-section (1) of section 28.

22D. Where a worker works in a relay whose period of work extends over midnight, the ensuring day for him shall be deemed to be the period of twenty-four hours beginning at the end of the period of work fixed for the relay, and

the hours he has worked after midnight shall be counted towards the previous day.

23. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding twelve hours.

23B.(1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of relays, the time of the commencement and of the end of work for each relay. The notice shall also state the time of the commencement and of the end of the intervals for rest fixed for persons employed above ground. A copy of each such notice shall be sent to the Chief Inspector, if he so requires.

(2) In the case of a mine at which mining operations commence after the 14th day of April, 1930, the notice referred to in sub-section (1) shall be posted not less than seven days before the commencement of work.

(4) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1)

23C. No female shall be allowed to work in a mine either below ground or above ground between the hours of 7 P.M. and 6 A.M.

25. In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, the manager may, subject to the provisions of section 19, permit persons to be employed in contravention of section 22A, section 22B, section 22C, section 23 or sub-section (4) of section 23B on such work as may be necessary to protect the safety of the mine or of the persons employed therein :

Provided that, where such occasion arises, a record of the fact shall immediately be made by the manager and shall be placed before the Chief Inspector or the Inspector at his next inspection of the mine.

26. No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

26A. No person who has not completed his seventeenth year shall be employed in any part of mine, unless-

- (a) a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine; and
- (b) he carries while at work a token giving a reference to such certificate.

26B. No person who has not completed his seventeenth year shall be permitted to work in any part of a mine, either below ground or above ground, unless the hours of work of such person for any day are so fixed as to allow an interval of rest of at least twelve consecutive hours which shall include at least such seven consecutive hours between the hours of 7 P.M. and 7 A.M. as may be prescribed :

Provided that nothing in this section shall apply to any such person while employed or permitted to work in any mine as an apprentice or for the purposes of receiving vocational training, in such circumstances and in accordance with such conditions as may be prescribed.

27.(1) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child or has not completed his seventeenth year, the question shall, in the absence of certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector, the Inspector for decision to a qualified medical practitioner.

28.(1) For every mine, there shall be kept in the prescribed form and place a register of all persons employed in the mine showing, in respect of each such person,-

- (a) name, date of birth and the nature of his employment;
- (b) the periods of work fixed for him;
- (c) the intervals for rest, if any, to which he is entitled;
- (d) the days of rest to which he is entitled; and
- (e) where work is carried on by a system of relays, the relay to which he belongs.

29. The Government may, by notification in the official Gazette, make regulations consistent with this Act for all or any of the following purposes, namely,-

- (i) for regulating, subject to the provisions of the Explosives Act, 1884, and of any rules made thereunder, the storage and use of explosives;
- (j) for prohibiting, restricting or regulating the employment in mines or in any class of mines of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women;
- (k) for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, path ways and subsidences;

- (l) for providing for the safety of the roads and working places in mines, including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine;
- (m) for providing for and regulating the ventilation of mines and the action to be taken in respect of dust and noxious gases;
- (n) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes;
- (o) for requiring and regulating the use of safety lamps in mines;
- (p) for providing against explosions or ignitions or irruptions of or accumulations of water in mines and against danger arising therefrom, and for prohibiting, restricting or regulating the extraction of minerals in circumstances likely to result in or to aggravate irruptions of water or ignitions in mines;
- (q) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, and the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time, within which they are to be submitted;

30. The Government may, by notification in the official Gazette, make rules consistent with this Act for all or any of the following purposes, namely:-

- (bb) for requiring the maintenance in mines wherein any women are ordinarily employed of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women ordinarily employed in the mine, the number and standards of such rooms, and the nature and extent of the supervision to be provided therein;
- (bbb) for requiring the maintenance at or near pit-heads of bathing places equipped with shower baths and of locker-rooms for the use of men employed in mines and of similar and separate places and rooms for the use of women in mines where women are employed, and for prescribing, either generally or with particular reference to the numbers of men and women ordinarily employed in a mine, the number and standards of such places and rooms;

- (c) for prescribing the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking-water, the supply and maintenance of medical appliances and comforts, and the training of men in ambulance work;
- (ccc) to fix seven consecutive hours between 7 P.M. and 7 A.M. for the purposes of section 26B;
- (cccc) to specify the circumstances in which and conditions in accordance with which a young person may be employed or permitted to work as an apprentice or for the purposes of receiving vocational training in a mine for the purposes of the proviso to section 26B;
- (e) for prohibiting the employment in mines of persons or any class or persons who have not been certified by a qualified medical practitioner to have completed their fifteenth year, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked;
- (h) for requiring the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public;
- (i) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in Government or any local authority;

30A. The Government may, by notification in the official Gazette, make rules under this section,-

- (a) requiring the establishment of central rescue stations for groups of specified mines or for all mines in a specified area, and prescribing how and by whom such stations shall be established;
- (c) prescribing the position, equipment, control, maintenance and functions of central rescue stations;

32.(1) The owner, agent or manager of a mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(5) The bye-laws, when so approved by the Government, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in Bengali, to be posted up in some

conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

33. There shall be kept posted up at or near every mine in English and in Bengali, the prescribed abstracts of the Act and of the regulations and rules.

34.(1) Whoever obstructs the Chief Inspector, an Inspector or any person authorized under section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector or such person any reasonable facility or making any entry, inspection, examination or inquiry authorized by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

(2) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent, any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred taka.

37. Whoever, save as permitted by section 25, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with fine which may extend to five hundred taka.

38.(1) Whoever, in contravention of the provisions of sub-section (1) of section 20, fails to give notice of any accidental occurrence shall, if the occurrence results in serious bodily injury, be punishable with fine which may extend to five hundred taka, or, if the occurrence results in loss of life, be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred taka, or with both.

(2) Whoever in contravention of a direction made by the Government under sub-section (2) of section 20 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with fine which may extend to five hundred taka.

39. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with fine which may extend to one thousand taka, and, in the case of a continuing contravention, with a further fine which may extend to one hundred taka for every day on

which the offender is proved to have persisted in the contravention after the date of the first conviction.

40.(1) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to two thousand taka, or with both; or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand taka, or with both; or, if such contravention otherwise causes injury or danger to workers or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred taka, or with both.

Note: See also the Bengal Mining Settlement Act, 1912 (4.1).

13.2 Petroleum

THE PETROLEUM ACT, 1934 (Act No. XXX of 1934)

An Act to consolidate and amend the law relating to the import, transport, storage, production, refining, blending, or reclaiming by recycling of petroleum and other inflammable substances.

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

- (a) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;
- (b) "class I petroleum" means petroleum having its flashing-point below twenty-three degrees centigrade;
- (bb) "class II petroleum" means petroleum having its flashing-point below sixty-one degrees but not below twenty-three degrees centigrade;
- (c) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder;
- (d) "to transport" means to move petroleum from one place to another within Bangladesh by land, sea or air;

- (e) "to import" petroleum means to bring it into Bangladesh by land, sea or air;
- (f) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;
- (i) "oil marketing company" means a company, organization or other person having right, under the authority of the Government or otherwise, of marketing petroleum in Bangladesh;
- (l) "stockist" means a person, including a firm and a company, appointed with the approval of the Government by an oil marketing company to be a stockist for maintaining stock, and for distribution among the agents and dealers, of both Class I and Class II petroleum.

3.(1) No one shall import, transport, store or distribute any petroleum save in accordance with the rules made under section 4.

(2) Save in accordance with the conditions of any license for the purpose which he may be required to obtain by rules made under section 4, no one shall import any class I petroleum, and no one shall transport, store or distribute any petroleum.

4. The Government may make rules,-

- (a) prescribing the place where petroleum may be imported and prohibiting its import elsewhere;
- (b) regulating the import of petroleum;
- (d) regulating the transport of petroleum;
- (e) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;
- (f) regulating the transport of petroleum;
- (g) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;
- (h) prescribing the form and conditions of license for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licenses shall be made, the authorities which may grant such licenses and the fees which may be charged for such licenses;
- (k) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import,

transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion;

- (p) generally, providing for any matter which in its opinion, is expedient for proper control over the import, transport, storage and distribution of petroleum.

6. All receptacles containing Class I Petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacles itself or, where that is impracticable, displayed near the receptacle, exhibiting in conspicuous character the nature of the petroleum:

Provided that this section shall not apply to,-

- (a) any securely stoppered glass, stoneware or metal receptacle of less than nine litres capacity containing Class I petroleum which is not for sale; or
- (b) a tank incorporated in a motor conveyance, or attached to an internal combustion engine, and containing intended to be used to generate motive power for the motor conveyance or engine; or
- (c) a pipe-line for the transport of petroleum; or
- (d) any tank which is wholly underground; or
- (e) any class of receptacles which the Government may, by notification in the official Gazette, exempt from the operation of this section.

15.(1) A standard apparatus for determining the flashing point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government, by notification in the official Gazette.

16.(1) The officer appointed under section 15 shall ... compare with the Standard Test Apparatus any apparatus for determining the flashing point of petroleum which may be submitted to him for this purpose.

17. The Government may authorize any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

19.(1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is Class I or non-dangerous, and if the petroleum is Class I the flashing-point of the petroleum.

23.(1) Whoever,-

- (a) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, distributes,

produces, refines, blends or reclaims by recycling blends any petroleum; or

- (b) contravenes any rule made under section 4; or
- (c) being the holder of a license issued under section 4 or a person for the time being placed by the holder of such license in control or in charge of any place where petroleum is being imported stored or distributed or is under transport, contravenes any condition of such license or suffers any condition of such license to be contravened; or
- (f) being required, under section 27, to give information of an accident fails to give such information as so required by that section;

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand taka, or with both.

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand taka, or with both.

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour, or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station and to the Chief Inspector of explosives in Bangladesh.

THE BANGLADESH PETROLEUM ACT, 1974

(Act No. LXIX of 1974)

An Act to provide for the exploration, development, exploitation, production, processing, refining and marketing of petroleum.

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

- (a) "continental shelf" and "economic zone" have the same meaning as in the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974);

- (c) "petroleum" means,-
 - (i) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
 - (ii) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
 - (iii) any naturally occurring mixture of a hydrocarbon or hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbondioxide;
- (d) "petroleum agreement" means a production sharing agreement or any other agreement or contract relating to any petroleum operation;
- (e) "petroleum operation" means any activity related to exploration, development, exploitation, production, processing, refining or marketing of petroleum.

3. Right of Government to explore, etc. of Petroleum.-(1) The Government shall have, within the territory, continental shelf and economic zone of Bangladesh, exclusive right to explore, develop, exploit, produce, process, refine and market petroleum.

(2) The Government shall plan, promote, organize and implement programmes for exploration, development, exploitation, production, processing, refining and marketing of petroleum.

(3) In particular, and without prejudice to the generality of the foregoing provisions, the Government may take such steps as it thinks fit-

- (a) to carry out geological, geophysical and other surveys for the exploration of petroleum;
- (b) to carry out drilling and other prospecting operations to prove and estimate the reserves of petroleum;
- (c) to undertake such other activities as may lead to the establishment of such reserves;
- (d) to undertake the production of petroleum from such reserves and the refining of such petroleum;
- (e) to sell, distribute, transport and otherwise dispose of petroleum and its refined products.

5. Power of inspection.-(1) For any purpose mentioned in this Act or the rules made thereunder, any person authorized by the Government in this behalf may;-

- (b) inspect the installation, well, plants, appliances and works operated or maintained by any person engaged in any petroleum operation and the state of repair and condition thereof;
- (f) examine any person engaged in any petroleum operation.

6. Duties of persons engaged in petroleum operation.-(1) It shall be the duty of any person engaged in any petroleum operation,-

- (a) to ensure that such petroleum operation is carried on in a proper and workmanlike manner and in accordance with good oil-field practice;
- (b) to carry on petroleum operation in any area in a manner that does not interfere with navigation, fishing and conservation of resources of the sea and sea-bed;
- (c) to consider factors connected with the ecology and environment.

(2) In particular, and without prejudice to the generality of the foregoing provision, a person engaged in any petroleum operation shall, in carrying on such operation in any area,-

- (a) control the flow, and prevent the waste or escape, in that area of petroleum or water;
- (b) prevent the escape in that area of any mixture of water or drilling fluid with petroleum or any other matter;
- (c) prevent damage to petroleum bearing strata in any area, whether adjacent to that area or not;
- (d) keep separate each petroleum pool discovered in the area;
- (e) prevent water or any other matter entering a petroleum pool through wells in that area, except when required by and in accordance with, good oil-field practice.

9. Penalty.-(1) Whoever contravenes any provision of this Act or the rules made thereunder shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Where an offence punishable under sub-section (1) is committed by a firm, company or other body corporate, every partner, director, manager, secretary or other officer or agent thereof shall, if actively concerned in the conduct of the business of such firm, company or body corporate, be deemed to have committed the offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

13.3 Steam-Boiler

THE BOILERS ACT, 1923 (Act No. V of 1923)

An Act to consolidate and amend the law relating to steam-boilers.

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

- (a) "accident" means an explosion of a boiler or steam-pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode;
- (aa) "Board" means the Boilers Board constituted under section 27A;
- (b) "boiler" means any closed vessel exceeding 22.76 liters in capacity which is used expressly for generating steam under pressure, and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off;
- (cc) "economiser" means any part of a feed-pipe that is wholly or partially exposed to the section of flue gases for the purpose of recovery of waste heat;
- (ccc) "feed-pipe" means any pipe or connected fitting wholly or partly under pressure through which feed water passes directly to a boiler and does not form an integral part thereof;
- (d) "owner" includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof;
- (f) "steam-pipe" means any main pipe exceeding 7.62 cm in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe; and
- (g) "structural alteration, addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part of fitting.

5.(1) The Government may, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The Government shall likewise appoint a person to be Chief Inspector who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

6. Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used-

- (a) unless it has been registered in accordance with the provisions of this Act;
- (c) unless a certificate or provisional order authorizing the use of the boiler is for the time being in force under this Act;
- (d) at a pressure higher than the maximum pressure receded in such certificate or provisional order;
- (e) where the Government has made rules requiring that boilers shall be in charge of persons holding certificates of competency, unless the boiler is in charge of a person holding the certificate required by such rules:

8.(1) A certificate authorizing the use of a boiler shall cease to be in force-

- (a) on the expiry of the period for which it was granted; or
- (b) when any accident occurs to the boiler; or
- (c) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than 18.58 square meters, or a portable or vehicular boiler, or
- (d) when any structural alteration, addition or renewal is made in or to the boiler; or
- (e) if the Chief Inspector in any particular case so directs, when any structural alteration, addition or renewal is made in or to any steam-pipe attached to the boiler; or
- (f) on the communication to the owner of the boiler of an order of the Chief Inspector or Inspector prohibiting its use on the ground that it or any steam-pipe attached thereto is in a dangerous condition.

