

**PART VI**  
**CHAPTER I**  
**THE JUDICIARY**

Power of High Court Division to issue certain orders and directions, etc

102. (1) The High Court Division on the application of any person aggrieved, may give such directions or orders to any person or authority, including any person performing any function in connection with the affairs of the Republic, as may be appropriate for the enforcement of any of the fundamental rights conferred by Part III of this Constitution.

(2) The High Court Division may, if satisfied that no other efficacious remedy is provided by law-

- (a) on the application of any person aggrieved, make an order-
  - (i) directing a person performing any functions in connection with the affairs with the Republic or of a local authority to refrain from doing that which he is not permitted by law to do or to do that which he is required to do; or
  - (ii) declaring that any act done or proceeding taken by a person performing functions in connection with the affairs of the Republic or of a local authority has done or taken without lawful authority and is of no legal effect; or
- (b) on the application of any person, make an order-
  - (i) requiring a person holding or purporting to hold a public office to show under what authority he claims to hold that office.

(3) Notwithstanding anything contained in the foregoing clauses, the High Court Division shall have no power under this article to pass any interim order in relation to any law to which article 47 applies.

(4) Whereon an application made under clause (1) or sub-clause (a) of clause (2), an interim order is prayed for and such interim order is likely to have the effect of-

- (a) prejudicing or interfering with any measure designed to implement any development programme, or any development work;
- (b) being otherwise harmful to the public interest, the High Court Division shall not make an interim order unless the Attorney-General has been given reasonable notice of the application and he (or an advocate authorised by him in that behalf) has been given an opportunity of being heard, and the High Court Division is satisfied that the interim order would not have the effect referred to in sub-clause (a) or sub-clause (b).

(5) In this article, unless the context otherwise requires, "person" includes a statutory public authority and any court or tribunal, other than a court or tribunal established under a law relating to the defence services of Bangladesh or any disciplined force or tribunal to which article 117 applies.

104. The Appellate Division shall have power to issue such directions, orders, decrees or writs as may be necessary for doing complete justice in any cause or matter pending before it, including orders for the purposes of securing the attendance of any person or the discovery or production of any document.

Issue and  
execution of  
processes of  
Appellate  
Division

## PART XI

### MISCELLANEOUS

143. (1) There shall vest in the Republic, in addition to any other land or property lawfully vested-

Property of the  
Republic

- (a) all minerals and other things of value underlying any land of Bangladesh;
- (b) all lands, minerals and other things of value underlying the ocean within the territorial waters, or the ocean over the continental shelf, of Bangladesh; and

- (c) any property located in Bangladesh that has no rightful owner.

(2) The Parliament may from time to time by law provide for the determination of the boundaries of the territory of Bangladesh and of the territorial waters and the continental shelf of Bangladesh.

Execution  
authority in  
relation to  
property, trade,  
etc

144. The executive authority of the Republic shall extend to the acquisition, sale, transfer, mortgage and disposal of property, the carrying on of any trade or business and the making of any contract.

International  
treaties

145A. All treaties with foreign countries shall be submitted to the President, who shall cause them to be laid before Parliament:

Provided that any such treaty connected with national security shall be laid in a secret session of Parliament.

# 1. POLLUTION & CONSERVATION

A total 24 laws have been identified that contain provisions regarding conservation of environment and control of environmental pollution from various sources. Of these, the Bangladesh Environment Conservation Act, 1995 that has been enacted in Bengali (see Appendix I for English version) as mentioned in its preamble to control and mitigate pollution and environmental conservation demands specific mentioning. This Act of 1995 has repealed the earlier Environment Pollution Control Ordinance, 1977 and has come into force all over Bangladesh through a Notification of the Ministry of Environment and Forest dated 31 May, 1995 since 5 June, 1995. However, there are laws enacted earlier to deal with pollution and conservation. For example, the Penal Code of 1860 has provisions to check pollution to the atmosphere; the protection and Conservation of Fish Act, 1950 provides for measures to ensure undisturbed spawning grounds; the Bangladesh Wild Life (Preservation) Order, 1973 prohibits certain dealings with specified species of Wildlife, etc. Besides, various other legislation contain provisions to address pollution of air, soil, water and other component of the environment. These legislative requirements covering areas, *inter alia*, specific with industrial, vehicular and marine pollution prohibit certain activities, which might destroy and damage the surrounding ecosystem of all living creatures.

## THE SMOKE NUISANCE ACT, 1905 (Bengal Act III of 1905)

*An Act to amend the laws relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in certain areas in Bangladesh.*

3. In this Act,-

- (1) "furnace" means any furnace or fireplace used -
- (a) for working engines by steams; or
  - (b) for any other purpose whatsoever:

Provided that no furnace or fireplace-

- (i) used for the burning of the dead; or
- (ii) used in a private house for bona fide domestic purposes other than the purpose specified in clause (a);

shall be deemed to be a furnace or fireplace within the meaning of this Act.

(4) The expression "owner" when used with reference to a furnace, includes any agent or hirer using the furnace, and any foreman or other person superintending the working of the furnace;

4.(1) The Government shall, by notification in the Official Gazette, constitute a commission to supervise and control the working of this Act.

5. (1) The Government may, by notification in the Official Gazette, appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as it may think fit.

6. (1) The Government may, by notification in the Official Gazette, prohibit, within any specified area,-

- (a) the erection or use of any specified class of brick tile or lime-kilns or, clamps for making bricks; or
- (b) the erection or use of furnaces to be used for the calcination or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals, or for the conservation of pig-iron into wrought-iron; or
- (c) the manufacture of coke, in ovens, or with special appliances; or
- (d) the making of coke without ovens or special appliances.

(2) If any kiln, clamp or furnace be erected or used in contravention of any notification issued under sub-section (1), clause (a) or clause (b), the owner thereof shall be liable to fine which may extend to two hundred and fifty taka.

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend, on a first conviction, to two hundred and fifty taka, and on any subsequent conviction to five hundred taka.

(4) If any person makes coke in or upon any building or land in contravention of any notification issued under sub-section (1), clause (d),-

- (a) such person; and
- (b) the owner (if he knowingly permits the coke to be made by such person) or the occupier of such building or land

shall be jointly and severally liable to a fine which may extend, on a first conviction, to twenty-five taka, and on any subsequent conviction to fifty taka; and the coke so made may be seized by an Inspector pending the order of the Magistrate.

7.(1) Whenever a Magistrate imposes a fine on any person under section 6, sub-section (2), for erecting or using a kiln clamp or furnace in contravention of any notification issued under section 6, sub-section (1), clause (a) or clause

(b) he may by order direct such person to demolish the kiln clamp or furnace within a period to be specified on the order.

(2) If any person fails to demolish any kiln clamp or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for special reason, allow, he shall be liable to fine which may extend to twenty taka for everyday thereafter during which such failure continues.

8. (1) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time, than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend, on a first conviction, to fifty taka, on a second conviction to one hundred taka, and on any subsequent conviction to two hundred taka.

8A. (1) (a) No furnace, flue or chimney shall be erected; and

(b) No furnace, flue or chimney, erected prior to the commencement of the said Act, shall be re-erected, altered or added to

otherwise than in accordance with plans approved by the Commission.

9. (1) An Inspector may, after giving reasonable notice in writing to the owner, manager, engineer or person in charge-

(a) enter and inspect, during working hours, any building or place which contains a furnace, and inspect such furnace;

(b) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from any such furnace; and

(c) under the written authority of the Commission, direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace in respect of which a direction is given under clause (c) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred taka.

10.(1) The Government may after previous publication, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to generality of sub-section (1), such rules may-

(c) prescribe a scale for the purpose of determining the density of smoke;

- (d) prescribe the density of smoke that may be emitted from a furnace;
- (e) prescribe the time during which smoke of such density may be emitted from a furnace;
- (f) regulate, with due regard to the safety of shipping, the emission of smoke from the furnaces of vessels;
- (g) prescribe the altitude below which smoke may not be emitted from a furnace.

**Note:** For further provisions on this subject see the Territorial Water and Maritime Zones Act, 1974 and the Rules of 1977 (9.3), the Coast Guard Act, 1994 (9.4) and the Ports Act, 1908 (16.4) for provisions regarding marine and shore pollution; the local government laws (14) and the Metropolitan Police Laws (15.6) against nuisances committed in reserved urban areas; the Motor Vehicles Ordinance, 1983 and the Bengal Motor Vehicles Rules, 1940 (16.1) for vehicular pollution; the Penal Code, 1860 and the Code of Criminal Procedure, 1898 (19) for general provisions against nuisance; Section 13 of the Factories Act, 1965 (4.1) against pollution. See also the conservation laws relating fish (10), forest (11) and wildlife (12).

## বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫ (১৯৯৫ সনের ১ নং আইন)

*পরিবেশ সংরক্ষণ, পরিবেশগত মান উন্নয়ন এবং পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনকল্পে প্রণীত আইন।*

যেহেতু পরিবেশ সংরক্ষণ, পরিবেশগত মান উন্নয়ন ও পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনকল্পে বিধান করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল:

১। সর্বশুদ্ধ শিরোনামা ও প্রবর্তন।-(১) এই আইন বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫ নামে অভিহিত হইবে।

(২) সরকার সরকারী গেজেটে প্রজ্ঞাপন দ্বারা যে তারিখ নির্ধারণ করিবে সেই তারিখে এই আইন বলবৎ হইবে এবং ইহা বিভিন্ন এলাকায় বিভিন্ন তারিখে বলবৎ করা হইবে।

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

(ক) “অধিদপ্তর” অর্থ ধারা ৩ এর অধীনে স্থাপিত পরিবেশ অধিদপ্তর;

(খ) “দূষণ” অর্থ বায়ু, পানি বা মাটির তাপ, স্বাদ, গন্ধ, ঘনত্ব বা উহাদের অন্যান্য বৈশিষ্ট্যের পরিবর্তনসহ বায়ু, পানি বা মাটির দূষিতকরণ বা উহাদের ভৌতিক,

রাসায়নিক বা জৈবিক গুণাবলীসমূহের পরিবর্তন, অথবা বায়ু, পানি, মাটি বা পরিবেশের অন্য কোন উপাদানের মধ্যে তরল, গ্যাসীয়, কঠিন, তেজস্ক্রিয় বা অন্য কোন পদার্থের নির্গমনের মাধ্যমে বায়ু, পানি, মাটি, গবাদি পশু, বন্যপ্রাণী, পাখী, মৎস্য, গাছপালা বা অন্য সব ধরণের জীবনসহ জনস্বাস্থ্যের প্রতি ও গৃহকর্ম, বাণিজ্য, শিল্প, কৃষি, বিনোদন বা অন্যান্য ব্যবহারিক ক্ষেত্রে ক্ষতিকারক, অহিতকর বা ধ্বংসাত্মক কার্য;

(গ) “দখলদার” অর্থ কোন কারখানা বা প্রাংগনের ক্ষেত্রে, উহার বিষয়াবলী নিয়ন্ত্রণকারী কোন ব্যক্তি এবং কোন পদার্থের ক্ষেত্রে উহার উপর অধিকার সম্পন্ন কোন ব্যক্তি;

(ঘ) “পরিবেশ” অর্থ পানি, বায়ু, মাটি ও জৌত সম্পদ ও ইহাদের মধ্যে বিদ্যমান পারস্পরিক সম্পর্কসহ ইহাদের সহিত মানুষ, অন্যান্য প্রাণী, উদ্ভিদ ও অণুজীবের বিদ্যমান পারস্পরিক সম্পর্ক;

(ঙ) “পরিবেশ দূষক” অর্থ পরিবেশের জন্য ক্ষতিকর বা ক্ষতির সহায়ক হইতে পারে এমন কোন কঠিন, তরল বা বায়বীয় পদার্থ এবং তাপ, শব্দ ও বিকিরণও অন্তর্ভুক্ত হইবে;

(চ) “পরিবেশ সংরক্ষণ” অর্থ পরিবেশের বিভিন্ন উপাদানের গুণগত ও পরিমাণগত মান উন্নয়ন এবং গুণগত ও পরিমাণগত মানের অবনতি রোধ;

(ছ) “প্রতিবেশ ব্যবস্থা” অর্থ পরিবেশের উপাদানসমূহের পারস্পরিক নির্ভরশীলতা এবং ভারসাম্যযুক্ত জটিল সম্মিলন, যাহা উদ্ভিদ ও প্রাণীকুলের সংরক্ষণ ও বিকাশকে সহায়তা ও প্রভাবিত করে;

(জ) “ব্যক্তি” অর্থ কোন ব্যক্তি বা ব্যক্তিবর্গ এবং সংবিধিবদ্ধ হউক বা না হউক, কোন কোম্পানী, সমিতি বা সংস্থাও ইহার অন্তর্ভুক্ত হইবে;

(ঝ) “ব্যবহার” অর্থ কোন পদার্থের ক্ষেত্রে, উহার উৎপাদন, প্রক্রিয়াজাতকরণ, ক্রিয়াশীলকরণ, মোড়ক বাধাই, গুদামজাতকরণ, পরিবহন, সংগ্রহ, বিনষ্ট, রূপান্তর, বিক্রয়ের প্রস্তাব, হস্তান্তর বা এইরূপ পদার্থ সম্পর্কিত অনুরূপ কোন ব্যবস্থা;

(ঞ) “বিপদজনক পদার্থ” অর্থ এমন কোন পদার্থ যাহার রাসায়নিক বা জৈব-রাসায়নিক ধর্ম এমন যে উহার উৎপাদন, মণ্ডুদ, অবমুক্তি বা অনিয়ন্ত্রিত পরিবহন পরিবেশের জন্য ক্ষতিকর;

(ট) “বর্জ্য” অর্থ যে কোন তরল, বায়বীয়, কঠিন, তেজস্ক্রিয় পদার্থ যাহা নির্গত, নিষ্কিপ্ত বা স্থলীকৃত হইয়া পরিবেশের ক্ষতিকর পরিবর্তন সাধন করে;

(ড) “মহা-পরিচালক” অর্থ অধিদপ্তরের মহাপরিচালক।



২ক। আইনের প্রাধান্য।-আপাততঃ বলবৎ অন্য কোন আইনে ভিন্নতর যাহা কিছুই থাকুক না কেন, এই আইন, বিধি ও এই আইনের অধীন প্রদত্ত নির্দেশ কার্যকর থাকিবে।

৩। পরিবেশ অধিদপ্তর।-(১) এই আইনের উদ্দেশ্য পূরণকল্পে সরকার পরিবেশ অধিদপ্তর নামে একটি অধিদপ্তর স্থাপন করিবে, যাহার প্রধান হইবেন একজন মহাপরিচালক।

(২) মহাপরিচালক সরকার কর্তৃক নিযুক্ত হইবেন এবং তাহার চাকুরীর শর্তাদি সরকার কর্তৃক স্থিরীকৃত হইবে।

(৩) অধিদপ্তরের কার্যাবলী সূত্রভাবে পালনের জন্য প্রয়োজনীয় সংখ্যক কর্মকর্তা ও কর্মচারী বিধি দ্বারা নির্ধারিত পদ্ধতি এবং শর্তে নিয়োগ করা হইবে।

৪। মহা-পরিচালকের ক্ষমতা ও কার্যাবলী।-(১) এই আইনের বিধান সাপেক্ষে, পরিবেশ সংরক্ষণ, পরিবেশগত মান উন্নয়ন এবং পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনের উদ্দেশ্যে মহা-পরিচালক তৎকর্তৃক সমীচীন ও প্রয়োজনীয় বলিয়া বিবেচিত সকল কার্যক্রম গ্রহণ করিতে পারিবেন এবং এই আইনের অধীন তাহার দায়িত্ব সম্পাদনের উদ্দেশ্যে যে কোন ব্যক্তিকে প্রয়োজনীয় লিখিত নির্দেশ দিতে পারিবেন।

(২) বিশেষ করিয়া এবং উপরিউক্ত ক্ষমতার সামগ্রিকতাকে ক্ষুণ্ণ না করিয়া অনুরূপ কার্যক্রমে নিম্নবর্ণিত সকল বা যে কোন কার্য অন্তর্ভুক্ত হইবে, যথা:-

(ক) এই আইনের উদ্দেশ্যের সহিত সম্পর্কযুক্ত কোন কর্তৃপক্ষ বা সংস্থার কার্যাবলীর সহিত সমন্বয় সাধন;

(খ) পরিবেশ অবক্ষয় ও দূষণের কারণ হইতে পারে এইরূপ সম্ভাব্য দূর্ঘটনা প্রতিরোধ, নিরাপদ ব্যবস্থা গ্রহণ এবং অনুরূপ দূর্ঘটনার প্রতিকারমূলক কার্যক্রম নির্ধারণ ও তৎসম্পর্কে নির্দেশ প্রদান;

(গ) বিপদজনক পদার্থ বা উহার উপাদানের পরিবেশসম্মত ব্যবহার, সংরক্ষণ, পরিবহন, আমদানী ও রপ্তানী সংক্রান্ত বিষয়ে সংশ্লিষ্ট ব্যক্তিকে পরামর্শ বা ক্ষেত্রমত নির্দেশ প্রদান;