12. No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

18.(1) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of

the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

23. Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to ten thousand taka, and, in the case of a continuing offence, with an additional fine which may extend to two thousand taka for each day after the first day in regard to which he is convicted of having persisted in the offence.

24. Any person, who,-

- (b) being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7; or
- (c) makes any structural alteration, addition on renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by section 12, or to a steam-pipe without first informing the Chief Inspector, when so required by section 13; or
- (d) fails to report an accident to a boiler or steam-pipe it inoperative at the maximum pressure at which the use of the boiler is authorized under this Act; or
- (e) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorized under this Act; or
- (f) generates steam illegally under pressure in any closed vessel exceeding 22.75 litres in capacity;

shall be punishable with fine which may extend to ten thousand taka.

25.(1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be punishable with fine which may extend to ten thousand taka.

27A.(1) A Board to be called the Boilers Board shall be constituted to exercise the powers conferred by section 28.

28. The Board may, by notification in the official Gazette, make regulations consistent with this Act for all or of the following purposes, namely,-

- (a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act;

- (aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted;
- (b) for prescribing the method of determining the maximum pressure at which a boiler may be used;
- (c) for regulating the registration of boilers, prescribing the fees payable here for, the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number, and the period within which such number is to be marked on the boiler;
- (d) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates therefor;
- (e) for ensuring the safety of persons working inside a boiler; and
- (f) for providing for any other matter which is not, in the opinion of the Board, a matter of merely local importance.

13.4 Institutions

THE BANGLADESH PETROLEUM CORPORATION ORDINANCE, 1976 (Ordinance No. LXXXVIII of 1976)

An Ordinance to provide for the establishment of the Bangladesh Petroleum Corporation.

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

- (e) "enterprise" means any firm or company engaged in any activity related to the processing, refining, blending, or marketing of petroleum including its import, export, purchase, storage, sale or distribution;
- (f) "petroleum" means hydro-carbons in liquid or solid state, processed or unprocessed, including by-products and lubricants but does not include natural gas;

3. Establishment and incorporation.-(1) As soon as may be after the commencement of this Ordinance, Government shall establish a Corporation to be called the Bangladesh Petroleum Corporation.

6. Functions of the Corporation.-Subject to the provisions of the Petroleum Act, 1974 (LXIX of 1974), and this Ordinance, the functions of the Corporation shall be,-

- (a) to acquire, import crude petroleum and other refined petroleum products;
- (b) to refine crude petroleum and manufacture of various grades of refined petroleum products;
- (c) to set up refineries and ancillary facilities;
- (d) to import lubricating oil, both in the form of base stock, necessary additives and other chemicals as well as finished products;
- (e) to manufacture blended lubricating products;
- (f) to set up lubricating plants including plants for recycling or revamping of used lubricants;
- (g) to process and set up facilities for processing of refinery waste or residual products;
- (h) to plan and install petroleum (crude and refined) storage facilities;
- (i) to determine allocation of petroleum products against the marketing companies;
- (j) to procure inland oil takers;
- (k) to establish and expand petroleum marketing facilities;
- (l) to export petroleum and petroleum products;
- (m) to act as managing agents of, or to enter into any management or any other agreement or contract with, any firm or company;
- (n) to supervise, co-ordinate and control the affairs of the enterprises;
- (o) to discharge any other function assigned or delegated to it by the Government from time to time; and
- (p) to do such other acts and things as may be necessary for carrying out the purposes of this Ordinance.

7. Management.-(1) Subject to the rules and regulations made under this Ordinance, the general direction and administration of the affairs and business of the Corporation shall vest in a Board of Directors which may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) In discharging its functions, the Board shall act on commercial considerations having due regard to public interest generally and shall be guided on question of policy by such instructions as may be given to it by the Government from time to time.

8. **Board.**-(1) The Board shall consist of a Chairman and such other Directors not exceeding five of whom two shall be *ex-officio*, as may be appointed by the Government on such terms and conditions as the Government may determine.

25. **Acquisition of land, etc.**-(1) The Corporation may acquire, for carrying out the purposes of the Ordinance, by purchase, lease, exchange or otherwise any land or interest in land.

31. **Transfer of certain functions and rights, etc.**-Upon the establishment of the Corporation under section 3,-

- (a) the functions to be performed by the Corporation under section 6 shall not be performed by the Bangladesh Oil and Gas Corporation, also called PETROBANGLA except to the extent covered specifically by any production sharing agreement or contract existing immediately before the commencement of this Ordinance;

**THE BANGLADESH OIL, GAS AND MINERAL
CORPORATION ORDINANCE, 1985
Ordinance No. XXI of 1985)**

An Ordinance to provide for the establishment of the Bangladesh Oil, Gas and Mineral Corporation.

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

- (e) "mineral" means all minerals, whether in a solid, liquid or gaseous state and rock resources, metal or non-metal, including coal, limestone, clay, sand, metalliferous ore and non-metallic mineral and any other naturally occurring substance which may be used either in its original form or after processing for economic purposes;

3. **Establishment of the Corporation.**-(1) There shall be established a Corporation to be called the Bangladesh Oil, Gas and Mineral Corporation for carrying out the purposes of this Ordinance.

(1A) The Corporation may also be called PETROBANGLA.

5. **General direction.**-(1) Subject to rules and regulations made under this Ordinance, the general direction and administration of the affairs and business of the Corporation shall vest in a Board of Directors which may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) The Board in discharging its functions shall act on commercial consideration having due regard to public interest generally and shall be guided on question of policy by such instructions as may be given to it by the Government from time to time, and, if any question arises as to whether any question is a question of policy or not, the decision of the Government shall be final.

7. Functions of the Corporation.-(1) The functions of the Corporation shall be,-

- (a) to undertake research in the field of oil, gas and minerals;
- (b) to prepare and implement programmes for the exploration and development of oil, gas and mineral resources;
- (c) to produce and sell oil, gas and mineral resources; and
- (d) to perform such other functions as the Government may, from time to time, assign to the Corporation.

(2) Without prejudice to the generality of the foregoing provisions, the Corporation shall, in particular, have power,-

- (a) to undertake research for alternative use of natural gas;
- (b) to carry out geological, geophysical and other surveys for the exploration and development of oil, gas and mineral resources;
- (c) to carry out drilling and other prospecting operations to prove and estimate the reserves of oil, gas and mineral resources and collect all data required for adopting the most suitable extraction and mining method;
- (d) to set up mining industries and to continue production and sale of the mined commodities;
- (e) to plan, promote and develop cement industries in the country;
- (f) to take up, execute and operate any project on mining and mineral development;

10. Formation of Companies.-The Corporation may, with the previous approval in writing of the Government, sponsor the formation of subsidiary companies for exploration and exploitation of oil, gas and mineral resources and may hold an interest therein and may also, subject to the general policy of the Government regarding foreign investment, permit any foreigner to hold an interest in such companies.

20. Survey of lands, etc.-(1) The Chairman or any other person authorised by him in writing may enter upon and survey any land, undertake investigations, erect pillars for the determination of areas and intended lines of works, make

boring and excavation for the discovery of minerals, and do all other acts which may be necessary in order to carry out all or any of the purposes of this Ordinance:

Provided that when the affected land does not vest in the Corporation powers conferred by this sub-section shall be exercised in such manner as to cause the least interference with and the least damage to, the rights of the owner thereof.

(2) When any person enters into or upon any land in pursuance of sub-section (1), he shall, at the time of entering, pay or tender payment for all necessary damage to be done as aforesaid and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Corporation whose decision shall be final.

(3) It shall be lawful for any person authorised under sub-section (1) to make an entry upon any land, to open or cause to be opened a door, gate or other barrier,-

- (a) if he consists the opening thereof necessary for the purpose of such entry;
- (b) if the occupier or owner, as the case may be, is absent, or being present refuses to open door, gate or barrier :

Provided that the compensation shall be paid for the damage caused in such manner as the Corporation may prescribe, and in case of dispute as to the sufficiency of the amount, the matter shall be referred to the Corporation whose decision shall be final.

13.5 Atomic Energy and Nuclear Radiation

পারমাণবিক নিরাপত্তা ও বিকিরণ নিয়ন্ত্রণ আইন, ১৯৯৩ (১৯৯৩ সনের ২১ নং আইন)

পারমাণবিক নিরাপত্তা ও বিকিরণ নিয়ন্ত্রণ নিশ্চিতকরণকল্পে প্রণীত আইন।

২। সংজ্ঞা।-বিষয় বা প্রসংগের পরিপন্থী কোন কিছু না থাকিলে, এই আইনে,-

- (ক) “অনুমোদিত তেজস্ক্রিয়তা-মাত্রা” অর্থ ধারা ৩ (জ)এর অধীন নির্ধারিত তেজস্ক্রিয়তার অনুমোদনযোগ্য সর্বোচ্চ মাত্রা;
- (খ) “আয়নায়নকারী বিকিরণ” অর্থ এমন বিকিরণ যাহা পদার্থের সংস্পর্শকালে প্রত্যক্ষ বা পরোক্ষভাবে উক্ত পদার্থে আয়ন উৎপাদনে সক্ষম;

(গ) “উৎস পদার্থ” অর্থ,-

(১) ইউরেনিয়াম বা থোরিয়াম বা উহাদের যে কোন ভৌত বা রাসায়নিক মিশ্রণ, বা

(২) এমন আকরিক যাহাতে ০.০৫% বা ততোধিক পরিমাণে ইউরেনিয়াম বা থোরিয়াম, একক বা যুক্তভাবে, বিদ্যমান;

(ঙ) “তেজস্ক্রিয় পদার্থ” অর্থ পারমাণবিক বা বিকিরণ কার্যের ফলে সৃষ্ট বর্জ্য পদার্থ, যাহাতে অনুমোদিত তেজস্ক্রিয়-মাত্রার অধিক মাত্রাসম্পন্ন তেজস্ক্রিয়তা বিদ্যমান;

(চ) “তেজস্ক্রিয় বর্জ্য পদার্থ” অর্থ পারমাণবিক বা বিকিরণ কার্যের ফলে সৃষ্ট বর্জ্য পদার্থ, যাহাতে অনুমোদিত তেজস্ক্রিয়-মাত্রার অধিক মাত্রাসম্পন্ন তেজস্ক্রিয় বিদ্যমান;

(ছ) “তেজস্ক্রিয় বিকিরণ” অর্থ তেজস্ক্রিয়তা, যন্ত্রপাতি ও কর্মকান্ত হইতে উদ্ভূত আয়নায়নকারী বিকিরণ;

(জ) “তেজস্ক্রিয়তা” অর্থ বিভাজনের অথবা পরমানুকণা বিচ্ছুরণের মাধ্যমে অস্থায়ী পারমাণবিক নিউক্লিয়াসের লয়;

(ট) “বিকিরণ” অর্থ পদার্থ বা স্থানের (Space) মধ্য দিয়া শক্তির এমন বিচ্ছুরণ বা সঞ্চারণ যাহা উক্ত পদার্থ বা স্থানে ভড়িৎ চুম্বকীয় আবেগ বা ক্রিয়া সৃষ্টি করিতে পারে।

৩। কমিশনের ক্ষমতা।-কমিশন

(ক) পারমাণবিক নিরাপত্তা, বিকিরণ নিয়ন্ত্রণ এবং তেজস্ক্রিয় বর্জ্য পদার্থ ব্যবস্থাপনার জন্য প্রয়োজনীয় বিধি/বা নীতিমালা প্রণয়ন বা আদেশ বা নির্দেশ প্রদান করিতে পারিবে এবং উহা কার্যকর করিবার জন্য যথাযথ ব্যবস্থা গ্রহণ করিতে পারিবে;

(খ) তেজস্ক্রিয় বিকিরণের ঝুঁকি হইতে জীবন, স্বাস্থ্য, সম্পত্তি ও পরিবেশ রক্ষণের জন্য নীতিমালা ও গবেষণাসূচী প্রণয়ন ও বাস্তবায়ন করিতে পারিবে;

(গ) তেজস্ক্রিয় বিকিরণ ছাড়াও অন্য যে সকল বিকিরণ জীবন, স্বাস্থ্য, সম্পত্তি ও পরিবেশের জন্য ক্ষতিকর সেই সকল বিকিরণ হইতে রক্ষার জন্য নীতিমালার প্রণয়ন ও বাস্তবায়ন করিতে পারিবে;

(ঘ) তেজস্ক্রিয় খনিজ পদার্থ আহরণ, উৎপাদন, আমদানী, রপ্তানী, স্থানান্তর, পরিবহন, অর্জন, ধারণ, প্রক্রিয়াজাতকরণ, পুনঃপ্রক্রিয়াজাতকরণ, ব্যবহার ও বিক্রয় নিয়ন্ত্রণ এবং উহাদের সমন্বয় সাধন করিতে পারিবে;

(ঙ) পারমাণবিক পদার্থ বা শক্তি উৎপাদন ও ব্যবহার নিয়ন্ত্রণ এবং উহাদের উৎপাদন ও ব্যবহারের জন্য প্রয়োজনীয় পদার্থ ও যন্ত্রপাতির নিরাপত্তা সংক্রান্ত বিষয়াদি নিয়ন্ত্রণ করিতে পারিবে;

(চ) তেজস্ক্রিয় বর্জ্য পদার্থের ব্যবহার ও ব্যবস্থাপনা নিয়ন্ত্রণ করিতে পারিবে;

(জ) বায়ুতে এবং মানুষ ও জীবজন্তুর আহাৰ্য অথবা পানীয় হিসাবে বা অন্যবিধভাবে ব্যবহাৰ্য যে কোন পদাৰ্থের উপর তেজস্ক্রিয়তার অনুমোদনযোগ্য সৰ্বোচ্চ মাত্রা নির্ধারণ কৰিতে পারিবে।

৪। কতিপয় কাৰ্যের উপর বিধি নিষেধ।-(১) কমিশন কর্তৃক সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, এতদুদ্দেশ্যে নির্ধাৰিত তারিখের পর কোন ব্যক্তি এই আইনের অধীনে প্রদত্ত লাইসেন্স ব্যতিরেকে,-

(ক) কোন তেজস্ক্রিয় পদাৰ্থ, পারমাণবিক পদাৰ্থ, তেজস্ক্রিয় বা আয়নায়নকারী বিকিরণ উৎপাদনকারী পদাৰ্থ বা যন্ত্রপাতি আহরণ, উৎপাদন, অর্জন, আমদানী, রপ্তানী, পরিবহন, ধারণ, প্রক্রিয়াজাতকরণ, পুনঃপ্রক্রিয়াজাতকরণ, ব্যবহার, বিপণন, হস্তান্তর, স্থানান্তর, গুদামজাতকরণ, বর্জন বা বিনষ্ট কৰিতে বা উক্ত পদাৰ্থ বা যন্ত্রপাতির উপর গবেষণা কৰিতে পারিবেন না ;