(ঘ) পরিবেশ সংরক্ষণ, উন্নয়ন ও দূষণ সংক্রান্ত তথ্যাদি অনুসন্ধান ও গবেষণা এবং অন্য যে কোন কর্তৃপক্ষ বা সংস্থাকে অনুরূপ কাজে সহযোগিতা প্রদান;

(ঙ) পরিবেশ উন্নয়ন ও দূষণ নিয়ন্ত্রণ এবং প্রশমনের উদ্দেশ্যে যে কোন স্থান, প্রাঙ্গণ, প্লান্ট, যন্ত্রপাতি, উৎপাদন বা অন্যবিধ প্রক্রিয়া, উপাদান বা পদার্থ পরীক্ষাকরণ এবং পরিবেশ দূষণ প্রতিরোধ, নিয়ন্ত্রণ এবং উপশমের জন্য উপযুক্ত কর্তৃপক্ষ বা ব্যক্তিকে আদেশ বা নির্দেশ প্রদান;

(চ) পরিবেশ দূষণ সম্পর্কিত তথ্য সংগ্রহ, প্রকাশ ও প্রচার;

(ছ) যে সকল উৎপাদন প্রক্রিয়া, দ্রব্য এবং বস্তু পরিবেশ দূষণ ঘটাইতে পারে সেই সকল উৎপাদন প্রক্রিয়া, দ্রব্য এবং বস্তু পরিহার করিবার জন্য সরকারকে পরামর্শ প্রদান;

(জ) পানীয় জলের মান পর্যবেক্ষণ কর্মসূচী পরিচালনা ও রিপোর্ট প্রণয়ন এবং সংশ্লিষ্ট সকল ব্যক্তিকে পানীয় জলের মান অনুসরণে পরামর্শ বা, ক্ষেত্রমত নির্দেশ প্রদান।

(গ) এই ধারার অধীন প্রদত্ত নির্দেশে কোন শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়া বন্ধ, নিষিদ্ধ বা নিয়ন্ত্রণ সম্পর্কিত বিষয়ও থাকিতে পারিবে এবং নির্দেশপ্রাপ্ত ব্যক্তি অনুরূপ নির্দেশ পালন করিতে বাধ্য থাকিবেন:

তবে শর্ত থাকে যে,-

(ক) কোন শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়া বন্ধ বা নিষিদ্ধ করিবার পূর্বে মহা-পরিচালক সংশ্লিষ্ট শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়ার মালিক বা দখলদারকে উহার কার্যক্রম পরিবেশসম্মত করিবার জন্য যুক্তিসঙ্গত সুযোগ দেওয়ার উদ্দেশ্যে লিখিত নোটিশ প্রেরণ করিবেন; এবং

(খ) মহা-পরিচালক যথাযথ মনে করিলে উক্ত নোটিশে ইহাও উল্লেখ করিতে পারিবেন যে, নোটিশ অনুযায়ী সংশ্লিষ্ট কার্যক্রম পরিবেশসম্মত না করা হইলে ধারা ৪ক এর উপ-ধারা (২) এর অধীন ব্যবস্থা গ্রহণ করা হইবে:

আরো শর্ত থাকে যে, কোন ক্ষেত্রে পরিবেশ দূষণের কারণে জনজীবন বিপর্যস্ত হইবার আশংকা দেখা দিলে মহাপরিচালক, জরুরী বিবেচনায়, তাৎক্ষণিকভাবে প্রয়োজনীয় নির্দেশ দিতে পারিবেন।

(৪) মহাপরিচালক কর্তৃক এ ধারার অধীন জারীকৃত নির্দেশ সংশ্লিষ্ট কার্য সম্পাদন করার সময় সীমা নির্দিষ্ট করিয়া দেওয়া যাইতে পারে।

৪ক। আইন প্রয়োগকারী সংস্থা ও অন্যান্য কর্তৃপক্ষের সহায়তা গ্রহণ।-(১) এই আইনের অধীন কোন ক্ষমতা প্রয়োগ বা কার্য সম্পাদনের উদ্দেশ্যে মহা-পরিচালক বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত ব্যক্তি আইন প্রয়োগকারী সংস্থা বা অন্য কোন সরকারী বা সংবিধিবদ্ধ কর্তৃপক্ষকে প্রয়োজনীয় সহায়তা করার জন্য অনুরোধ করিতে পারিবেন এবং এইরূপ অনুরোধ করা হইলে উক্ত সংস্থা বা কর্তৃপক্ষ উক্ত সহায়তা প্রদান করিবে।

(২) ধারা ৪(৩) এর অধীনে মহা-পরিচালক কর্তৃক কোন শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়া বন্ধ, নিষিদ্ধ বা নিয়ন্ত্রণের নির্দেশ প্রদান সত্ত্বেও উহার মালিক বা দখলদার উক্ত নির্দেশ পালন না করিলে, মহা-পরিচালক উক্ত শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়ার জন্য সরবরাহকৃত বিদ্যুৎ, গ্যাস, টেলিফোন বা পানির সংযোগ বা এইরূপ সকল সংযোগ বিচ্ছিন্ন বা অন্য কোন সেবা বন্ধ করিবার জন্য সংশ্লিষ্ট সংযোগদাতা বা সেবা সরবরাহকারী ব্যক্তি বা প্রতিষ্ঠানকে নির্দেশ প্রদান করিতে পারিবেন।

(৩) উপ-ধারা (২) এর অধীন কোন নির্দেশ প্রদত্ত হইলে, উক্ত সংযোগ বা সেবা প্রদান সংক্রান্ত চুক্তিতে বা অন্য কোন দলিলে ভিন্নরূপ যাহা কিছুই থাকুক না কেন, উক্ত নির্দেশ অনুসারে উহাতে উল্লিখিত ব্যক্তি বা প্রতিষ্ঠান প্রয়োজনীয় ব্যবস্থা গ্রহণ করিবে।

৫। প্রতিবেশগত সংকটাপন্ন এলাকা ঘোষণা।-(১) সরকার যদি এই মর্মে সন্তুষ্ট হয় যে, পরিবেশের অবক্ষয়ের কারণে কোন এলাকার প্রতিবেশ ব্যবস্থা (Eco-system) সংকটাপন্ন

অবস্থায় উপনীত হইয়াছে বা হইবার আশংকা রহিয়াছে তাহা হইলে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা উক্ত এলাকাকে প্রতিবেশগত সংকটাপন্ন এলাকা (Ecologically Critical Area) ঘোষণা করিতে পারিবে।

(২) প্রতিবেশগত সংকটাপন্ন এলাকায় কোন কোন কর্ম বা প্রক্রিয়া চালু রাখা বা শুরু করা যাইবে না তাহা উপ-ধারা (১) এর অধীন জারীতব্য প্রজ্ঞাপন বা আলাদা প্রজ্ঞাপন দ্বারা সরকার নির্দিষ্ট করিয়া দিবে।

৬। পরিবেশের জন্য ক্ষতিকর ধোঁয়া সৃষ্টিকারী যানবাহন সম্পর্কে বাধা-নিষেধ।-(১) স্বাস্থ্য হানিকর বা পরিবেশের জন্য ক্ষতিকর ধোঁয়া বা গ্যাস নিঃসরণকারী যানবাহন চালানো যাইবে না বা উক্তরূপ ধোঁয়া বা গ্যাস নিঃসরণ বন্ধ করার লক্ষ্যে পরীক্ষা করার উদ্দেশ্যে ব্যতীত অন্য কোনভাবে উক্ত যানবাহন চালু করা যাইবে না।

ব্যাখ্যাঃ এই উপ-ধারায় “স্বাস্থ্য হানিকর বা পরিবেশের জন্য ক্ষতিকর ধোঁয়া বা গ্যাস” অর্থ বিধি দ্বারা নির্ধারিত মানমাত্রা অতিক্রমকারী ধোঁয়া বা যে কোন গ্যাস।

(২) উপ-ধারা (১) এর উদ্দেশ্য পূরণকল্পে মহা-পরিচালক বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত ব্যক্তি যে কোন যানবাহন যে কোন স্থানে পরীক্ষা করিতে বা চলমান থাকিলে উহাকে থামাইয়া তাৎক্ষণিকভাবে পরীক্ষা করিতে, এইরূপ পরীক্ষার জন্য প্রয়োজনীয় সময়ব্যাপী আটকাইয়া রাখিতে (Detain), বা উক্ত উপ-ধারা লংঘনকারী যানবাহন ও সংশ্লিষ্ট কাগজপত্র আটক করিতে (Seize) বা উহার পরীক্ষাকরণ বিষয়ে প্রয়োজনীয় নির্দেশ দিতে পারিবেন।