(খ) পারমাণবিক শক্তি চালিত অথবা তেজস্ক্রিয় বিকিরণ উৎপাদনকারী পদাৰ্থ বা যন্ত্রপাতি বা তেজস্ক্রিয় বর্জ্য পদাৰ্থ বহনকারী কোন যানবাহন বাংলাদেশে আনয়ন কৰিতে বা প্রবেশ কৰাইতে পারিবেন না।

(গ) তেজস্ক্রিয় বিকিরণ দ্বারা কোন খাদ্যসামগ্রী প্রক্রিয়াজাতকরণ কৰিতে পারিবেন না অথবা অনুরূপভাবে প্রক্রিয়াজাত কোন খাদ্যবস্তু উৎপাদন, বিতরণ বা বিপণন বা অনুমোদিত তেজস্ক্রিয়তা মাত্রায় অতিরিক্ত তেজস্ক্রিয়তাদুষ্ট কোন খাদ্য বা পানীয় ধারণ, সংগ্রহ, আমদানী বা বিতরণ কৰিতে পারিবেন না;

(ঘ) তেজস্ক্রিয় বা আয়নায়নকারী বিকিরণ উৎপাদন সক্ষম যন্ত্রপাতি অর্জন, নির্মাণ, স্থাপন বা পরিচালনা কৰিতে পারিবেন না।

৫। লাইসেন্স প্রদান পদ্ধতি।-(১) ধারা ৪ এ উল্লিখিত কোন লাইসেন্সের জন্য নির্ধাৰিত পদ্ধতিতে ও নির্ধাৰিত ফিসসহকারে কমিশনের নিকট দরখাস্ত কৰিতে হইবে এবং কমিশন উক্ত দরখাস্ত বিবেচনাক্রমে, কমিশন কর্তৃক সময় সময় আরোপনীয় শর্তসাপেক্ষে, নির্ধাৰিত মেয়াদের জন্য লাইসেন্স প্রদান কৰিতে পারিবে।

৬। গবেষণাগার।-(১) কমিশন এই আইনের অধীন উহার ক্ষমতাবলী প্রয়োগ ও কাৰ্যাবলী সম্পাদনের উদ্দেশ্যে,-

(ক) একটি কেন্দ্রীয় গবেষণাগার এবং প্রয়োজনবোধে, এক বা একাধিক আঞ্চলিক গবেষণাগার প্রতিষ্ঠা কৰিতে পারিবে; এবং

(খ) এক বা একাধিক প্রশিক্ষণ কেন্দ্র, বৈজ্ঞানিক তথ্য সংরক্ষণ ও বিনিময় কেন্দ্র এবং পারমাণবিক বিষয়াবলী সম্পর্কিত ও বিকিরণ সংক্রান্ত গ্রন্থাগার প্রতিষ্ঠা কৰিতে পারিবে।

৭। বিশেষজ্ঞ কমিটি।-পারমাণবিক নিরাপত্তা ও তেজস্ক্রিয় বিকিরণ নিয়ন্ত্রণ সংক্রান্ত কোন বিশেষ সমস্যা সম্পর্কে পরামর্শ প্রদানের জন্য কমিশন প্রয়োজনবোধে সময় উক্ত বিষয়ে বিশেষ জ্ঞান সম্পন্ন একাধিক ব্যক্তি সম্বন্ধে বিশেষজ্ঞ কমিটি গঠন কৰিতে পারিবে।

৮। পরিদর্শক ১-(১) এই আইনের সুষ্ঠু বাস্তবায়নের প্রয়োজনে কমিশন এক বা একাধিক পরিদর্শক নিয়োগ করিতে পারিবে।

(২) পরিদর্শক কমিশনের নিয়ন্ত্রণ ও সার্বিক তত্ত্বাবধানে তাঁহার দায়িত্ব পালন করিবেন।

(১) পরিদর্শক ১-

(ক) এই আইন ও তদধীন প্রণীত বিধির বিধানাবলী এবং লাইসেন্সের শর্তাবলী যথাযথভাবে পালিত হইতেছে কিনা তাহা যাচাইয়ের জন্য যে কোন স্থান, ঘর-বাড়ী, অংগন বা যানবাহনে প্রবেশ করিয়া পরিদর্শন এবং অনুসন্ধান কার্য চালাইতে পারিবেন;

(খ) পারমাণবিক নিরাপত্তা এবং তেজস্ক্রিয় ও আয়নায়নকারী বিকিরণ মাত্রা যাচাইয়ের উদ্দেশ্যে সংশ্লিষ্ট দলিলপত্র, যন্ত্রপাতি, বা পদার্থ বা উহার নমুনা সংগ্রহ ও বিশ্লেষণ করিতে এবং সংশ্লিষ্ট নিকট হইতে প্রয়োজনীয় তথ্য তলব করিতে পারিবেন;

(৪) যদি কোন পরিদর্শনকালে পরিদর্শক এই সিদ্ধান্তে উপনীত হন যে, কোন লাইসেন্সের কোন শর্ত ভংগ করা হইতেছে বা হইবে, তাহা হইলে তিনি অবিলম্বে কমিশনের নিকট তৎসম্পর্কে একটি প্রতিবেদন প্রেরণ করিবেন এবং উক্তরূপ শর্ত ভংগের কারণে কোন বিকিরণকর্মী বা জনসাধারণের স্বাস্থ্যহানি বা কোন সম্পদ বা পরিবেশের নিরাপত্তা বিঘ্নিত হইয়া থাকিলে বা হইবার আশংকা থাকিলে তাহা উক্ত প্রতিবেদনে উল্লেখ করিবেন।

৯। লাইসেন্স বাতিল ইত্যাদি ১-(১) কমিশন এই আইনের অধীন প্রদত্ত যে কোন লাইসেন্স নির্ধারিত পদ্ধতিতে বাতিল করিতে পারিবে।

(২) কোন লাইসেন্সের শর্তাবলী ভঙ্গ করা হইয়াছে বা হইতেছে এই মর্মে ধারা ৮ (৪)-এর অধীন কোন প্রতিবেদন প্রাপ্ত হইলে কমিশন,-

(ক) উহার বিবেচনার উপযুক্ত ক্ষেত্রে লাইসেন্সের শর্তাবলী যথাযথভাবে পালন করিবার জন্য সংশ্লিষ্ট ব্যক্তিকে নির্দেশদান করিতে পারিবে;

(খ) স্বাস্থ্যহানি রোধ বা সম্পদ বা পরিবেশের নিরাপত্তা বিধানকল্পে প্রয়োজনীয় পদক্ষেপ গ্রহণ সাপেক্ষে উক্ত লাইসেন্সের অধীন কার্যাবলী বন্ধ রাখিবার জন্য নির্দেশ দান করিতে পারিবে; অথবা

(গ) লাইসেন্সটি বাতিল করিতে পারিবে।

(৩) এই ধারার অধীন লাইসেন্স বাতিলের কারণে কোন ব্যক্তি সংস্কৃত হইলে তিনি লাইসেন্স বাতিল আদেশ প্রাপ্তির তারিখ হইতে ৩০ দিনের মধ্যে সরকারের নিকট আপিল করিতে পারিবেন।

(২) উপ-ধারা (৩) এ উল্লিখিত আপিলে সরকারের সিদ্ধান্ত চূড়ান্ত হইবে এবং উহার বিরুদ্ধে যে কোন আদালতে কোন মামলা দায়ের করা যাইবে না।

১০। জরুরী প্রতিকারমূলক ব্যবস্থা ১-(১) যদি কোন প্রাপ্ত তথ্য বা অনুসন্ধানের ভিত্তিতে কমিশনের নিকট ইহা প্রতীয়মান হয় যে, কোন স্থানে তেজস্ক্রিয়বিকিরণ মাত্রা উক্ত স্থানের

লোকজন, জীবজন্তু, সম্পদ বা পরিবেশের জন্য বিপদজনক তাহা ইহলে কমিশন বিষয়টি সম্পর্কে পরিবেশ দূষণ অধিদপ্তরে অবহিত করিবে এবং প্রয়োজনবোধে, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, প্রজ্ঞাপন উল্লিখিত সময়ের মধ্যে,-

- (ক) উক্ত স্থান হইতে লোকজন, জীবজন্তু বা সম্পদ স্থানান্তর করার; বা
- (খ) ডেজফ্রিয়াতাদুট্ট জীবজন্তু বা সম্পদ ধ্বংস করার নির্দেশ দিতে পারিবে।

১১। দণ্ড।-কোন ব্যক্তি এই আইন বা তদধীন প্রণীত কোন বিধি বা লাইসেন্সের কোন শর্ত লংঘন করিলে বা উক্ত বিধান বা শর্ত পালন করিতে ব্যর্থ হইলে, তিনি অনূন্য ৩ (তিন) বৎসর এবং অনূর্ধ্ব ৭ (সাত) বৎসর কারাদণ্ডে এবং ইহার অতিরিক্ত অর্থদণ্ডে দণ্ডনীয় হইবেন এবং আদালত সংগত বিবেচনা করিলে, যে পদার্থ, খাদ্যবস্তু, পানীয়, যন্ত্রপাতি, যানবাহন বা অন্য কোন সম্পত্তি সম্পর্কে উক্তরূপ লংঘন বা ব্যর্থতা সংঘটিত হইয়াছে তাহা কমিশনের বরাবরে বাজেয়াপ্তির নির্দেশ দিতে পারিবে।

13.6 Electricity

THE BANGLADESH WATER AND POWER DEVELOPMENT BOARDS ORDER, 1972 (P.O. No. 59 of 1972)

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

- (c) "controlled station" means a power generating station declared as a controlled station under clause (d) of Article 15;
- (g) "power" includes hydraulic as well as thermal power, electrical energy, steam, gas or any other power notified as such by the Government in the official Gazette;
- (j) "undertaking" includes any business, project scheme, asset, right, power, authority and privilege and any property movable and immovable, including land, building, work, machinery, cash or bank balance, reserve fund, investments, and any other right and interest in, or arising out of, such property and any book of accounts, register, record and any other document of whatever nature relating thereto.

3.(1) On the commencement of this Order, there shall be constituted, for carrying out the purposes of this Order, two Boards-one to be called the Bangladesh Water Development Board and the other to be called the Bangladesh Power Development Board.

4.(1A) The Power Board shall consist of a Chairman and not more than six other members to be appointed by the Government.

10.(1) The Power Board shall prepare, for the approval of the Government a comprehensive plan for the development and utilization of power resources of Bangladesh.

(2) The Board shall have power to take up any work as contemplated in clause (3) or any other work that may be transferred to it by the Government and to realize levy thereof subject to the approval of the Government.

(3) The Board may frame a scheme or schemes for the whole of Bangladesh or any part thereof providing for all or any of the following matters, namely,-

(a) generation, transmission and distribution of power;

(b) construction, maintenance and operation of power houses and grids.

(4) The Power Board may place wires, poles, wall brackets, stays, apparatus and appliances for the transmission of electricity, for the transmission of telegraphic or telephonic communications necessary for the proper execution of a scheme.

(5) The Power Board may purchase power from any person or entity authorised to generate electricity by the appropriate authority at such rate as may be determined by the Government;

11.(1) Every scheme prepared under ... clause (3) of Article 10 shall be submitted, for approval, to the Government with the following information:-

(a) a description of the scheme and the manner of its execution;

(b) an estimate of costs and benefits, the allocation of costs to the various purposes to be served by the scheme and the amounts to be paid by the beneficiaries;

(c) a statement of proposal by the Board for the resettlement or rehousing, if necessary, of persons likely to be displaced by the execution of the scheme.

(2) The Government may sanction or may refuse to sanction or may return for reconsideration any scheme submitted to it under clause (1), or may call for such further details or information about the scheme or may direct such further examination of the scheme as it may consider necessary.

12.(1) Any scheme framed by an agency in Bangladesh other than a Board in respect of any of the matters enumerated in ... clause (3) of Article 10 shall, if its estimated cost exceeds the amount to be prescribed by the Government, be submitted to the Government through the board concerned and the Government may pass any of the orders contemplated by clause (2) of Article 11;

Provided that any such scheme framed by a power generating station, run by any person or entity other than Power Board, to fulfil its obligations under any contract entered into between its owner and the Government shall not be required to be submitted through the Board concerned.

(2) A Board may, with the approval of the Government, undertake the execution of any scheme or exercise technical supervision and administrative and financial control over the execution of any scheme framed or sponsored by any agency in respect of the matters enumerated in... clause (3) of Article 10.

17.(1) Each Board may take such measures and exercise such powers as it considers necessary or expedient for carrying out the purposes of this Order.

(2) Without prejudice to the generality of the powers conferred by clause (1), each Board may,-

- (a) under any work, incur any expenditure within the budget or any special allotment, procure plant, machinery and materials required for its use and enter into and perform any such contracts as it may consider necessary and expedient;
- (b) acquire by purchase, lease, exchange or otherwise any land or interest in land or dispose of by sale, lease, exchange or otherwise such land or any interest in such land;
- (c) seek and obtain advice and assistance in the preparation or execution of a scheme from any local authority or agency of the Government and such agency or authority shall give the advice and assistance sought by the Board to the best of its ability, knowledge and judgment:

Provided that the Board shall pay the cost if such advice and assistance entails additional expenditure to the local authority or the agency.

(3) The acquisition of any land or any interest in land for a Board under this Article or for any scheme under this Order shall be deemed to be an acquisition for a public purpose within the meaning of the Acquisition and Requisition of Immovable Property Ordinance 1982 ...or any other law for the time being in force, and the provisions of the said Act or law shall apply to all such proceedings.

21.(1) As soon as any scheme has been carried out by a Board or at a later date, the Board may arrange by a written agreement with a local authority or other agency within whose jurisdiction any particular area covered by the scheme lies to take over and maintain any of the works or services in that area and, if the Board fails to obtain the assent of such local authority or other agency, it may refer the matter to the Government, and the Government may give such directions to the local authority or other agency as it may deem fit.

(2) The Government shall have the power to direct a Board to hand over any scheme to any agency of the Government or a local authority:

Provided that the Government shall not direct the Power Board to hand over any power scheme carried out by that Board.

22.(1) The Government may appoint such officers, advisers or consultants and other employees to serve under each Board as may be necessary for the efficient performance of the functions of such Board on such terms and conditions as it may be determine.

26. The rates at which ... the Power Board shall sell power shall be so fixed as to provide for meeting the operating cost, interest charges and depreciation of assets, the redemption at due time of loans other than those covered by depreciation, the payment of any tax and a reasonable return or investment.

Note: See also the Rural Electrification Board Ordinance, 1977 (15.7).

14. LOCAL GOVERNMENT LAWS

This sector comprises major category of legislations enacted to establish and regulate the local government bodies in different tiers of administrative units.

Six City Corporation work as local government bodies for the six Divisional Headquarters under separate laws. These are the Chittagong City Corporation Ordinance, 1982, Dhaka City Corporation Ordinance, 1983, Khulna City Corporation Ordinance, 1984, Rajshahi City Corporation Act, 1987, Barisal City Corporation Act, 2001 and Sylhet City Corporation Act, 2001. Since all the City Corporation laws to a large extent contain identical provisions, corresponding provisions of the law in other city corporations have been mentioned after every clause by indicating the first alphabet of the respective Division. These are: "D" for Dhaka, "R" for Rajshahi, "K" for Khulna., "B" for Barisal and "S" for Sylhet.

While the local government bodies for the divisional headquarters are City Corporations laws, other urban municipalities are regulated by the Paurashava (municipality) laws. The lower administrative units of the country are the Union Parishad and Gram Sarkar that are local government bodies for the rural areas.

Specific laws were also enacted to create local government bodies for the Hill Districts of the Chittagong Hill Tracts in 1989. These are, Rangamati Hill District Local Council Act, 1989, Khagrachhari Hill District Local Council Act, 1989 and Bandarban Hill District Local Council Act, 1989. Other than some difference in the institutional structure and the definition of tribal community, the rest of the provisions of these laws are identical. Hence only one law i.e., the Rangamati Hill District Local Council Act, 1989 is being given here. The sections with difference are also being mentioned under the respective laws.

14.1 City Corporations

THE CHITTAGONG CITY CORPORATION ORDINANCE, 1982 (Ordinance No. XXXV of 1982)

An Ordinance to consolidate and amend the law relating to the municipal administration of the City of Chittagong.

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

- (3) "building" includes any shop, house, hut, outhouse, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, veranda, platform, plinth and steps;
[D.2(3), R.2(a), K.2(3), B.2(ka), S.2(ka)]
- (4) "building-line" means a line beyond which the outer face or any part of an external wall or a building may not project in the direction of any street, existing or proposed;
[D.2(4), K.2(4)]
- (13) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop, or other place from where milk or milk products are supplied for sale;
[D.2(13), K.2(13)]
- (15) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sullage or rain water;
[D.2(15), K.2(15)]
- (16) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use;
[D.2(16), K.2(16)]
- (17) "dwelling house" means any building used or adopted to be used wholly or principally for human habitation;
[D.2(17), K.2(17)]
- (19) "erect or re-erect a building" means the construction of a new building and includes such material alterations of a building as may be prescribed;
[D.2(19), K.2(19)]
- (21) "food" includes every article used for food or drink by human beings, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;
[D.2(21), K.2(21)]
- (24) "infectious disease" means any disease which may be transmitted from one person to another and declared as such by the Government by notification in the official Gazette;
[D.2(24), K.2(24)]

- (25) "land" includes land which is being built upon, or is built up or is covered with water;
[D.2(25), K.2(25)]
- (26) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetable, or any other article of food or for the sale and purchase of livestock or animals and includes any place which may be notified as a market in accordance with the rules;
[D.2(26), K.2(26)]
- (28) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
[D.2(28), K.2(28)]
- (32) "public place" means any building, premises or place to which the public have access;
[D.2(32), K.2(32)]
- (33) "public street" means a street maintained by the Government* (*please see the note below*);
[D.2(33), R.2(d), K.2(33)]
- (34) "refuse" includes rubbish, offal, night-soil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;
[D.2(34), K.2(34)]
- (39) "street line" means a line dividing the land comprised in, and forming part of, a street from the adjoining land;
[D.2(39), K.2(39)]
- (40) "sullage" includes sewerage, polluted water, rain water, and any other offensive matter carried by a drain;
[D.2(40), K.2(40)]
- (42) "vehicle" means a wheeled conveyance capable of being used on a street;
[D.2(42), K.2(42)]
- (43) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, culvert, engine and other appliances and anything for supplying or used for supplying water.
[D. (43), K.2(43)]

26. Functions of the Corporation.-Subject to rules and such directions as the Government may from time to time give, and within the limits of the fund at its disposal, the Corporation shall undertake such of the functions given in detail in Part IV as are required to be undertaken by the Corporation, and may undertake,-

- (a) all or any of the functions so given which may be undertaken by the Corporation; and
- (b) such other functions as are declared by the Government to be appropriate matters for administration by the Corporation.

[R.27, K.25, B34, 35, S34,35]

42. Chief Executive Officer.-(1) There shall be a Chief Executive Officer of the Corporation who shall be appointed by the Government on such terms and conditions as may be determined by it.

[D.43, R.44, K.42 B.52, S.52]

44. Extraordinary powers of Chief Executive Officer.-On the occurrence or threatened occurrence of any accident or any unforeseen event or natural calamity involving, or which is likely to involve, extensive damage to any property of the Corporation or danger to human life, the Chief Executive Officer shall take such immediate action as he considers necessary and make report forthwith to the Corporation or the Standing Committee concerned of the action taken by him and the reason therefor and also of the cost, if any, incurred or likely to be incurred in consequence of such action.

[D.45, R.45, K.43, B.53, S.53]

75. Responsibility for sanitation.-The Corporation shall be responsible for the sanitation of the City, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance.

[D.76, R.75, K.73, B.83, S.83]

76. Insanitary buildings.-(1) The Corporation may by notice require the owner or occupier of any building or land which is in any insanitary or unwholesome state,-

- (a) to clean or otherwise put it in a proper state;
- (b) to make arrangement to the satisfaction of the Corporation for its proper sanitation;
- (c) to limewash the building and to make such essential repairs as may be specified in the notice; and
- (d) to take such other steps in regard to such building or land as may be so specified.

(2) If any requirement of a notice issued under sub-section (1) is not complied with, within such period as may be specified in the Notice, the Corporation may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Corporation shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(D.77, R.76, K.74, B.84, S.84)

77. Removal, collection and disposal of refuse.-(1) The Corporation shall make adequate arrangements for the removal of refuse from all public streets, public latrines, urinals, drains, and all buildings and land vested in the Corporation, and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within the Corporation shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Corporation.

(3) The Corporation may cause public dust-bins or other suitable receptacles to be provided at suitable places and where such dust-bins or receptacles are provided, the Corporation may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles.

(4) All refuse removed and collected by the staff of the Corporation or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Corporation shall be the property of the Corporation.

(D.78, R.77, K.75, B.85, S.85)

78. Latrines and urinals.-(1) The Corporation may, and if so required by the Government shall, provide and maintain, in sufficient number and in proper situation, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order, and to be properly cleaned.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Corporation and shall employ such staff for the purpose as may be necessary, or as may be specified by the Corporation.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Corporation may by notice require the owner of such premises,-

- (a) to provide such, or such additional privy or urinal accommodation as may be specified in the notice;
- (b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified;

- (c) to remove the privy or urinal; and
- (d) where there is an underground sewerage system, to substitute connected privy or connected urinal accommodation for any service-privy or service-urinal accommodation.

[D.79, R.78, K.76, B.86, S.86]

79. Births, deaths and marriages.-(1) The Corporation shall register all births, deaths and marriages within the limits of the City and information of such births, deaths and marriages shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide.

(2) The by-laws made under sub-section (1) may exempt any class or classes of marriages information in respect of which is not deemed necessary for registration under this section.

[D.80, R.79, K.77, B.87, S.87]

80. Infectious diseases.-(1) The Corporation shall adopt such measures to prevent infectious disease and to restrain infection within the City as the rules and by-laws may provide.

(2) The Corporation may, and if so required by the Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(3) The Corporation may, in the prescribed manner, frame and implement schemes for the prevention and control of infectious diseases.

[D.81, R.80, K.78, B.88, S.88]

81. Health and maternity centres, etc.-The Corporation may, and if so required by the Government shall,-

- (a) establish, manage, maintain or contribute towards the maintenance of health centres, maternity centres and centres for the welfare of women, infants and children;
- (b) provide for the training of dais;
- (c) provide for the promotion of family planning; and
- (d) adopt such other measures as may be necessary to promote the health and welfare of women, infants and children.

[D.82, R.81, K.79, B.89, S.89]

82. Promotion of public health.-Subject to the provisions of this Ordinance and the rules, the Corporation may, and if the Government so directs shall, take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, the Government directs.

[D.83, R.82, K.80, B.90, S.90]

83. Hospitals and dispensaries.-(1) The Corporation may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the City, and the people visiting it.

(2) Every hospital and dispensary maintained by the Corporation shall be managed and administered in such manner as may be prescribed.

(3) Subject to any directions that may be given in this behalf by the Government, every hospital and dispensary maintained by the Corporation shall be provided with such drugs, medicines, instruments, appliances, equipments, apparatus and furniture in accordance with such scale and standards as may be prescribed.

[D.84,R.83,K.81, B.91, S.91]

84. Medical aid and relief, and medical education, etc.-The Corporation may, and if so required by the Government shall, take such measures as may be necessary or as may be specified by the Government for,-

- (a) the provision and maintenance of first aid centres;
- (b) the provision and maintenance of mobile medical aid units;
- (c) the promotion and encouragement of societies for the provision of medical aid;
- (d) the promotion of medical education;
- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

[D.85,R.84,K.82, B.92, S.92]

85. Water supply.-(1) Subject to any law for the time being in force, the Corporation may provide, or cause to be provided, to the City a supply of wholesome water sufficient for public and private purposes.

(2) The Corporation may, and if so required by the Government shall, in the prescribed manner, frame and execute a water-supply scheme for the construction and maintenance of such works for the provision, storage and distribution of water as may be necessary.

(3) Where a piped water-supply is provided, the Corporation may supply water to private and public premises in such manner and on payment of such charges as the by-laws may provide.

[D.86,R.85,K.83, B.93, S.93]

86. Private sources of water-supply.-(1) All private sources of water supply within the City shall be subject to control, regulation and inspection by the Corporation.

(2) No new well, water-pump or any other source of water for drinking purposes shall be dug, constructed or provided except with the sanction of the Corporation.

(3) The Corporation may be notice require the owner or any person having the control of any private source of water-supply used for drinking purposes,-

- (a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying matter;
- (b) to protect the same from contamination in such manner as the Corporation may direct; and
- (c) if the water therein is proved to the satisfaction of the Corporation to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

87. Drainage.-(1) Subject to any law for the time being in force, the Corporation shall provide an adequate system of public drains in city area and all such drains shall be constructed, maintained, kept, cleared and emptied with due regard to the heal and convenience of the public.

(2) Every owner or occupier of any land or building within the City may, with the previous permission of the Corporation, and subject to such terms and conditions, including the payment of fees, as the Corporation may impose, cause his drains to be emptied into public drains.

(3) All private drains shall be subject to control, regulation and inspection by the Corporation, and the Corporation may, in such manner as the by-laws may provide, require the provision, alteration, covering, clearing and closing of private drains.

[D.88, R.87, K.85, B.95, S.95]

88. Drainage Schemes.-(1) The Corporation may, and if so required by the Government shall, prepare a Drainage Scheme in the prescribed manner for the construction of drains at public and private expense, and other works for the effective drainage and disposal of sullage.

(2) A Drainage Scheme prepared under sub-section (1) shall be submitted for approval to the Government, which may approve it, reject it, or approve it subject to such modifications as it may deem fit.

(3) The Drainage Scheme as approved by the Government shall be executed and implemented in such manner, within such period and by such authority as may be specified by the Government.

(4) The Corporation may by notice require the owner of any building or land within the City-

- (a) to construct such drains within the building or land or the street adjoining such building or land as may be specified in the notice;
- (b) to remove, alter or improve any such drains; and
- (c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart.

[D.89,R.88,K.86, B.96, S.96]

89. Bathing and washing places.-(1) The Corporation may from time to time-

- (a) set apart suitable places for use by the public for bathing, for washing clothes, or for drying clothes;
- (b) specify the times at which and the sex of persons by whom such places may be used; and
- (c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a hamam or a bath for public use except under a licence granted by the Corporation, and in conformity with the conditions and terms of such licence.

[D.90, R.89, K.87, B.97, S.97]

90. Dhobi ghats and washermen.-(1) The Corporation may provide dhobighats for the exercise of their calling by washermen, and may by by-laws regulate the use of dhobi ghats and levy fees for their use.

(2) The Corporation may by by-law provide for the licensing of washermen and the regulation of their calling.

91. Public water-courses.-(1) The Corporation may, with the previous sanction of the Government, declare any source of water, spring, river, tank, pond, or public stream, or any part thereof within the City, which is not private property, to be a public water-course.

(2) The Corporation may in respect of any public water-course provide such amenities, make such arrangements for life saving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the by -laws may provide.

92. Public ferries.-(1) The Corporation may by by-laws provide for the licensing of boats and other vessels plying for hire in a public water-course and may prescribe the terms and conditions for the grant of licences and the fees to be charged therefor.

(2) The Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the Corporation, and thereupon the Corporation shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

[D.93,R.92,K.90, B.100, S.100]

93. Public fisheries.-The Corporation may, with the previous sanction of the Government, declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Corporation which may exercise such right in such manner as may be prescribed.

[D.94,R.93,K.91, B.101, S.101]

94. By-laws for articles of food and drink.-The Corporation may by by-laws

- (a) prohibit the manufacture, sale or preparation, or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Corporation;
- (b) prohibit the import into the City for sale, or the sale, or the hawking for sale, of any specified article of food or drink by person not so licensed;
- (c) prohibit the hawking of specified articles of food and drink in such parts of the City as may be specified.
- (d) regulate the time and manner of transport within the City of any specified article of food or drink;
- (e) regulate the grant and withdrawal of licences under this section and the levying of fees therefor; and
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

[D.95,R.94,K.92, B.102, S.102]

95. Milk supply.-(1) Except under a licence granted by the Corporation, and in conformity with the conditions of such licence, no person shall, within the City, keep milch cattle for the sale of milk, or expose or import milk for sale, or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for any such purpose.

(2) The Corporation may, in the prescribed manner, and with the previous sanction of the Government, frame and enforce a Milk Supply Scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the City or any part thereof, adequate supply of pure milk to the public.

[D.96, R.95, K.93, B.103, S.103]

96. Public markets.-(1) Subject to any law for the time being in force, the Corporation may establish and maintain public markets, and secure the proper management and sanitation of such markets.

[D.97, R.96, K.94, B.104, S.104]

97. Slaughter-house.-The Corporation shall provide and maintain at such site or sites within or without the limits of the City as the Government may approve one or more slaughter-houses for the slaughter of animals or of any specified description of animals.