(৩) উপ-ধারা (২) এর অধীনে তাৎক্ষণিকভাবে কোন যানবাহন পরীক্ষা করা হইলে উক্ত পরীক্ষার রিপোর্ট আদালতে সাক্ষ্য হিসাবে গ্রহণযোগ্য হইবে।

(৪) উপ-ধারা (১) এর বিধান বা উপ-ধারা (২) এর অধীন প্রদত্ত নির্দেশ লংঘনের জন্য সংশ্লিষ্ট যানবাহনের চালক বা ক্ষেত্রমত মালিক বা উভয় ব্যক্তি দায়ী থাকিবেন।

৬ক। পরিবেশের জন্য ক্ষতিকর সামগ্রী উৎপাদন, বিক্রয় ইত্যাদির উপর বাধা-নিষেধ।-সরকার, মহা-পরিচালকের পরামর্শ বা অন্য কোনভাবে যদি সম্মত হয় যে, সকল বা যে কোন প্রকার পলিথিন শপিং ব্যাগ, বা পলিইথাইলিন বা পলিপ্রপাইলিনের তৈরী অন্য কোন সামগ্রী বা অন্য যে কোন সামগ্রী পরিবেশের জন্য ক্ষতিকর, তাহা হইলে, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, সমগ্র দেশে বা কোন নির্দিষ্ট এলাকায় এইরূপ সামগ্রীর উৎপাদন, আমদানী, বাজারজাতকরণ, বিক্রয়, বিক্রয়ের জন্য প্রদর্শন, মজুদ, বিতরণ, বাণিজ্যিক উদ্দেশ্যে পরিবহন বা বাণিজ্যিক উদ্দেশ্যে ব্যবহার সম্পূর্ণভাবে বন্ধ করিবার বা প্রজ্ঞাপনে নির্ধারিত শর্তাধীনে ঐ সকল কার্যক্রম পরিচালনা বা ব্যবস্থাপনার বিষয়ে নির্দেশ জারি করিতে পারিবে এবং উক্ত নির্দেশ পালনে সংশ্লিষ্ট সকল ব্যক্তি বাধ্য থাকিবেন :

তবে শর্ত থাকে যে, উক্ত নির্দেশ নিম্নবর্ণিত ক্ষেত্রে প্রযোজ্য হইবে না, যথা :

(ক) উক্ত প্রজ্ঞাপনে বর্ণিত সামগ্রী রপ্তানী করা হইলে বা রপ্তানীর কাজে ব্যবহৃত হইলে;

(খ) কোন নির্দিষ্ট পলিথিন শপিং ব্যাগের ক্ষেত্রে উক্ত নির্দেশ প্রযোজ্য হইবে না মর্মে উক্ত প্রজ্ঞাপনে উল্লেখ করা হইলে।

ব্যাখ্যাঃ এই ধারায় “পলিথিন শপিং ব্যাগ” অর্থ পলিইথাইলিন, পলিপ্রপাইলিন বা উহার কোন যৌগ বা মিশ্রণ এর তৈরী কোন ব্যাগ, ঠোঙ্গা বা অন্য কোন ধারক যাহা কোন সামগ্রী ক্রয়-বিক্রয় বা কোন কিছু রাখার কাজে বা বহনের কাজে ব্যবহার করা যায়।

৭। প্রতিবেশ ব্যবস্থার ক্ষতির ব্যাপারে ব্যবস্থা গ্রহণ।-(১) মহাপরিচালকের নিকট যদি প্রতীয়মান হয় যে, কোন ব্যক্তির কাজ করা বা না করা প্রত্যক্ষ অথবা পরোক্ষভাবে প্রতিবেশ ব্যবস্থা বা কোন ব্যক্তি বা গোষ্ঠীর ক্ষতি সাধন করিতেছে বা করিয়াছে, তাহা হইলে তিনি উক্ত ক্ষতির পরিমাণ নির্ধারণপূর্বক উহা পরিশোধ এবং যথাযথ ক্ষেত্রে সংশোধনমূলক ব্যবস্থা গ্রহণ বা উভয় প্রকার ব্যবস্থা গ্রহণের জন্য নির্দেশ দিতে পারিবেন এবং উক্ত ব্যক্তি এইরূপ নির্দেশ পালনে বাধ্য থাকিবেন।

(২) উপ-ধারা (১) এর অধীন প্রদত্ত নির্দেশ অনুসারে নির্দেশ প্রাপ্ত ব্যক্তি ক্ষতিপূরণ প্রদান না করিলে মহাপরিচালক যথাযথ এখতিয়ার সম্পন্ন আদালতে ক্ষতিপূরণের মামলা বা উক্ত নির্দেশ পালনে ব্যর্থতার জন্য ফৌজদারী মামলা বা উভয় প্রকার মামলা দায়ের করিতে পারিবেন।

(৩) উপ-ধারা (১) এর অধীনে ক্ষতিপূরণ নির্ধারণের বা সংশোধনমূলক ব্যবস্থা গ্রহণের উদ্দেশ্যে যথাযথ ক্ষেত্রে যে কোন বিশেষজ্ঞ এবং অন্যান্য ব্যক্তিকে মহাপরিচালক দায়িত্ব প্রদান করিতে পারিবেন।

(৪) সরকার এই ধারার অধীনে যে কোন ব্যবস্থা গ্রহণ এবং তৎসম্পর্কে প্রতিবেদন দাখিলের জন্য মহাপরিচালককে নির্দেশ দিতে পারিবেন।

৮। পরিবেশ দূষণ বা অবক্ষয় সম্পর্কে মহাপরিচালককে অবহিতকরণ।-(১) পরিবেশ দূষণ বা পরিবেশের অবক্ষয়জনিত কারণে ক্ষতিগ্রস্ত অথবা সম্ভাব্য ক্ষতির আশংকাক্রমে যে কোন ব্যক্তি ক্ষতি বা সম্ভাব্য ক্ষতির প্রতিকারের জন্য মহাপরিচালককে বিধি দ্বারা নির্ধারিত পদ্ধতিতে, আবেদনের মাধ্যমে অবহিত করিবেন।

(২) এই ধারার অধীন প্রদত্ত যে কোন আবেদন নিষ্পত্তিকরণকালে মহাপরিচালক গণ-সুনানী সহ যে কোন ব্যবস্থা গ্রহণ করিতে পারিবেন।

৯। অতিরিক্ত পরিবেশ দূষক নির্গমন ইত্যাদি।-(১) যে ক্ষেত্রে কোন দূর্ঘটনা বা অন্য কোন অভাবিত কাজ অথবা ঘটনার ফলে বিধি দ্বারা নির্ধারিত পরিমাণের অতিরিক্ত পরিবেশ দূষক নির্গত হয় বা নির্গত হইবার সম্ভাবনা থাকে, সেই ক্ষেত্রে অনুরূপ নির্গমনের জন্য দায়ী ব্যক্তি এবং নির্গমন স্থানটির দায়িত্বপ্রাপ্ত ব্যক্তি সৃষ্ট পরিবেশ দূষণ নিয়ন্ত্রণ বা প্রশমন করিতে বাধ্য থাকিবেন।

(২) উপ-ধারা (১) এর অধীন সৃষ্ট ঘটনা বা ঘটনা সংঘটিত হওয়ার সম্ভাবনার কথা উক্ত উপ-ধারায় উল্লেখিত ব্যক্তি মহাপরিচালককে অবিলম্বে অবহিত করিবেন।

(৩) এই ধারার অধীন কোন ঘটনা বা দূর্ঘটনার তথ্য প্রাপ্ত হইলে মহাপরিচালক, যতশীঘ্র সম্ভব পরিবেশ দূষণ নিয়ন্ত্রণ বা প্রশমন করার জন্য প্রয়োজনীয় প্রতিকারমূলক ব্যবস্থা গ্রহণ করিবেন এবং মহাপরিচালকের চাহিদা মোতাবেক উক্ত ব্যক্তি মহাপরিচালককে সাহায্য ও সহযোগিতা প্রদান করিতে বাধ্য থাকিবেন।

(৪) এই ধারার অধীন পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনের জন্য প্রতিকারমূলক ব্যবস্থা গ্রহণের উদ্দেশ্যে ব্যয়কৃত অর্থ উপ-ধারা (১) এ উল্লিখিত ব্যক্তির নিকট হইতে মহাপরিচালকের পাওনা হইবে এবং উহা সরকারী দাবী (Public Demand) হিসাবে আদায়যোগ্য হইবে।