[D.99, R.98, K.96, B.106, S.106]

98. Animal husbandry.-(1) The Corporation may and if so required by the Government shall, provide for the establishment and maintenance of veterinary hospitals and dispensaries, and by by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) The Corporation may by by-laws define contagious disease among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such diseases.

[D.100, R.99, K.97, B.107, S.107]

99. Stray animals.-(1) The Corporation may by by-laws provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.

(2) The Corporation may, and if so required by the Government shall, establish and maintain cattle pounds for impounding of cattle and charge such fines and fees for the impounding of cattle as the by-law may provide.

(3) No animal shall be picketed or tethered in such street or places as may be specified by the Corporation, and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

[(D.101, R.100, K.98, B.108, S.108)]

100. Animal homes and farms.-(1) The Corporation may, with the previous approval of the Government, establish and maintain Animal homes, where, subject to such terms and conditions and on the payment of such fees and other

charges, as the by-law may provide, the animals of private persons may be kept.

(2) The Corporation may, with the previous approval of the Government, establish and maintain cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the by-law may provide.

[D.102, R.101, K.99, B.109, S.109]

101. Registration of the sale of cattle.-The Corporation may by by-laws require that every sale of such of the animals as may be specified shall be registered with the Corporation in such manner, and subject to the payment of such fees, as the by-laws may provide.

[D.103, R.102, K.100, B.110, S.110]

102. Livestock improvement.-The Corporation may with the previous approval of the Government, frame and execute a livestock Scheme, which may, among other matters, provide that no person shall keep such animals above such age as may be specified, unless they are castrated or are certified by competent authority to be fit for breeding.

[D.104,R.103,K.101, B.111, S.111]

103. Dangerous animals.-The Corporation may by by-laws define the animals which shall be deemed to be dangerous animals and the circumstance under which animals not otherwise dangerous shall be deemed to be dangerous, and such by-laws may among other matters, provide for the detention, destruction, or disposal otherwise of such animals.

[D.105, R.104, K.102, B.112, S.112]

104. Cattle shows, zoos, etc.-(2) The Corporation may, with the previous approval of the Government, maintain or contribute towards the maintenance of zoological gardens.

[D.106,R.105,K.103, B.113, S.113]

105. Disposal of carcasses.-Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption, or for some other religious purpose, such person shall either-

- (a) convey the carcass within twenty-four hours to a place, if any, fixed by the Corporation for the disposal of the dead bodies of animals, or to a place beyond the limits of the City, not being a place within one mile of such limits; or
- (b) give notice of the death to the Corporation, whereupon the Corporation shall cause the carcass to be disposed of and charge such fees from the person concerned as the by-laws may provide.

Explanation.- In this section, "animal" shall be deemed to mean all horned cattle, elephants, camels, horse, ponies, asses, mules, deer, sheep, goats, swine, dogs, cats and other large animals.

[D.107, R.106, K.104, B.114, S.114]

106. Master Plan.-The Corporation may, and if so required by the Government shall, draw up a Master Plan for the City which shall, among other matters, provide for-

- (a) a survey of the City including its history, statistics, public services and other prescribed particulars;
- (b) development, expansion and improvement of any area within the City, and
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the City.

[D.108, R.107, K.105, B.115, S.115]

107. Site Development Schemes.-(1) Where a Master Plan has been drawn up under section 108 and such Master Plan has been approved, with or without any modifications by the Government, no owner of lands exceeding such area as may be specified in this behalf in the Master Plan as so approved, shall develop the site or erect or re-erect a building or any plot of land covered by the Master Plan, except in conformity with the provisions of a Site Development Scheme sanctioned for the area in the prescribed manner.

(2) Among other matters, a Site Development Scheme may provide for-

- (a) the division of the site into plots;
- (b) the streets, drains and open spaces to be provided;
- (c) the land to be reserved for public purposes and to be transferred to the Corporation;
- (g) the period during which the area shall be developed.

[D.109, R.108, K.106, B.116, S.116]

108. Execution of Site Development Schemes.-(1) The execution of a Site Development Scheme shall be subject to the inspection and control of the Corporation, and the Corporation may give such directions with regard to the execution of the Scheme as may be necessary for the proper development of site.

(2) If any area is development or otherwise dealt with in contravention of the provisions of the sanctioned Site Development Scheme, the Corporation may by notice require the owner of such area or the person who has contravened the

provisions to make such alteration in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Corporation may, in the prescribed manner, require and enforce the demolition of the offending structure, and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a Site Development Scheme has been sanctioned is not developed within the period provided in the Site Development Scheme, and further extension is not allowed by the Corporation, or if the development is not in conformity with the terms of the Site Development Scheme, the Corporation may, in the prescribed manner, take over the development of the site and execute the necessary works, and the cost incurred thereon by the Corporation shall be deemed to be a tax levied on the owner or owners under this Ordinance.

[D.110, R.109, K.107, B.117, S.117]

109. Regulation of buildings.-(1) If any building, or anything fixed thereon, be deemed by the Corporation to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building as or of any neighbouring building or to any occupier thereof or to passers-by, the Corporation may by notice require the owner or occupier of such building to take such action in regard to the building as may be specified in the notice, and if there is default, the Corporation may take the necessary steps itself and the cost incurred thereon by the Corporation shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

(2) If a building is in a dangerous condition, or otherwise unfit for human habitation, the Corporation may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Corporation.

[D.111, R.110, K.108, B.118, S.118]

110. Public Streets.-(1) The Corporation shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and the convenience of the inhabitants of the City and of the visitors thereon.

(2) The Corporation shall, in the prescribed manner, prepare and execute a Road Maintenance and Development Programme, which shall form a part of the budget, and the Government may alter or amend the programme in such manner as it considers necessary.

[D.112, R.111, K.109, B.119, S.119]

111. Streets.-(1) No new street shall be laid out except with the previous sanction of the Corporation, and in conformity with the terms and conditions of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the by-laws may provide.

(3) The Corporation may by notice require that any street may be paved, metalled, drained, channelled, improved or lighted in such manner as may be specified in the notice, and in the event of default, the Corporation may have the necessary work done through its agency, and the cost incurred thereon by the Corporation shall be deemed to be a tax levied on the person concerned under this Ordinance.

(4) The Government may prescribe the manner in which a street other than a public street may be converted into a public street.

[D.113, R.112, K.110, B.120, S.120]

112. General provisions about streets.-(2) No person shall destroy, deface or in any way injure any street, name or name plate, or without the previous permission of the Corporation, remove the same.

(3) The Corporation may, in the manner provided in the by-laws, lay down street lines and building lines, and may, among other things, require the setting back of buildings to conform to such street lines and building lines.

(4) The Corporation may by by-laws define nuisances and offences with regard to streets, and provide for their prevention and abatement.

[D.114, R.113, K.111, B.121, S.121]

113. Encroachments.-(1) No person shall make an encroachment, movable or immovable, on , over or under a street or a drain or any land, house-gully or building or pack except under a licence granted by the Corporation and to the extent permitted by the licence.

(2) The Corporation may by notice require the person responsible for any such encroachment to remove the same within such period as may specified and if the encroachment is not removed within such period, the Corporation may cause the encroachment to be removed through its own agency, and the cost incurred thereon by the Corporation shall be deemed to be a tax levied on the persons responsible for the encroachment under this Ordinance.

(3) Any person aggrieved by a notice issued under sub-section (2) may, within fifteen days, appeal to the Government whose decision thereon shall be final.

(4) Notwithstanding anything in any other law, no compensation shall be payable for any encroachment removed or required to be removed under this section.

[D.115, R.114, K.112, B.122, S.122]

114. **Street lighting.**-(1) The Corporation shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Corporation by oil, gas, electricity or such other illuminant as the Corporation may determine.

(2) The Corporation may, with the previous sanction of the Government, frame and enforce a Street Lighting Scheme in the prescribed manner.

[D.116, R.115, K.113, B.123, S.123,]

115. **Street watering.**-The Corporation shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

[D.117, R.116, K.114, B.124, S.124]

116. **Traffic Control.**-The Corporation shall by-laws make such arrangement for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

[D.118, R.117, K.115, B.125, S.125]

117. **Public vehicles.**-(1) No person shall keep or let for hire, or drive or propel within the limits of the City any public vehicle other than a motor vehicle except under a licence granted by the Corporation and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for driving a public vehicle within the limits of the City except under a licence granted by the Corporation and in conformity with the conditions of such licence.

(3) The Corporation shall, in such manner as the by-laws may provide, and with the previous approval of the Government, fix the rate of fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation.-In this section, a "public vehicle" means any vehicle which ordinarily plies for hire.

[D.119, R.118, K.116, B.126, S.126]

118. **Fire fighting.**-(1) For the prevention and extinction of fire, the Corporation may, and if so required by the Government shall, maintain a fire brigade, consisting of such staff and such number of fire stations, and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.

(2) On the occurrence of a fire within the City, any Magistrate, any official of a fire brigade directing the operations, and any police officer not below the rank of sub-Inspector may-

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down or cause to be broken into or pulled down, or use for the passage of houses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the person in-charge of any fire engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) Notwithstanding the provision of sub-section (3) or of any other law, or the terms of any insurance policy, any damage done in the exercise of a power conferred, or in the discharges of a duty imposed, by this section shall be deemed to be a damage by fire, for the purposes of any policy of insurance against fire.

[D.120, R.119, K.117, B.127, S.127]

120. Floods.-For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood stricken people, the Corporation may if so required by the Government shall, provide such boats, appliances and equipment as may be necessary.

[D.122, R.121, K.119, B.129, S.129]

121. Famine.-In the event of a famine, the Corporation may, with the sanction of the Government, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the Government.

[D.123, R.122, K.120, B.130, S.130]

122. Dangerous and offensive articles and trades.-(1) The Government by rules define the articles and trades which shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Corporation-

- (a) no person shall carry on any dangerous or offensive trade;
- (b) no premises shall be used or suffered to be used or any dangerous or offensive trade; and
- (c) no person shall store or keep in any premises-
 - (i) any dangerous or offensive article except for domestic use; or
 - (ii) any dangerous or offensive article in excess of such limits as may be fixed by the by-laws.

(3) The Corporation may, with the previous sanction of the Government, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in specific within the City, and for the restriction of such trade in any area not so specified.

[D.124, R.123, K.121, B.131, S.131]

123. Burial and burning place.-(1) The Corporation may, and if so required by the Government shall, provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenances and administration of such burial and burning place.

(2) The Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in the Corporation, and thereupon such burial or burning place shall vest in the Corporation, and the Corporation shall take all measures necessary for the proper maintenance and administration thereof.

(3) Every burial or burning place which is not administered by the Corporation shall be registered with the Corporation and shall be subject to regulation, supervision and inspection by the Corporation in such manner as the by-laws may provide.

(4) No new burial or burning place shall be establishment within the City except under a licence granted by the Corporation, and in conformity with the conditions of such licence.

[D.125, R.124, K.122, B.132, S.132]

124. Arboriculture.-(1) The Corporation shall plant trees on public streets and other public places within the City and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

(2) The Corporation may, in the prescribed manner and with the previous sanction of the Government, frame and enforce an Arboriculture plan.

[D.126, R.125, K.123, B.133, S.133]

125. **Gardens.**-(1) The Corporation may, and if so required by the Government shall, lay out and maintain within the City such public gardens as may be necessary for the recreation and convenience of the public, and such public gardens shall be maintained and administered in such manner as the by-laws may provide.

(2) For every public garden, there shall be framed and enforced, in the prescribed manner, a Garden Development Plan which shall provide for the development and improvement of the garden.

[D.127, R.126, K.124, B.134, S.134]

126. **Open space.**-The Corporation may provide and maintain within the City such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the work forest in accordance with such plans.

[D.128, R.127, K.125, B.135, S.135]

127. **Forests.**-The Corporation may, in the prescribed manner, frame and enforce Forest Plans providing for the improvement, development and exploitation of forests and plant, maintain and work forests in accordance with such plans.

[D.129, R.128, K.126, B.136, S.136]

128. **Nuisances pertaining to trees and plantations.**-(1) The Corporation may by by-laws determine the pests of trees and plants and provide for their destruction.

(2) If any land or premises within the City is grown with rank or noxious vegetation or undergrowth, the Corporation may be notice require the owner or occupier of such land or premises to clear such vegetation or undergrowth within a specified time, and if he fails to do so within such time, the Corporation may have such vegetation or undergrowth cleared and the cost incurred thereof by the Corporation shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(3) The Corporation may, in the manner provided in the by-laws, require the falling of any tree which is dangerous or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.

(4) The Corporation may, in the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the City as may be specified.

[D.130, R.129, K.127, B.137, S.137]

129. Tanks and low-lying areas.- The Corporation may, and if so required by the Government shall, take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit, or, as the case may be, the Government directs.

[D.131, R.130, K.128, S.138, B.138]

133. Culture.-The Corporation may, and if so required by the Government shall,-

- (a) establish and maintain information centres for the furtherance of civic education and the dissemination of information on such matters as community development and other matters of public interest;
- (b) maintain radio sets at public institutions and public places;
- (c) organize museums, exhibitions and art galleries;
- (e) celebrate the Independence Day and other national holidays;
- (g) encourage national language;
- (i) promote tours to the City and adopt measures for the preservation of the historical and indigenous characteristics of the City;
- (j) provide, promote to subsidize facilities for the recreation of the public; and
- (k) adopt any other measures likely to promote cultural progress and advancement.

[D.135, R.134, K.132, B.142, S.142]

135. Fairs and shows, etc.-The Corporation shall, with the previous approval of the Government, make such arrangements on the occasion of any fairs, shows or public festivals within the City as may be necessary for the public health, public safety and public convenience and may levy fees on the person attending such fairs and shows.

[D.137, R.136, K.134, B.144, S.144]

136. Social Welfare.-The Corporation may, and if so required by the Government shall,-

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;
- (b) provide for the burial and burning of paupers found dead within the City at its own expense;

- (c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, and women and children; and
- (f) adopt any other measures likely to promote social welfare.

[D.138, R.137, K.135, B.145, S.145]

137. Development Plans.-(1) The Corporation may, and if so required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

[D.139, R.138, K.136, B.146, S.146]

138. Community Development Projects.-The Corporation may, in the prescribed manner, sponsor or promote community development projects for the city or any part thereof and may in this behalf perform such functions as may be prescribed.

[D.140, R.139, K.137, B.147, S.147]

148. Offences.-Every act or omission specified in the Third Schedule shall be an offence under this Ordinance.

[D.150, R.149, K.147, B.157, S.157]

149. Punishment.-An offence under this Ordinance for which no penalty is expressly provided shall be punishable with fine which may extend to two thousand taka, and if the offence is a continuing one, with a further fine which may extend to one hundred taka for every day after the date of the first commission during which the offender has persisted the offence* (*please see the note below*).

[D.151, R.150, K.148]

THE THIRD SCHEDULE

Offences under the Ordinance

(See section 148)

[D.150, R.149, K.147, B.157, S.157]

4. Erection or re-erection of a building without the sanction required under this Ordinance.
5. Development of a site without the sanction required under this Ordinance.

6. Laying out, making or commencing to lay out or make a street without the sanction of the Corporation.
7. Making an encroachment on any public road, public street or public place without the sanction of the Corporation.
8. Picketing, parking animals or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Corporation.
9. Causing or permitting animals to stray.
10. Without the permission of the Corporation, causing or knowingly or negligently allowing the contents of any sink, sewer, drain, or cess-pool or any other offensive matter to flow, or drain to be put upon any street, or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
11. Lying out a drain or altering any drain in a street without the sanction of the Corporation.
12. Connecting any house drain with a drain in a public street without the permission of the Corporation.
13. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose by the Corporation.
14. Carrying on any dangerous or offensive trade, or storing any offensive or dangerous article, without the sanction of the Corporation.
15. Doing any act by which water for drinking is rendered unfit for such use.
16. Using water for drinking from any source which is suspected to be dangerous to public health, and the use whereof has been prohibited by the Corporation.
17. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
18. Steeping hemp, jute or any other plant on or near a pond or any other excavation within such distance of the residential area as may be specified by the Corporation.
19. Dyeing or tanning skins within such distance of the residential area as may be specified by the Corporation.
20. Wilfully or negligently injuring or suffering to be injured, wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Corporation.
21. Drawing off, diverting or taking any water, except with the permission of the Corporation from any main or pipe.

22. tampering with any main, pipe, meter, or any apparatus or appliance for the supply of water.
23. Excavation of earth, stone or any other material within such distance of the residential area as may be specified by the Corporation.
24. Establishing a brick kiln, charcoal kiln or pottery within such distance of the residential area as may be specified by the Corporation.
25. Disposing of carcasses of animals without the sanction of the Corporation.
26. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cess-pool or other receptacle for filth, sullage, water or refuse when so required by the Corporation.
27. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which has been declared by the Corporation to be injurious to health or offensive to the neighbourhood.
28. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived from public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.
29. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared by the Corporation to be injurious to health or offensive to the neighbourhood.
30. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain off any private well, tank or other source of water-supply, which is declared by the Corporation to be injurious to health or offensive to the neighbourhood.
31. Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and pipes for receiving or carrying water or sullage from the building or land when so required by the Corporation.
32. Failure by a medical practitioner who during the course of such practice becomes cognizant of the existence of any infectious disease to make report about such infectious disease to the Corporation.
33. Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Corporation.
34. Failure by the owner to disinfect an infected building or the letting of an infected building without disinfection.

35. Sale of articles of food or drink by a person suffering from any infectious disease.
36. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
37. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, filth or refuse of any kind.
38. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
39. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.
40. Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the Corporation.
41. Removal of a dead body by a route other than the routes specified by the Corporation.
42. Defacing or disturbing any municipal direction-post, lamp-post or lamp, or extinguishing any municipal light except under due authority.
43. Fixing any bill, notice, placard or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the corporation.
44. Exhibiting any obscene advertisement.
45. Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Corporation to be dangerous.
46. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sun set to half an hour before sunrise.
47. Failure while driving, leading or propelling a vehicle, without reasonable excuse to keep to the left or when passing a vehicle going in the same direction, to keep to the right to the vehicle, or to follow other specified rules of the road.
48. Playing of music or radio, beating a drum, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by the Corporation.
49. Discharging firearms or letting of fireworks, crackers, fire balloons or detonators, or engaging in any game in such manner as causes or is likely

to cause danger to persons passing by or living or working in the neighbourhood, or risk or injury to property.

50. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.
51. Letting loose or setting on ferocious dogs or other dangerous animals.
52. Failure to demolish or otherwise secure a building declared by the Corporation to be dangerous building.
53. Using or allowing the use for human habitation of a building declared by the corporation to be unfit for human habitation.
54. Failure to limewash, or repair a building if so repaired by the corporation
55. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by the Corporation.
57. Begging unfortunately for alms, or exposing or exhibiting with the object of exciting any deformity or disease or any offensive sore or wound.
58. Keeping a brothel or practising prostitution in such area as may be declared by the Corporation to be the prohibited area.
61. Doing of any other act which is prescribed as an offence under this Ordinance.
63. Attempts and abetment of any of the offences aforesaid.

***Notes:**

a. The definition of public street appears in section 2 (*Umo*) the Sylhet City Corporation Act, 2001 and Barishal City Corporation Act, 2001 as follows:

২ (ঙ) “জনপথ” অর্থে সর্বসাধারণের ব্যবহার্য পথ, রাস্তা ও সড়ককেও বুঝাইবে।

b. Sections 158 of the Sylhet City Corporation Act, 2001 and the Barishal City Corporation Act, 2001 on punishment read as follows:

১৫৮। দণ্ড।-এই আইনের অধীনে কোন অপরাধ, যাহার জন্য কোন দণ্ডের উল্লেখ এই আইনে স্পষ্টভাবে নাই, করিলে অনধিক পাঁচ হাজার টাকা পর্যন্ত জরিমানা করা যাইবে এবং এই অপরাধ যদি অনবরত ঘটিতে থাকে, তাহা হইলে, প্রথম দিনের অপরাধের পর পরবর্তী প্রত্যেক দিনের জন্য অপরাধীকে অতিরিক্ত অনধিক পাঁচশত টাকা পর্যন্ত জরিমানা করা যাইবে।

14.2 Paurashava

THE PAURASHAVA ORDINANCE, 1977 (Ordinance No. XXVI of 1977)

An Ordinance to provide for the constitution of local government institutions in urban areas and to consolidate and amend certain laws relating to local government in such areas.

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

- (2) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth and steps;
- (3) "building line" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;
- (10) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-hop, or other place from where milk or milk products are supplied for sale;
- (15) "drain" includes a sewer, house-drain, tunnel, culvert, ditch, channel, and any other device for carrying of sullage or rain water;
- (16) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use;
- (17) "dwelling house" means any building used or adapted to be used wholly or principally for human habitation;
- (19) "erect or re-erect a building" means the construction of a new building and includes such material alterations of a building as may be prescribed;
- (20) "factory" means a factory as defined in the Factories Act, 1965 (E.P. Act IV of 1965);
- (21) "food" includes every article used for food or drink by human beings but does not include drugs and water;
- (24) "infectious disease" means cholera, plague, small-pox and tuberculosis, and includes such other disease as the Government may, by notification in the official Gazette, declare to be infectious disease for the purposes of this Ordinance;

- (27) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetable, or any other article of food or for the sale and purchase of livestock, or animals and includes any place which may be notified as a market in accordance with the rules;
- (29) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
- (30) "occupier" includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used;
- (31) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant;
- (41) "rural area" means an area which is not an urban area or is not included within a municipality or cantonment;
- (42) "street line" means a line dividing the land comprised in, and forming part of, a street from the adjoining land;
- (43) "sullage" includes sewerage, polluted water, rain water, and any other offensive matter carried by a drain;
- (46) "vehicle" means a wheeled conveyance capable of being used on a street;
- (47) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, culvert, engine and other appliance, and anything for supplying or used for supplying water; and

3. Declaration of urban area.-(1) Subject to the provisions of sub-section (2), the Government may, by notification in the official Gazette, declare any rural area to be an urban area:

Provided that notwithstanding the declaration of a rural area to be an urban area, the Union Parishad which immediately before such declaration exercised any function in relation to that area shall, until the area is declared to be, or to be included in, a municipality, continue to exercise those functions.

(2) The Government shall not declare any rural area to be an urban area unless it is satisfied that three-fourths of the adult male population of the area to which it refers are chiefly employed in pursuits other than agriculture, and such

area contains not less than fifteen thousand population, and an average number of not less than two thousand inhabitants per square mile:

Provided that the Government may, for the purpose of extension of the limits of a municipality under section 4(b), declare any rural area to be an urban area, if it is satisfied that three-fourths of the adult male population of such area are chiefly employed in pursuits other than agriculture.

4. Declaration of municipality-The Government may, in the prescribed manner,-

- (a) declare any urban area, other than a cantonment, to be a municipality.

63. Responsibility for sanitation.-A Paurashava shall be responsible for the sanitation of the municipality and for the control of environmental pollution, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance.

64. Insanitary buildings.-(1) A Paurashava may, by notice, require the owner or occupier of any building or land which is in an insanitary or unwholesome state,-

- (a) to clean or otherwise put it in a proper state;
- (b) to make arrangements to the satisfaction of the Paurashava for its proper sanitation;
- (c) to limewash the building and to make such essential repairs as may be specified in the notice; and
- (d) to take such other steps in regard to such building or land as may be so specified.

(2) If any requirement of a notice issued under sub-section (1) is not complied with within such period as may be specified in the notice, the Paurashava may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Paurashava shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

65. Removal, collection and disposal of refuse.-(1) A Paurashava shall make adequate arrangements for the removal of refuse from all public street, public latrines, urinals, drains, and all buildings and land vested in the Paurashava, and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within municipality shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Paurashava.

(3) The Paurashava may cause public dust-bins or other suitable receptacles to be provided at suitable places and in proper and convenient situations in streets

or other public places and where such dust-bins or receptacles are provided, the Paurashava may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles.

(4) All refuse removed and collected by the staff of the Paurashava or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Paurashava shall be the property of the Paurashava.

66. Latrines and urinals.-(1) A Paurashava may, and if so required by the prescribed Authority shall, provide and maintain, in sufficient number and in proper situation, public latrines and urinals for the separate use of property cleaned.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Paurashava and shall employ such staff for the purpose as may be necessary, or as may be specified by the Paurashava.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Paurashava may by notice require the owner of such premises-

- (a) to provide such, or such additional, privy or urinal accommodation as may be specified in the notice;
- (b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified;
- (c) to remove the privy or urinal; and
- (d) where there is an underground sewerage system, to substitute connected privy or connected urinal accommodation for any service-privy or service-accommodation.

67. Births, deaths and marriages.-(1) A Paurashava shall register all births, deaths and marriages within the limits of the municipality and information of such births, deaths and marriage shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide.

(2) The by-laws made under sub-section (1) may exempt any class or classes of marriages information in respect of which is not deemed necessary for registration under this section.

68. Infectious diseases.-(1) A Paurashava shall adopt such measures to prevent infectious diseases and to restrain infection within the municipality as the rules and by-laws may provide.

(2) A Paurashava may, and if so required by the Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(3) A Paurashava may, in the prescribed manner, frame and implement schemes for the prevention and control of infectious diseases.

69. Health and maternity centres, etc.-A Paurashava may, and if so required by the Government shall,-

- (a) establish, manage, maintain or contribute towards the maintenance of health centres, maternity centres and centres for the welfare of women, infants and children;
- (b) provide for the training of dais;
- (c) provide for the promotion of family planning; and
- (d) adopt such other measures as may be necessary to promote the health and welfare of women, infants and children.

70. Promotion of public health.-Subject to the provisions of this Ordinance and the rules, a Paurashava may, and if the Government so directs shall, take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, the Government directs.

71. Hospitals and dispensaries.-(1) A Paurashava may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the municipality, and the people visiting it.

(2) Every hospital and dispensary maintained by a Paurashava shall be managed and administered in such manner as may be prescribed.

(3) Subject to any directions that may be given in this behalf by the prescribed Authority, every hospital and dispensary maintained by a Paurashava shall be provided with such drugs, medicines, instruments, apparatuses appliances, equipments, and furniture in accordance with such scale and standards as may be prescribed.

72. Medical aid and relief, and medical education.-A Paurashava may, and if so required by the Government shall, take such measures as may be necessary or as may be specified by the Government for,-

- (a) the provision and maintenance of first aid centres;
- (b) the provision and maintenance of mobile medical aid units;
- (c) the promotion and encouragement of societies for the provision of medical aid;
- (d) the promotion of medical education;

- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

73. Water supply.-(1) A Paurashava shall, within the limits of the funds at its disposal, provide, or cause to be provided, to the municipality a supply of wholesome water sufficient for public and private purposes.

(2) A Paurashava may, and if so required by the prescribed Authority shall, in the prescribed manner, frame and execute a water-supply scheme for the construction and maintenance of such works for the provision, storage and distribution of water as may be necessary.

(3) Where a piped water-supply is provided, the Paurashava may supply water to private and public premises in such manner and on payment of such charges as the by-laws may provide.

74. Private sources of water supply.-(1) All private sources of water-supply within a municipality shall be subject to control, regulation and inspection by the Paurashava.

(2) No new well, water-pump or any other source of water for drinking purposes shall be dug, constructed or provided except with the sanction of the Paurashava.

(3) A Paurashava may by notice require the owner or any person having the control of any private source of water-supply used for drinking purposes-

- (a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying matter;
- (b) to protect the same from contamination in such manner as the Paurashava may direct; and
- (c) if the water therein is proved to the satisfaction of the Paurashava to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

75. Drainage.-(1) A Paurashava shall, within the limits of the funds at its disposal, provide an adequate system of public drains in the municipality and all such drains shall be constructed, maintained, kept, cleared and emptied with due regard to the health and convenience of the public.

(2) Every owner or occupier of any land or building within the municipality may, with the previous permission of the Paurashava, and subject to such terms and conditions, including the payment of fees, as the Paurashava may impose, cause his drains to be emptied into public drains.

(3) All private drains shall be subject to control, regulation and inspection by the Paurashava, and the Paurashava may, in such manner as the by-laws may

provide, require the provision, alteration, covering, clearing and closing of private drains.

76. Drainage Scheme.-(1) A Paurashava may, and if so required by the prescribed Authority shall, prepare a Drainage Scheme in the prescribed manner for the construction of drains at public and private expense, and other works for the effective drainage and disposal of sullage.

(2) A Drainage Scheme prepared under sub-section (1) shall be submitted for approval to the prescribed Authority, which may approve it or reject it, or approve it subject to such modification as it may deem fit.

(3) The drainage Scheme as approved by the prescribed Authority shall be executed and implemented in such manner, within such period and by such authority as may be specified by the prescribed Authority.

(4) A Paurashava may by notice require the owner of any building or land within the municipality,-

- (a) to construct such drains within the building or land or the street adjoining such building or land as may be specified in the notice;
- (b) to remove, alter or improve any such drains; and
- (c) to take such other steps for the effective drainage of the building or land as may be so specified.