১০। প্রবেশ ইত্যাদির ক্ষমতা।-(১) এই ধারার বিধানাবলী সাপেক্ষে, মহাপরিচালক হইতে এতদুদ্দেশ্যে সাধারণ বা বিশেষভাবে ক্ষমতাপ্রাপ্ত কোন ব্যক্তি সকল যুক্তিসংগত সময়ে তাহার বিবেচনায় প্রয়োজনীয় সহায়তা সহকারে, যে কোন ভবন বা স্থানে নিম্নবর্ণিত উদ্দেশ্যে প্রবেশ করার অধিকারী হইবেন, যথা:

- (ক) এই আইন বা বিধির অধীন তাহার উপর অর্পিত দায়িত্ব সম্পাদন করা;
- (খ) এই আইন বা বিধি বা তদধীন প্রদত্ত নোটিশ, আদেশ বা নির্দেশ মোতাবেক উক্ত ভবন বা স্থানে কোন কাজ পরিদর্শন করা;
- (গ) কোন সরঞ্জাম, শিল্প-প্লান্ট, রেকর্ড, রেজিষ্টার, দলিল অথবা তৎসংশ্লিষ্ট অন্য কোন গুরুত্বপূর্ণ কিছু পরীক্ষা এবং যাচাই করা;
- (ঘ) এই আইন বা বিধি বা তদধীন প্রদত্ত কোন নোটিশ, আদেশ বা নির্দেশ ভংগ করিয়া কোন অপরাধ কোন ভবন বা স্থানে সংগঠিত হইয়াছে বলিয়া উক্ত ব্যক্তির যুক্তিসংগতভাবে বিশ্বাস করার কারণ থাকিলে, উক্ত ভবন বা স্থানে তত্ত্বাশী পরিচালনা করা;
- (ঙ) এই আইন বা বিধির অধীন দন্ডনীয় কোন অপরাধ সংঘটনের প্রমাণ হিসাবে ব্যবহার হইতে পারে এইরূপ কোন সরঞ্জাম, শিল্প-প্লান্ট, রেকর্ড, রেজিষ্টার, দলিল অথবা অন্য কোন কিছু আটক করা।

(২) কোন শিল্প, কার্যক্রম বা প্রক্রিয়া পরিচালনাকারী বা কোন বিপদজনক পদার্থ ব্যবহারকারী ব্যক্তি এই আইনের অধীন দায়িত্ব সম্পাদনের জন্য ক্ষমতাপ্রাপ্ত ব্যক্তিকে সকল সাহায্য সহযোগিতা প্রদান করিতে বাধ্য থাকিবেন।

(৩) এই ধারার অধীন সকল তত্ত্বাশী ও আটকের ব্যাপারে Code of Criminal Procedure, 1898 (Act V of 1898) এর বিধান অনুসরণ করা হইবে।

১১। নমুনা সংগ্রহের ক্ষমতা ইত্যাদি।-(১) মহাপরিচালক হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা বিশ্লেষণের উদ্দেশ্যে যে কোন কারখানা, প্রাঙ্গন বা স্থান হইতে বিধি দ্বারা নির্ধারিত পদ্ধতিতে, বায়ু, পানি, মাটি অথবা অন্যবিধ পদার্থের নমুনা গ্রহণ করিতে পারিবেন।

(২) উপ-ধারা (৩) বা ক্ষেত্রমত, উপ-ধারা (৪) এর বিধান পালন সাপেক্ষে, এই ধারার অধীন গৃহীত নমুনা সম্পর্কে উক্ত উপ-ধারায় উল্লিখিত নমুনা সংগ্রহকারী বা গবেষণাগারের রিপোর্ট বা উভয়ই সংশ্লিষ্ট কার্যধারায় সাক্ষ্য হিসাবে গ্রহণীয় হইবে।

(৩) উপ-ধারা (৪) এর বিধানাবলী সাপেক্ষে, উপ-ধারা (১) এর অধীন নমুনা সংগ্রহকারী কর্মকর্তা-

(ক) উক্ত স্থানের দখলদার বা এজেন্টকে অনুরূপ নমুনা সংগ্রহের ব্যাপারে তাহার অভিপ্রায় সম্পর্কে, বিধি দ্বারা নির্ধারিত পদ্ধতিতে নোটিশ প্রদান করিবেন;

(খ) উক্ত দখলদার বা এজেন্ট এর উপস্থিতিতে নমুনা সংগ্রহ করিবেন;

(গ) উক্ত নমুনা একটি পাত্রে রাখিয়া উহাতে তিনি নিজের ও উক্ত দখলদার বা এজেন্ট এর স্বাক্ষর দ্বারা চিহ্নিত করিয়া সীলমোহর দিবেন;

(ঘ) সংগৃহীত নমুনার একটি রিপোর্ট প্রস্তুত করিয়া উহাতে নিজে স্বাক্ষর করিবেন এবং দখলদার বা এজেন্টের স্বাক্ষর গ্রহণ করিবেন;

(ঙ) মহা-পরিচালক কর্তৃক নির্ধারিত গবেষণাগারে উক্ত পাত্র অবিলম্বে প্রেরণ করিবেন।

(৪) যেক্ষেত্রে উপ-ধারা (১) এর অধীন নমুনা সংগ্রহ করা হয় এবং সংগ্রহকারী কর্মকর্তা উপ-ধারা (৩) এর (ক) দফার অধীনে নোটিশ প্রদান করেন, সেইক্ষেত্রে যদি দখলদার বা এজেন্ট নমুনা সংগ্রহের সময় ইচ্ছাকৃতভাবে অনুপস্থিত থাকেন বা উপস্থিত থাকিয়াও নমুনাতে ও রিপোর্টে স্বাক্ষর করিতে অস্বীকার করেন, তাহা হইলে সংগ্রহকারী দুইজন সাক্ষীর উপস্থিতিতে নিজেই তাহার স্বাক্ষর দিয়া উহা নিশ্চিত ও সীলমোহরকৃত করিবেন এবং দখলদার এজেন্টের অনুপস্থিতি বা ক্ষেত্রমত স্বাক্ষর দানে অস্বীকৃতির কথা উল্লেখ করিয়া মহাপরিচালক কর্তৃক নির্ধারিত গবেষণাগারে বিশ্লেষণের জন্য অবিলম্বে প্রেরণ করিবেন।

১২। পরিবেশগত ছাড়পত্র।-মহাপরিচালকের নিকট হইতে, বিধিদ্বারা নির্ধারিত পদ্ধতিতে, পরিবেশগত ছাড়পত্র ব্যতিরেকে কোন এলাকায় কোন শিল্প প্রতিষ্ঠান স্থাপন বা প্রকল্প গ্রহণ করা যাইবে না:

তবে শর্ত থাকে যে, সরকার কর্তৃক সময় সময় এতদুদ্দেশ্যে নির্ধারিত শ্রেণীর শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে এই ধারার কোন কিছুই প্রযোজ্য হইবে না।

১৩। পরিবেশ নির্দেশিকা প্রণয়ন।-পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমন এবং পরিবেশ সংরক্ষণ ও উন্নয়ন সম্পর্কে সরকার, সময় সময়, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা পরিবেশ নির্দেশিকা প্রণয়ন ও জারী করিতে পারিবে।

১৪। আপীল।-(১) এই আইন বা বিধি অনুসারে প্রদত্ত কোন নোটিশ, আদেশ বা নির্দেশ দ্বারা কোন ব্যক্তি সংক্ষুব্ধ হইলে তিনি, উক্ত নোটিশ, আদেশ বা নির্দেশ প্রদানের ত্রিশ দিনের মধ্যে সরকার কর্তৃক গঠিত আপীল কর্তৃপক্ষের নিকট উহার বিরুদ্ধে আপীল করিতে পারিবেন এবং আপীলের উপর উক্ত কর্তৃপক্ষের সিদ্ধান্ত চূড়ান্ত হইবে এবং এইরূপ সিদ্ধান্তের বিরুদ্ধে আদালতে কোন মামলা দায়ের করা যাইবে না:

তবে শর্ত থাকে যে, আপীল কর্তৃপক্ষ যদি এই মর্মে সন্তুষ্ট হয় যে, কোন অনিবার্য কারণে উক্ত সময়ের মধ্যে সংক্ষুব্ধ ব্যক্তি আপীল দায়ের করিতে পারেন নাই তাহা হইলে উক্ত কর্তৃপক্ষ আপীল দাখিলের জন্য অতিরিক্ত অনধিক ত্রিশ দিন সময় বৃদ্ধি করিতে পারিবে।

(২) উপ ধারা (১) এর অধীন গঠিত আপীল কর্তৃপক্ষ এক বা একাধিক সদস্য সমন্বয়ে গঠন করা যাইবে:

তবে শর্ত থাকে যে, যদি কোন আপীল কর্তৃপক্ষ একাধিক সদস্য সমন্বয়ে গঠন করা হয় তাহা হইলে উহার একজন সদস্যকে সরকার উক্ত কর্তৃপক্ষের চেয়ারম্যান নিযুক্ত করিবে।

(৩) এই ধারার অধীন দায়েরকৃত আপীল দায়েরের তারিখ হইতে তিন মাসের মধ্যে নিষ্পত্তি করা হইবে।

১৫। দস্ত।-(১) নিম্নটেবিলে উল্লিখিত বিধানাবলী লংঘন বা উহাতে উল্লিখিত নির্দেশ অমান্যকরণ বা অন্যান্য কার্যাবলীর জন্য উহার বিপরীতে উল্লিখিত দস্ত আরোপণীয় হইবে :

### টেবিল

#### ক্রমিক

নং	অপরাধের বর্ণনা	আরোপণীয় দস্ত
১	ধারা ৪ এর উপ-ধারা (২) বা (৩) এর অধীন প্রদত্ত নির্দেশ অমান্যকরণ।	অনধিক ১০ (দশ) বৎসর সশ্রম কারাদস্ত বা অনধিক ১০ (দশ) লক্ষ টাকা অর্থদস্ত বা উভয় দস্ত।
২	ধারা ৫ এর উপ-ধারা (১) এর অধীনে প্রতিবেশগত সংকটাপন্ন এলাকা হিসাবে ঘোষিত এলাকায় নিষিদ্ধ কর্ম বা প্রক্রিয়া চালু রাখা বা গুরুত্ব মাধ্যমে উপ-ধারা (২) লংঘন।	অনধিক ১০ (দশ) বৎসর সশ্রম কারাদস্ত বা অনধিক ১০ (দশ) লক্ষ টাকা অর্থদস্ত বা উভয় দস্ত।
৩	ধারা ৬ এর উপ-ধারা (১) এর লংঘন।	প্রথম অপরাধের ক্ষেত্রে অনধিক ৫ (পাঁচ) হাজার টাকা অর্থদস্ত; দ্বিতীয় অপরাধের ক্ষেত্রে ১০ (দশ) হাজার টাকা অর্থদস্ত এবং পরবর্তী প্রতিটি অপরাধের ক্ষেত্রে অনধিক ১ (এক) বৎসর সশ্রম কারাদস্ত বা অনধিক ১০ (দশ) হাজার টাকা অর্থদস্ত বা উভয় দস্ত।
৪	ধারা ৬ক এর উপ-ধারা (১) এর (ক) অধীনে প্রদত্ত নির্দেশ লংঘনক্রমে উহাতে বর্ণিত সামগ্রী উৎপাদন, আমদানী, বাজারজাতকরণ; (খ) বিক্রয়, বিক্রয়ের জন্য প্রদর্শন, মজুদ, বিতরণ, বাণিজ্যিক উদ্দেশ্যে পরিবহন বা বাণিজ্যিক উদ্দেশ্যে ব্যবহার।	(ক) অনধিক ১০ (দশ) বৎসর সশ্রম কারাদস্ত বা অনধিক ১০ (দশ) লক্ষ টাকা অর্থদস্ত বা উভয় দস্ত; (খ) অনধিক ৬ (ছয়) মাস সশ্রম কারাদস্ত বা অনধিক ৫ (পাঁচ) হাজার টাকা অর্থদস্ত বা উভয় দস্ত।
৫	ধারা ৭ এর উপ-ধারা (১) এর অধীন প্রদত্ত নির্দেশ অমান্যকরণ।	অনধিক ১০ (দশ) বৎসর সশ্রম কারাদস্ত বা অনধিক ১০ (দশ) লক্ষ টাকা অর্থদস্ত বা উভয় দস্ত।
৬	ধারা ৯ এর উপ-ধারা (১) বা (২) এর লংঘন বা উপ-ধারা (৩) অনুসারে প্রতিকারমূলক ব্যবস্থা গ্রহণে ব্যর্থতা।	১০ (দশ) বৎসর সশ্রম কারাদস্ত বা অনধিক ১০ (দশ) লক্ষ টাকা অর্থদস্ত বা উভয় দস্তঃ তবে শর্ত থাকে যে, ধারা ৯(১) এর বিধান বাস্তবায়নের জন্য কোন ক্ষেত্রে বিধি দ্বারা নিম্নতর দস্ত নির্ধারণ করা হইলে উক্ত দস্ত প্রযোজ্য হইবে।
৭	ধারা ১০ এর উপ-ধারা (২) অনুসারে মহা-পরিচালককে বা তাহার নিকট হইতে	অনধিক ৩ (তিন) বৎসর সশ্রম কারাদস্ত বা অনধিক ৩ (তিন) লক্ষ টাকা অর্থদস্ত বা

ক্রমিক

নং

অপরাধের বর্ণনা

আরোপণীয় দণ্ড

	ক্ষমতাপ্রাপ্ত ব্যক্তিকে যুক্তিসংগত কারণ ব্যতিরেকে সাহায্য বা সহযোগিতা না করা।	উভয় দণ্ড।
৮	ধারা ১২ এর বিধান লংঘন।	অনধিক ৩ (তিন) বৎসর সশ্রম কারাদণ্ড বা অনধিক ৩ (তিন) লক্ষ টাকা অর্থদণ্ড বা উভয় দণ্ড।
৯	এই আইনের অন্য কোন বিধান বা বিধির অধীনে প্রদত্ত কোন নির্দেশ লংঘন বা এই আইনের অধীন দায়িত্ব পালনে মহা-পরিচালক বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত ব্যক্তিকে বাধা প্রদান বা ইচ্ছাকৃতভাবে বিলম্ব সৃষ্টি করা।	অনধিক ৩ (তিন) বৎসর সশ্রম কারাদণ্ড বা অনধিক ৩ (তিন) লক্ষ টাকা অর্থদণ্ড বা উভয় দণ্ড।

(২) এই ধারার অন্যান্য বিধান সাপেক্ষে, বিধি দ্বারা কতিপয় অপরাধ চিহ্নিত এবং উক্ত অপরাধ সংঘটনের জন্য দণ্ড নির্ধারণ করা যাইবে, তবে এইরূপ দণ্ড ২ (দুই) বছর কারাদণ্ড বা ১০ (দশ) হাজার টাকা অর্থদণ্ড বা উভয় দণ্ডের অতিরিক্ত হইবে না।

১৫ক। অপরাধের সহিত সংশ্লিষ্ট বস্ত্র, যন্ত্রপাতি বা জেয়াপ্তি।-কোন ব্যক্তি ধারা ১৫ তে বর্ণিত কোন অপরাধ সংঘটনের জন্য দোষী সাব্যস্ত ও দণ্ডিত হইলে, উক্তরূপ অপরাধ সংঘটনে ব্যবহৃত যন্ত্রপাতি বা উহার অংশবিশেষ, যানবাহন বা অপরাধ সংশ্লিষ্ট পণ্যসামগ্রী বা অন্য কোন বস্ত্র বা জেয়াপ্তির জন্য আদালত আদেশ দিতে পারিবে।

১৬। কোম্পানী কর্তৃক অপরাধ সংঘটন।-(১) এই আইনের অধীন কোন বিধান লংঘনকারী বা এই আইন বা বিধির অধীন প্রদত্ত নোটিশ অনুযায়ী দায়িত্ব সম্পাদনে বা আদেশ বা নির্দেশ পালনে ব্যর্থ ব্যক্তি যদি কোম্পানী হয়, তাহা হইলে উক্ত কোম্পানীর মালিক, পরিচালক, ম্যানেজার, সচিব বা অন্য কোন কর্মকর্তা বা এজেন্ট বিধানটি লংঘন করিয়াছেন বা নোটিশ অনুযায়ী দায়িত্ব সম্পাদনে বা আদেশ বা নির্দেশ পালনে ব্যর্থ হইয়াছেন বলিয়া গণ্য হইবেন যদি না তিনি প্রমাণ করিতে পারেন যে, উক্ত লংঘন বা ক্ষেত্রমত ব্যর্থতা তাহার অজ্ঞাতসারে হইয়াছে অথবা উক্ত লংঘন বা ব্যর্থতা রোধ করিবার জন্য তিনি যথাসাধ্য চেষ্টা করিয়াছেন।  
ব্যাখ্যাঃ এই ধারায়-

(ক) “কোম্পানী” বলিতে কোন সংবিধিবদ্ধ সরকারী কর্তৃপক্ষ, নিবন্ধিত কোম্পানী, অংশীদারী কারবার (Partnership Firm) ও সমিতি বা সংগঠনকে বুঝাইবে;