77. Bathing and washing places.-(1) A Paurashava may from time to time-

- (a) set apart suitable places for use by the public for bathing for washing clothes, or for drying clothes;
- (b) specify the times at which and the sex of persons by whom such places may be used; and
- (c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a hammam or a bath for public use except under a licence granted by the Paurashava and in conformity with the conditions and terms of such licence.

78. Dhobi ghats and washermen.-(1) A Paurashava may provide dhobi ghats for the exercise of their calling by washermen, and may, by by-laws, regulate the use of dhobi ghats and levy fees for their use.

(2) A Paurashava may, by by-laws, provide for the licensing of washermen and the regulation of their calling.

79. Public water-courses.-(1) A Paurashava may, with the previous sanction of the prescribed Authority, declare any source of water, spring, river, tank,

pond, or public stream, or any part thereof within the municipality which is not private property, to be a public water-course.

(2) A Paurashava may, in respect of any public water-course, provide such amenities, make such arrangements for life saving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the by-laws may provide.

80. Public ferries.-(1) A Paurashava may, by by-laws, provide for the licensing of boats and other vessels playing for hire in a public water course and may prescribe the terms and conditions for the grant of licences and the fees to be charged thereof.

(2) The Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the Paurashava and thereupon the Paurashava shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

81. Public fisheries.-A Paurashava may, with the previous sanction of the Government, declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Paurashava which may exercise such right in such manner as may be prescribed.

82. By-laws for articles of flood and drink.-A Paurashava may by by-laws,-

- (a) prohibit the manufacture, sale or preparation, or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Paurashava;
- (b) prohibit the import into the municipality for sale, or the sale, or the hawking for sale, of any specified article of food or drink by persons not so licensed;
- (c) prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified;
- (d) regulate the time and manner of transport within the municipality of any specified article of food or drink;
- (e) regulate the grant and withdrawal of licences under this section and the levying of fees therefor; and
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

83. Milk supply.-(1) Except under a licence granted by the Paurashava, and in conformity with the conditions of such licence, no person shall, within the municipality keep milch cattle for the sale of milk, or sell milk, or expose or

import milk for sale, or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for any such purpose.

(2) A Paurashava may, in the prescribed manner, and with the previous sanction of the prescribed Authority, frame and enforce a Milk Supply Scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

84. Public markets.-(1) A Paurashava may establish and maintain public markets, or may provide places for use as public markets, for the sale of articles of food and drink and of animals, and secure the proper management and sanitation of such markets.

(2) A Paurashava may, in respect of public market, provide by by-laws,-

- (a) the fees to be charged for the use of or for the right to expose goods in the market;
- (b) the fees to be levied on vehicles and animals bringing goods to the market for sale;
- (c) the fees to be charged for the use of shops, stalls, pens or stands;
- (d) the fees to be charged in respect of animals brought for sale or sold; and
- (e) the fees to be charged from brokers, commission agents, weightmen and other persons practising their calling therein.

85. Private markets.-(1) No private market for the sale of articles of food or drink or for the sale of animals, shall be established or maintained within a municipality except under a licence granted by the Paurashava and in conformity with the conditions of such licence.

(2) Notwithstanding the provisions of sub-section (1), the owner of every private market within a municipality for the sale of articles of food or drink or for the sale of animals, maintained immediately before the coming into force of this Ordinance, shall, within three months, apply for a licence to the Paurashava and until the licence is granted shall continue to maintain the same.

(3) A Paurashava may levy such fees in respect of private markets as the by-laws may provide.

(4) If a Paurashava is satisfied that in public interest any private market should be discontinued or taken over by the Paurashava, it may direct that the market should be discontinued, or that, subject to the payment of such compensation as would have been payable if it had been acquired under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), the market should be taken over by the Paurashava.

(5) A paurashava may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period, as may be specified in the notice.

86. Slaughter-markets.-A Paurashava shall provide and maintain at such site or sites within or without the limits of the municipality as the prescribed Authority may approve one or more slaughter-houses for the slaughter of animals for sale or of any specified description of animals.

87. Animal husbandry.-(1) A Paurashava may, and if so required by the Government shall, provide for the establishment and maintenance of veterinary hospitals and dispensaries, and by by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Paurashava may by by-laws define contagious disease among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such diseases.

88. Stray animals.-(1) A Paurashava may, by by-laws, provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.

(2) A Paurashava may, and if so required by the prescribed Authority shall, establish and maintain cattle pounds for the impounding of cattle and charge such fines and fees for the impounding of cattle as the by-laws may provide.

(3) No animals shall be picketed or tethered in such streets or places as may be specified by the Paurashava, and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

89. Animal homes and farms.-(1) A Paurashava may, with the previous approval of the Prescribed Authority, establish and maintain animal homes, where, subject to such terms and conditions and on payment of such fees and other charges, as the by-laws may provide, the animals of private persons may be kept.

(2) A Paurashava may, with the previous approval of the prescribed Authority, establish and maintain cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the by-laws may provide.

90. Registration of the sale of cattle.-A Paurashava may be, by by-laws, require that every sale of such of the animals as may be specified shall be registered with the paurashava.

91. Livestock improvement.-A Paurashava may, with the previous approval of the prescribed Authority, frame and execute a livestock scheme, which may,

among other matters, provide that no person shall keep such animals above such age as may be specified, unless they are castrated or are certified by competent authority to be fit for breeding.

92. Dangerous animals.-A Paurashava may, by by-laws, define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous, and such by-laws may, among other matters, provide for the detention, destruction, or disposal otherwise of such animals.

93. Cattle shows, zoos, etc.-(1) A Paurashava may hold cattle shows and fairs within its area and charge such fees from the people attending such shows or fairs as the by-laws may provide.

(2) A Paurashava may, with the previous approval of the prescribed Authority, maintain or contribute towards the maintenance of zoological gardens.

94. Disposal of carcass.-Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption, or for some other religious purpose, such person shall either-

- (a) convey the carcass within twenty-four hours to a place, if any, fixed by the Paurashava for the disposal of the carcass, or to a place beyond the limits of the municipality, not being a place within one mile of such limits; or
- (b) give notice of the death to the Paurashava, whereupon the Paurashava shall cause the carcass to be disposed of and charge such fees from the person concerned as the by-laws may provide.

Explanation.-In this section, "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, dogs, cats and other large animals.

95. Master plan.-A Paurashava may, and if so required by the prescribed Authority shall, draw up a Master Plan for the municipality which shall, among other matters, provide for-

- (a) a survey of the municipality including its history, statistics, public services and other prescribed particulars;
- (b) development, expansion and improvement of any area within the municipality; and
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the municipality.

98. Erection and re-erection of buildings.-(1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and the building plan has been sanctioned by the Paurashava.

101. Public streets.-(1) A Paurashava shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and convenience of the inhabitants of the municipality and of the visitors thereto.

102. Streets.-(1) No new street shall be laid out except with the previous sanction of the Paurashava, and in conformity with the terms and conditions of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the by-laws may provide.

(3) A Paurashava may by notice require that any street may be paved, metalled, drained, channelled, improved or lighted in such manner as may be specified in the notice, and in the event of default, the Paurashava may have the necessary work done through its agency, and the cost incurred therein by the Paurashava shall be deemed to be a tax levied on the person concerned under this Ordinance.

(4) The Government may prescribe the manner in which a street other than a public street may be converted into a public street.

103. General provisions about streets.-(1) A Paurashava may, with the previous sanction of the prescribed Authority, assign names to streets and paint the names or fix the name plates on or at conspicuous places at or near the end corner or entrance of the street.

(2) No person shall destroy, deface or in any way injure any street, name or name plate, or without the previous permission of the Paurashava, remove the same.

(3) A Paurashava may, in the manner provided in the by-laws, lay down street lines and building lines, and may, among other things, require the setting back of buildings to conform to such street lines and building lines.

(4) A Paurashava may by by-laws define nuisances and offence with regard to streets, and provide for their prevention and abatement.

104. Street lighting.-(1) A Paurashava shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Paurashava by oil, gas, electricity or such other illuminant as the Paurashava may determine.

(2) A Paurashava may, with the previous sanction of the prescribed Authority, frame and enforce a Street Lighting Scheme in the prescribed manner.

105. **Street watering.**-A Paurashava shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

106. **Traffic Control.**-A Paurashava shall by by-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

107. **Public vehicles.**-(1) No person shall keep or let for hire, or drive or propel within the limits of the municipality any public vehicle other than a motor vehicle except under a licence granted by the Paurashava and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for drawing a public vehicle within the limits of a municipality except under a licence granted by the Paurashava and in conformity with the conditions of such licence.

(3) A Paurashava shall, in such manner as the by-laws may provide, and with the previous approval of the prescribed Authority, fix the rate of fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation.-In this section, a "public vehicle" means any vehicle which ordinarily plies for hire.

108. **Fire fighting.**-(1) For the prevention and extinction of fire, the Paurashava may, and if so required by the prescribed Authority shall, maintain a fire brigade, consisting of such staff and such number of fire stations, and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.

(2) On the occurrence of a fire within the municipality, and Magistrate, any official of a fire brigade directing the operations, and any police officer not below the rank of Sub-Inspector may-

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down or cause to be broken into or pulled down, or use for the passage of houses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

- (e) call on the person in-charge of any fire engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) Notwithstanding the provision of sub-section (3) or of any other law, or the terms of any insurance policy, any damage done in the exercise of a power conferred, or in the discharges of a duty imposed, by this section shall be deemed to be a damage by fire, for the purposes of any policy of insurance against fire.

110. Floods.-For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood stricken people, the Paurashava may, and if so required by the prescribed Authority shall, provide such boats, appliances and equipment as may be necessary.

111. Famine.-In the event of a famine, the Paurashava may, with the sanction of the prescribed Authority, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the prescribed Authority.

112. Dangerous and offensive articles and trades.-(1) The Government may by rules define the articles and trades which shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Paurashava,-

- (a) no person shall carry on any dangerous or offensive trade;
- (b) no premises shall be used or suffered to be used or any dangerous or offensive trade; and
- (c) no person shall store or keep in any premises-
 - (i) any dangerous or offensive article except for domestic use; or
 - (ii) any dangerous or offensive article in excess of such limits as may be fixed by the by-laws.

(3) A Paurashava may, with the previous sanction of the prescribed Authority, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in specific within the municipality, and for the restriction of such trade in any area not so specified.

113. Burial and burning place.-(1) A Paurashava may, and if so required by the prescribed Authority shall, provide suitable places for the burial and

burning of the dead, and shall take necessary measures for the proper maintenances and administration of such burial and burning place.

(2) The Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in the Paurashava, and thereupon such burial or burning place shall vest in the Paurashava, and the Paurashava shall take all measures necessary for the proper maintenance and administration thereof.

(3) Every burial or burning place which is not administered by the Paurashava shall be registered with the Paurashava and shall be subject to regulation, supervision and inspection by the Paurashava in such manner as the by-laws may provide.

(4) No new burial or burning place shall be establishment within the municipality except under a licence granted by the Paurashava, and in conformity with the conditions of such licence.

114. Arboriculture.-(1) A Paurashava shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

(2) A Paurashava may, in the prescribed manner and with the previous section of the prescribed Authority, frame and enforce an Arboriculture Plan.

115. Gardens.-(1) A Paurashava may, and if so required by the prescribed Authority shall, lay out and maintain within the municipality such public gardens as may be necessary for the recreation and convenience of the public, and such public gardens shall be maintained and administered in such manner as the by-laws may provide.

(2) For every public garden, there shall be framed and enforced, in the prescribed manner, a Garden Development Plan which shall provide for the development and improvement of the garden.

116. Open spaces.-A Paurashava may provide and maintain within the municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide.

117. Forests.-A Paurashava may, in the prescribed manner, frame and enforce Forest Plans providing for the improvement, development and exploitation of forests and plant, maintain and work forests in accordance with such plans.

118. Nuisances pertaining to trees and plantations.-(1) A Paurashava may by by-laws determine the pests of trees and plants and provide for their destruction.

(2) If any land or premises within the municipality is grown with rank or noxious vegetation or undergrowth, the Paurashava may, by notice require the

owner or occupier of such land or premises to clear such vegetation or undergrowth within a specified time, and if he fails to do so within such time, the Paurashava may have such vegetation or undergrowth cleared and the cost incurred thereto by the Paurashava shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(3) A Paurashava may, in the manner provided in the by-laws, require the felling of any tree which is dangerous or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.

(4) A Paurashava may, in the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the municipality as may be specified.

119. Tanks and low-lying areas.-A Paurashava may, and if so required by the prescribed Authority shall, take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit, or, as the case may be, the prescribed Authority directs.

123. Culture.-A Paurashava may, and if so required by the prescribed Authority shall,-

- (c) organize museums, exhibitions and art galleries;
- (i) promote tours to the municipality and adopt measures for the preservation of the historical and indigenous characteristics of the municipality;
- (j) provide, promote to subsidize facilities for the recreation of the public; and
- (k) adopt any other measures likely to promote cultural progress and advancement.

125. Fairs and shows, etc.-A Paurashava shall, with the previous approval of the prescribed Authority, make such arrangements on the occasion of any fairs, shows or public festivals within the municipality as may be necessary for the public health, public safety and public convenience and may levy fees on the person attending such fairs and shows.

127. Development Plans.-(1) A Paurashava may, and if so required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

(2) Such Plans shall be subject to the sanction of the prescribed Authority and shall provide for-

- (a) the prevention of environmental pollution;
- (b) the promotion, improvement and development of such function or functions of the Paurashava as may be specified;
- (c) the manner in which the plans shall be financed, executed, implemented and supervised;
- (d) the agency through which the plans shall be executed and implemented; and
- (e) such other matters as may be necessary.

(3) The Government may direct that any specified item of income of the Paurashava shall wholly or in part be earmarked and applied in the implementation of a development plan.

128. Community Development Projects.-The Paurashava may, in the prescribed manner, sponsor or promote community development projects for the municipality or any part thereof and may in this behalf perform such functions as may be prescribed.

130. Supervision over Paurashava.-The Government shall exercise general supervision and control over the Paurashava in order to ensure that their activities conform to the purposes of this Ordinance.

139. Every act or omission specified in the Third Schedule shall be an offence under this Ordinance.

140. Punishment.-An offence under this Ordinance for which no penalty is expressly provided shall be punished with fine which may extend to two thousand taka, and if the offence is a continuing one, with a further fine which may extend to one hundred taka for every day after the date of the first commission during which period the offender has persisted in the offence.

143. Encroachments.-(1) No person shall make an encroachment, movable or immovable, on, over or under a street, drain or a public place.

(2) Subject to by-laws, a Paurashava may, by notice, require the person responsible for any such encroachment to remove the same within such period as may be specified and if the encroachment is not removed within such period, the Paurashava may cause the encroachment to be removed through its own agency; and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the persons responsible for the encroachment under this Ordinance.