(খ) বাণিজ্য প্রতিষ্ঠানের ক্ষেত্রে “পরিচালক” বলিতে কোন অংশীদার বা পরিচালনা বোর্ডের সদস্যকেও বুঝাইবে।

(২) উপ-ধারা (১) এ উল্লিখিত কোম্পানী আইনগত ব্যক্তিসত্তা বিশিষ্ট সংস্থা (Body Corporate) হইলে, উক্ত উপ-ধারায় উল্লিখিত ব্যক্তিকে অভিযুক্ত ও দোষী সাব্যস্ত করা হইলে, উক্ত কোম্পানীকে আলাদাভাবে একই কার্যধারায় অভিযুক্ত ও দোষী সাব্যস্ত করা যাইবে,



তবে ফৌজদারী মামলায় উহার উপর সংশ্লিষ্ট বিধান অনুসারে শুধু অর্ধদণ্ড আরোপ করা যাইবে।

১৭। অপরাধ ও ক্ষতিপূরণের দাবী বিচারার্থ গ্রহণ।-অধিদপ্তরের কোন পরিদর্শক বা মহাপরিচালক হইতে ক্ষমতাপ্রাপ্ত অন্য কোন ব্যক্তির লিখিত রিপোর্ট ব্যতিরেকে কোন আদালত এই আইনের অধীন কোন অপরাধ বা ক্ষতিপূরণের মামলা বিচারের জন্য গ্রহণ করিবে না :

তবে শর্ত থাকে যে, কোন আবেদনের ভিত্তিতে এখতিয়ারসম্পন্ন আদালত যদি এই মর্মে সন্তুষ্ট হয় যে, উক্ত পরিদর্শক বা ক্ষমতাপ্রাপ্ত ব্যক্তিকে কোন অপরাধের অভিযোগ বা ক্ষতিপূরণের দাবী গ্রহণ করিবার জন্য লিখিত অনুরোধ সত্ত্বেও, তিনি উহার ভিত্তিতে পরবর্তী ৬০ দিনের মধ্যে কোন কার্যক্রম গ্রহণ করেন নাই এবং উক্ত অভিযোগ বা দাবী বিচারের জন্য গ্রহণের যৌক্তিকতা আছে, তাহা হইলে উক্ত আদালত, সংশ্লিষ্ট পরিদর্শক বা ক্ষমতাপ্রাপ্ত ব্যক্তিকে বা মহাপরিচালককে শুনানীর যুক্তিসংগত সুযোগ দিয়া, উক্তরূপ লিখিত রিপোর্ট ব্যতিরেকেই সরাসরি উক্ত অভিযোগ এবং সংশ্লিষ্ট অপরাধ বা ক্ষতিপূরণের দাবী বিচারার্থ গ্রহণ করিতে বা যথাযথ মনে করিলে অভিযোগ বা দাবী সম্পর্কে তদন্তের জন্য উক্ত পরিদর্শক বা ক্ষমতাপ্রাপ্ত ব্যক্তিকে তদন্তের নির্দেশ প্রদান করিতে পারিবে।

১৮। সরল বিশ্বাসে কৃত কাজকর্মকরণ।-এই আইন বা বিধির অধীন সরল বিশ্বাসে কৃত কোন কাজের ফলে কোন ব্যক্তি ক্ষতিগ্রস্ত হইলে বা তাহার ক্ষতিগ্রস্ত হইবার সম্ভাবনা থাকিলে তজ্জন্য সরকার, মহাপরিচালক, অধিদপ্তরের কোন কর্মকর্তা বা কর্মচারী বা কোন ব্যক্তির বিরুদ্ধে দেওয়ানী বা ফৌজদারী মামলা বা অন্য কোন আইনগত কার্যক্রম গ্রহণ করা যাইবে না।

১৯। ক্ষমতা অর্পণ।-(১) সরকার এই আইন বা বিধির অধীন উহার যে কোন ক্ষমতা মহাপরিচালক বা অন্য যে কোন কর্মকর্তাকে অর্পণ করিতে পারে।

(২) মহাপরিচালক এই আইন বা বিধির অধীন তাহার যে কোন ক্ষমতা অধিদপ্তরের যে কোন কর্মকর্তাকে অর্পণ করিতে পারিবেন।

২০। বিধি প্রণয়নের ক্ষমতা।-(১) এই আইনের উদ্দেশ্য পূরণকল্পে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা বিধি প্রণয়ন করিতে পারিবে।

(২) বিশেষ করিয়া এবং উপরিউক্ত ক্ষমতার সামগ্রিকতাকে স্ক্রু না করিয়া, উক্ত বিধিতে নিম্নবর্ণিত সকল বা যে কোন বিষয়ে বিধান করা যাইতে পারে যথাঃ-

(ক) বিভিন্ন এলাকার জন্য বিভিন্ন উদ্দেশ্যে বায়ু, পানি, শব্দ ও মৃত্তিকাসহ পরিবেশের অন্যান্য উপাদানের মানমাত্রা নির্ধারণ;

তবে শর্ত থাকে যে, সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা এই আইন প্রবর্তনের সময় বিদ্যমান শিল্প বা প্রকল্পের ক্ষেত্রে অনুরূপ মানমাত্রার প্রয়োগ এককভাবে বা সামগ্রিকভাবে, নির্দিষ্ট মেয়াদের জন্য স্থগিত করিতে পারিবে।

(খ) পরিবেশ রক্ষার স্বার্থে শিল্প কারখানা স্থাপন ও অন্যান্য উন্নয়ন কর্মকান্ড নিয়ন্ত্রণ;

(গ) বিপদজনক পদার্থের ব্যবহার, সংরক্ষণ ও পরিবহনের নিরাপদ পদ্ধতি নিয়ন্ত্রণ;

- (ঘ) পরিবেশ দূষণের কারণ হইতে পারে এইরূপ দূর্ঘটনা প্রতিরোধে নিরাপদ পদ্ধতি ও প্রতিকারমূলক কার্যক্রম প্রণয়ন;
- (ঙ) বর্জ্য নিঃসরণ ও নির্গমনের মানমাত্রা নির্ধারণ;
- (চ) বিভিন্ন প্রকল্প ও কার্যাদির পরিবেশগত প্রভাব নিরূপণ, পর্যালোচনা ও অনুমোদনের পদ্ধতি;
- (ছ) পরিবেশ এবং প্রতিবেশ ব্যবস্থা রক্ষা করার পদ্ধতি;
- (জ) ছাড়পত্র ও অন্যান্য সেবার ফিস নির্ধারণ।

২১। রহিতকরণ ও হেফাজত।-(১) The Environment Pollution Control Ordinance, 1977 (Act XIII of 1977) এতদ্বারা রহিত করা হইল।

(২) অনুরূপ রহিতকরণ সত্ত্বেও রহিত Ordinance এর অধীন কৃত কাজকর্ম বা গৃহীত ব্যবস্থা, এই আইনে যাহা কিছুই থাকুক না কেন এই আইনের বিধান অনুযায়ী করা হইয়াছে বলিয়া গণ্য হইবে।

(৩) এই আইন প্রবর্তনের অব্যবহিত পূর্বে বিদ্যমান পরিবেশ অধিদপ্তর ধারা ৩ এর অধীন স্থাপিত অধিদপ্তর বলিয়া গণ্য হইবে এবং উক্ত অধিদপ্তরে কার্যরত মহাপরিচালক ও অন্যান্য কর্মকর্তা ও কর্মচারী এই আইনের অধীন নিযুক্ত মহাপরিচালক, কর্মকর্তা ও কর্মচারী বলিয়া গণ্য হইবেন।

### পরিবেশ সংরক্ষণ বিধিমালা, ১৯৯৭

২। সংজ্ঞা।- বিষয় বা প্রসঙ্গের পরিপন্থী কোন কিছু না থাকিলে, এই বিধিমালায়;-

- (ক) “অধিদপ্তর” অর্থ আইনের ধারা ৩ এর উপ-ধারা (১) এর অধীনে স্থাপিত পরিবেশ অধিদপ্তর;
- (খ) “আইন” অর্থ বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫ (১৯৯৫ সনের ১নং আইন);
- (গ) “তফসিল” অর্থ এই বিধিমালার সহিত সংযোজিত যে কোন তফসিল;
- (ঘ) “ধারা” অর্থ আইনের যে কোন ধারা;
- (ঙ) “ফরম” অর্থ এই বিধিমালার সহিত সংযোজিত যে কোন ফরম;
- (চ) “স্থিতিমাপ” অর্থ মানমাত্রার চারিত্রিক বৈশিষ্ট্য;
- (ছ) “স্থানীয় কর্তৃপক্ষ” অর্থ মেট্রোপলিটন এলাকায় সিটি কর্পোরেশন, পৌর এলাকায় পৌরসভা, গ্রামীণ এলাকায় ইউনিয়ন পরিষদ।