THE SECOND SCHEDULE

Offences Under the Ordinance

(See section 140)

3. Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Ordinance, or the rules or by-laws.
4. Erection or re-erection of a building without the sanction required under this Ordinance.
5. Development of a site without the sanction required under this Ordinance.
6. Laying out, making or commencing to lay out or make a street without the sanction of the Paurashava.
7. Making an encroachment on any public road, public street or public place without the sanction of the Paurashava.
8. Picketing, parking animals or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Paurashava.
9. Causing or permitting animals to stray.
10. Without the permission of the Paurashava, causing or knowingly or negligently allowing the contents of any sink, sewer, drain, or cess-pool or any other offensive matter to flow, or drain to be put upon any street, or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
11. Laying out a drain or altering any drain in a street without the sanction of the Paurashava.
12. Connecting any house drain with a drain in a public street without the permission of the Paurashava.
13. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose by the Paurashava.
14. Carrying on any dangerous or offensive trade, or storing any offensive or dangerous article, without the sanction of the Paurashava.
15. Doing any act by which water for drinking is rendered unfit for such use.
16. Using water for drinking from any source which is suspected to be dangerous to public health, and the use whereof has been prohibited by the Paurashava.

17. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
18. steeping hemp, jute or any other plant on or near a pond or any other excavation within such distance of the residential area as may be specified by the Paurashava.
19. Dyeing or tanning skins within such distance of the residential area as may be specified by the Paurashava.
20. Wilfully or negligently injuring or suffering to be injured, wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Paurashava.
21. Drawing off, diverting or taking any water, except with the permission of the Paurashava from any main or pipe.
22. tampering with any main, pipe, meter, or any apparatus or appliance for the supply of water.
23. Excavation of earth, stone or any other material within such distance of the residential area as may be specified by the Paurashava.
24. Establishing a brick kiln, charcoal kiln or pottery within such distance of the residential area as may be specified by the Paurashava.
25. Disposing of carcasses of animals without the sanction of the Paurashava.
26. failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cess-pool or other receptacle for filth, sullage, water or refuse when so required by the Paurashava.
27. failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which has been declared by the Paurashava to be injurious to health or offensive to the neighbourhood.
28. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.
29. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared by the Paurashava to be injurious to health or offensive to the neighbourhood.
30. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain off any private well, tank or other source of water-supply, which is declared by the Paurashava to be injurious to health or offensive to the neighbourhood.

31. Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and pipes for receiving or carrying water or sullage from the building or land when so required by the Paurashava.
32. Failure by a medical practitioner who during the course of such practice becomes cognizant of the existence of any infectious disease to make report about such infectious disease to the Paurashava.
33. Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Paurashava.
34. Failure by the owner to disinfect an infected building or the letting of an infected building without disinfection.
35. Sale of articles of food or drink by a person suffering from any infectious disease.
36. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
37. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, filth or refuse of any kind.
38. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
39. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.
40. Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the Paurashava.
41. Removal of a dead body by a route other than the routes specified by the Paurashava.
42. Defacing or disturbing any municipal direction-post, lamp-post or lamp, or extinguishing any municipal light except under due authority.
43. Fixing any bill, notice, placard or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the Paurashava.
44. Exhibiting any obscene advertisement.
45. Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Paurashava to be dangerous.

46. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sun set to half an hour before sunrise.
47. Failure while driving, leading or propelling a vehicle, without reasonable excuse to keep to the left or when passing a vehicle going in the same direction, to keep to the right of that vehicle, or to follow other specified rules of the road.
48. Playing of music or radio, beating a drum, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by the Paurashava.
49. Discharging firearms or letting off fireworks, crackers, fire balloons or detonators, or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk or injury to property.
50. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.
51. Letting loose or setting on ferocious dogs or other dangerous animals.
52. Failure to demolish or otherwise secure a building declared by the Paurashava to be dangerous building.
53. Using or allowing the use for human habitation of a building declared by the Paurashava to be unfit for human habitation.
54. Failure to limewash, or repair a building if so required by the Paurashava
55. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by the Paurashava.
56. Wilfully obstructing any officer or employees of, or any person authorized by, the Paurashava in the exercise of powers conferred by or under this Ordinance.
57. Begging unfortunately for alms, or exposing or exhibiting with the object of exciting any deformity or disease or any offensive sore or wound.
58. Keeping a brothel or practising prostitution in such area as may be declared by the Paurashava to be the prohibited area.
61. Doing of any other act which is prescribed as an offence under this Ordinance.
62. Contravening any of the provisions of this Ordinance, the rules, or by-laws, or of any order, direction, notice, or declaration made or issued thereunder.
63. Attempts and abetment of any of the offences aforesaid.

14.3 Union Parishad

THE LOCAL GOVERNMENT (UNION PARISHADS) ORDINANCE, 1983 (Ordinance No. LI of 1983)

An Ordinance to provide for the constitution of Union Parishads for the unions in rural areas.

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

- (2) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, veranda, platform, plinth and steps;
- (9) "infectious disease" means cholera, plague, small-pox and tuberculosis, and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;
- (10) "land" includes land which is being built upon or is built up or is covered with water;
- (14) "public road" means a road maintained by the Government or by a Union Parishad or other local authority;
- (15) "public street" means a street maintained by the Government or by a Union Parishad or other local authority;
- (16) "public way" means a way maintained by the Government or by a Union Parishad or other local authority;
- (18) "road" includes a road which is not a thoroughfare;
- (21) "street" includes a street which is not a thoroughfare;
- (32) "way" includes a footway, square, court, alley or passage accessible to the public, whether a thorough or not.

4. Constitution of Union Parishad.-(1) As soon as may be after the commencement of this Ordinance, there shall be constituted, in accordance with the provisions of this Ordinance, a Union Parishad for a union.

5. Composition of Union Parishads.-(1) A Union Parishad shall consist of a Chairman and twelve members including three members exclusively reserved for women.

(2) Subject to the provisions of sub-section (3), the Chairman and members shall be elected by direct election on the basis of adult franchise in accordance with the provisions of this Ordinance and the rules made thereunder.

(3) There shall be reserved three seats exclusively for women members in each Union Parishad, hereinafter referred to as reserved seats, who shall be elected by direct election on the basis of adult franchise in accordance the provision of this ordinance and the rules:

Provided that nothing in this sub-section shall prevent a woman from being elected to any of the nine general seats provided for in sub-section (1).

(4) The Chairman of a Union Parishad shall also be deemed to be a member of the Parishad.

30. Civic Function of Union Parishads-(1) Subject to rules and such directions as the Government may from time to time give,...., a Union Parishad may undertake all or any of the functions enumerated in Part I of the First Schedule...

(2) The Union Parishads shall, in particular, undertake the following function,-

- (a) maintenance of law and order and assistance to administration in the maintenance of law and order;
- (b) adoption of measures for preventing crime, disorder and smuggling;
- (c) adoption and implementation of development schemes in the field of agriculture, forest, fisheries, livestock, education, health, cottage industries, communication, irrigation and flood protection with a view to increasing economic and social upliftment of people;
- (d) promotion of family planning;
- (e) implementation of such development schemes as may be assigned to Union Parishads by the Thana Parishad, as the case may be;
- (f) development of local resources and their use;
- (g) protection and maintenance of public property, such as, roads, bridges, canals, embankments, telephones and electricity lines;
- (h) review of the development activities of all agencies at the union level and to make recommendations to the Thana Nirbahi Officer in regard to their activities;
- (i) motivation and persuasion of the people to instal sanitary latrines;
- (j) registration of births, deaths, blinds, beggars and destitutes;
- (k) conducting of census of all kind.

31. Police and defence functions of Union Parishads.-(1) The Government may establish a village police force in such rural areas as may be notified from time to time

(2) The village police shall exercise such powers and discharge such duties as are specified in Part II of the First Schedule.

32. General administrative function of the Union Parishads.-It shall be the duty of the Chairman,-

- (c) to report to the police the commission of any offence, to bring to the notice of the police the presence in the union of persons of notorious character, and to assist in the investigation and prevention of crime, and in arresting criminals;
- (d) to report to competent authority all cases of damage to or encroachments upon any public road, street or way, or any public place, building or property;
- (e) to publicize in the union all matters the publicity of which is required by the Government or other competent authority.

33. Development functions of Union Parishads.-(1) A Union Parishad shall be responsible for agriculture, industrial and community development in the union, and may, for that purpose, perform such functions as may be prescribed.

(2) A Union Parishad may, for the purposes of rural development, adopt such measures and perform such functions as may be prescribed.

38. Constitution of Standing Committees.-(1) The Union Parishad shall, at its first meeting, in each year, or as soon as may be at any meeting subsequent thereto, constitute Standing Committees for dealing respectively with,-

- (a) finance and establishment;
- (b) education and mass education;
- (c) health, family planning and epidemic control;
- (d) audit and accounts;
- (e) agriculture and other development works;
- (f) social welfare and community centers;
- (g) cottage industries and cooperatives;
- (h) law and order;
- (j) women and children welfare, culture and sports;
- (k) fisheries and livestock;
- (l) conservation of environment and tree plantation

- (m) union public works;
- (n) rural water supply and sanitation.

(1A) A Standing Committee under this section shall consist of such number of members and other co-opted persons as may be determined by the Union Parishad concerned.

(2) The Union Parishad may, with the previous approval of the Deputy Commissioner, constitute additional Standing Committees for such purpose as may be prescribed by regulations.

38A. Samaj Unnayan Committee.-Notwithstanding anything contained in section 38, there shall be a Committee to be called the Samaj Unnayan Committee in every ward for a reserved seat consisting of the member of that reserved seat, who shall also be its Chairman, and the members representing the wards of general seats regrouped for delimitation of that reserved seat under section 20A.

50. Property of Union Parishads.-(1) The Government may, by rules,-

- (a) provide for the management, maintenance, improvement and development of the property belonging to or vesting in Union Parishad;
- (b) regulate the alienation of such property; and
- (c) provide for the compulsory acquisition of such immovable property as may be required by a Union Parishad for the purposes of this Ordinance.

(2) A Union Parishad may,-

- (a) manage, maintain, inspect, develop or improve any property which is owned by or vests in it or which is placed under its charge;
- (b) apply such property for the purposes of this Ordinance or the rules; and
- (c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property.

51. Development plans.-(1) A Union Parishad may, and if so required by the Government shall, prepare and implement development plans for such periods as may be specified.

69. Offences.-Every act or omission specified in the Third Schedule shall be an offence under this Ordinance.

70. Punishment.-An offence under this Ordinance shall be punished with fine which may extend to one thousand taka, and if the offence is a continuing one, with fine which may extend to twenty-five taka for every day after the date of

the first commission during which period the offender has persisted in the offence.

73. Encroachment-(1) No person shall make an encroachment, movable or immovable, on, over or under a public way, public street, public road or public place.

75. Duties of police.-It shall be the duty of all police officers to give immediately information to the Chairman concerned of the commission of any offence specified in the Third Schedule and to assist the Chairman, officer and employee of a Union Parishad in the exercise of their lawful authority.

78. Institution of suits against Union Parishads, etc.-No suit shall be instituted against a Union Parishad, or against any member, officer or employee of a Union Parishad in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been in the case of a Union Parishad, delivered or left at its office, and in the case of a member, officer or employee, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

82. Protection of action taken in good faith, etc.-No suit, prosecution or other legal proceedings shall lie against the Government or any Union Parishad or against any person authorized by either, for anything which is in good faith done or intended to be done under this Ordinance or the rules, by-laws, or regulations, or for any damage caused or likely to be caused by any such thing.

THE FIRST SCHEDULE

FUNCTIONS OF UNION PARISHADS AND VILLAGE POLICE

PART I- Functions of Union Parishads

(See Section 30)

1. Provision and maintenance of public ways and public streets.
2. Provision and maintenance of public places, public open spaces, public gardens and public play-grounds.
3. Lighting of public ways, public streets and public places.
4. Plantation and preservation of trees in general, and plantation and preservation of trees on public ways, public streets and public places in particular.

5. Management and maintenance of burning and burial grounds, common meeting places and other common property.
7. Prevention and regulation of encroachments on public ways, public streets and public places.
8. Prevention and abatement of nuisances in public ways, public streets and public places.
9. Sanitation, conservancy and the adoption of other measures for the cleanliness of the union.
10. Regulation of the collection, removal and disposal of manure and streets sweepings.
11. Regulation of offensive and dangerous trades.
12. Regulation of disposal of carcasses of dead animals.
13. Regulation of the slaughter of animal.
14. Regulation of the erection and re-erection of buildings in the union.
15. Regulation of dangerous buildings and structures.
16. Provision and maintenance of well, water pumps, tanks, ponds and other works for the supply of water.
17. Adopting measures for preventing the contamination of the sources of water-supply for drinking.
18. Prohibition of the use of water of wells, ponds and other sources of water-sources suspected to be dangerous to public health.
19. Regulation and prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purposes.
20. Regulation or prohibition of the steeping of hemp, jute or other plants in or near ponds or other sources of water-supply.
21. Regulation and prohibition of dyeing or tanning of skins within residential areas.
22. Regulation or prohibition of the excavation of earth stones or other material within residential areas.
23. Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
24. Voluntary registration of the sale of cattle.
27. Prohibition of relief measures in the event of any fire, flood, hail-storm, earthquake or other natural calamity.

31. Adoption of measures for increased food production.
32. Provision for management of environment.
33. Provision for maintenance and regulation of cattle pounds.
34. Provision of first-aid centres.
36. Co-operation with other organization engaged in activities similar to those of Union Parishad.
38. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the union or of visitors.

PART II- Powers and duties of Village Police

(See section 31)

Every member of the village police,....., shall exercise the powers and discharge the duties enumerated hereunder:-

(8) He shall report to the officer-in-charge of the police station any information he may obtain respecting the commission of or intention to commit, any of the following offences in the union, that is to say:-

- (b) concealment of birth by secret disposal of dead-body;
- (c) exposure of a child;
- (e) mischief to animals by poisoning;
- (g) attempt to commit or abet the commission of any of the above offences.

(9) He shall, to the best of his ability, prevent, and he may interpose for the purpose of preventing the commission of, any offence specified in paragraph (8), or any other cognizable offence.

(10) He shall maintain a Birth and Death Register and shall report all births and deaths within his beat to the Union Parishad.

(11) He shall immediately give information to the Union Parishad of the outbreak of any epidemic or infectious disease among human being or animals or crop disease, or pest attack.

(12) He shall immediately give information to the Union Parishad of damage to any embankment or irrigation work.

(16) He shall report to the Union Parishad of any damage or obstruction to, or encroachment on, any property, movable or immovable, belonging to or vesting in any Union Parishad, and may interpose for the prevention of any such damage, obstruction or encroachment.