৩। প্রতিবেশগত সংকটাপন্ন এলাকা ঘোষণা ১-(১) ধারা ৫ এর উপ-ধারা (১) বিধান অনুসারে কোন এলাকাকে প্রতিবেশগত সংকটাপন্ন এলাকা (Ecologically Critical Area) হিসাবে ঘোষণা করার নিমিত্ত সরকার নিম্নবর্ণিত বিষয়সমূহ বিবেচনায় রাখিবে, যথা:-

- (ক) মানববসতি;
- (খ) প্রাচীন স্মৃতিসৌধ;
- (গ) প্রত্নতাত্ত্বিক স্থান;
- (ঘ) অভয়ারণ্য;
- (ঙ) জাতীয় উদ্যান;
- (চ) গেম রিজার্ভ;
- (ছ) বন্যপ্রাণীর আবাসস্থল;
- (জ) জলাভূমি;
- (ঝ) ম্যানগ্রোভ;
- (ঞ) বনাঞ্চল;
- (ট) এলাকাভিত্তিক জীববৈচিত্র্য; এবং
- (ঠ) এতদসংক্রান্ত প্রাসংগিক অন্যান্য বিষয়।

(২) প্রতিবেশগত সংকটাপন্ন এলাকায় কোন কোন কর্ম বা প্রক্রিয়া চালু রাখা বা শুরু করা যাইবে না তাহা সরকার বিধি ১২ ও ১৩ এ বর্ণিত মানমাত্রা অনুসারে নির্দিষ্ট করিবে।

৪। ক্ষতিকর ধোঁয়া সৃষ্টিকারী ও স্বাস্থ্যহানিকর যানবাহন ১-(১) পেট্রোল, ডিজেল গ্যাসচালিত যানবাহনের মালিক Motor Vehicles Ordinance, 1983 (LV of 1983), অতঃপর উক্ত Ordinance বলিয়া উল্লিখিত, এর অধীনে যানবাহন নিবন্ধন বা উহার উপযুক্ততা সনদ (Certificate of Fitness) নবায়নের পূর্বে ক্যাটালাইটিক কনভার্টার বা, ক্ষেত্রমত, ডিজেল পার্টিকুলেট ফিল্টার সংযোজন করিবে।

(২) উপ-বিধি (১) এ উল্লিখিত যন্ত্রপাতি ব্যতীত এবং তফসিল ৬ এবং ক্ষেত্রমত ৭ এ উল্লিখিত মানমাত্রা অতিক্রমকারী যানবাহন পরিবেশের জন্য ক্ষতিকর ধোঁয়া সৃষ্টিকারী বা স্বাস্থ্য হানিকর যানবাহন বলিয়া গণ্য হইবে।

৫। পরিবেশ দূষণ বা অবক্ষয়-সম্পর্কিত আবেদনপত্র ১-(১) ধারা ৮ এর উপ-ধারা (১) এর বিধান মোতাবেক ক্ষতিগ্রস্ত অথবা সম্ভাব্য ক্ষতির আশংকাক্রান্ত কোন ব্যক্তি উক্ত ক্ষতি বা সম্ভাব্য ক্ষতির প্রতিকারের জন্য ফরম-১ অনুসারে মহাপরিচালকের নিকট আবেদন করিবেন।

(২) উপ-বিধি (১) অনুসারে আবেদনপত্র প্রাপ্তির তিন মাসের মধ্যে মহা-পরিচালক ধারা ৮ এর উপ-ধারা (২) এর বিধান অনুসারে আবেদনপত্রটি নিষ্পত্তি করিবেন।

৬। নমুনা সংগ্রহের নোটিশ ১-ধারা ১১ এর উপ-ধারা (৩) এর দফা (ক) এর বিধান নমুনা সংগ্রহকারী কর্মকর্তা সংশ্লিষ্ট স্থানের দখলদার বা এজেন্টকে ফরম-২ অনুসারে উক্ত কর্মকর্তার অভিপ্রায় সম্পর্কে নোটিশ প্রদান করিবেন।

৭। পরিবেশগত ছাড়পত্র প্রদানের পদ্ধতি।-(১) পরিবেশগত ছাড়পত্র প্রদানের উদ্দেশ্যে পরিবেশের উপর প্রভাব বিস্তার এবং অবস্থান অনুযায়ী শিল্প প্রতিষ্ঠান ও প্রকল্পসমূহ নিম্ন বর্ণিত চারটি শ্রেণীতে বিভক্ত হইবে, যথা:

- (ক) সবুজ;
- (খ) কমলা - ক;
- (গ) কমলা - খ; এবং
- (ঘ) লাল।

(২) উপ-বিধি (১) এ বর্ণিত শ্রেণীসমূহের অন্তর্ভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পসমূহের বিবরণ তফসিল-১ এ প্রদত্ত হইয়াছে।

(৩) সকল শ্রেণীর বিদ্যমান শিল্প প্রতিষ্ঠান ও প্রকল্প এবং সবুজ শ্রেণীভুক্ত প্রস্তাবিত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে পরিবেশগত ছাড়পত্র প্রদান করা হইবে।

(৪) কমলা-ক কমলা-খ এবং লাল শ্রেণীভুক্ত প্রস্তাবিত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে সর্বপ্রথম অবস্থানগত এবং তৎপর পরিবেশগত ছাড়পত্র প্রদান করা হইবে:

তবে শর্ত থাকে যে, কোন শিল্প প্রতিষ্ঠান বা প্রকল্পের আবেদনক্রমে এবং মহাপরিচালক যদি উপযুক্ত মনে করেন, তাহা হইলে তিনি উক্ত শিল্প প্রতিষ্ঠান বা প্রকল্পকে অবস্থানগত ছাড়পত্র প্রদান ব্যতিরেকে সরাসরি পরিবেশগত ছাড়পত্র প্রদান করিতে পারিবেন।

(৫) পরিবেশগত ছাড়পত্রের জন্য সংশ্লিষ্ট শিল্প প্রতিষ্ঠান বা প্রকল্পের উদ্যোক্তা তফসিল ১৩ তে বর্ণিত যথাযথ ফি সহ ফরম-৩ এ অধিদপ্তরের সংশ্লিষ্ট বিভাগীয় কর্মকর্তার নিকট আবেদন করিবেন।

(৬) উপ-বিধি (৫) এ উল্লেখিত আবেদনপত্রের সহিত নিম্নবর্ণিত কাগজপত্র সংযুক্ত করিতে হইবে, যথা-

(ক) সবুজ শ্রেণীর ক্ষেত্রে :

- (অ) শিল্প প্রতিষ্ঠান বা প্রকল্পের সাধারণ তথ্যাবলী;
- (আ) কাঁচামালসহ উৎপন্ন দ্রব্যের প্রকৃত বিবরণ; এবং
- (ই) স্থানীয় কর্তৃপক্ষের অনাপত্তিপত্র;

(খ) কমলা- ক শ্রেণীর ক্ষেত্রে :

- (অ) শিল্প প্রতিষ্ঠান বা প্রকল্পের সাধারণ তথ্যাবলী;
- (আ) কাঁচামালসহ উৎপন্ন দ্রব্যের প্রকৃত বিবরণ;
- (ই) স্থানীয় কর্তৃপক্ষের অনাপত্তিপত্র;
- (ঈ) প্রসেস ফ্লো ডায়াগ্রাম;
- (এ) লে আউট প্ল্যান (বর্জ্য পরিশোধনাগারের অবস্থান নির্দেশিত); এবং

- (ঐ) বর্জ্য নির্গমন ব্যবস্থা;
- (ও) পুনঃস্থাপন, পুনর্বাসন পরিকল্পনার রূপরেখা (প্রযোজ্য ক্ষেত্রে);
- (ঔ) প্রয়োজনীয় অন্যান্য তথ্যাবলী (প্রযোজ্য ক্ষেত্রে);
- (গ) কমলা - খ শ্রেণীর ক্ষেত্রে :
- (অ) শিল্প প্রতিষ্ঠান বা প্রকল্পের সম্ভাব্যতা সমীক্ষা প্রতিবেদন (কেবল প্রস্তাবিত শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে প্রযোজ্য);
- (আ) প্রাথমিক পরিবেশগত সমীক্ষা (Initial Environmental Examination IEE= আ ই ই) প্রতিবেদন, যাহার সহিত সংশ্লিষ্ট শিল্প প্রতিষ্ঠান বা প্রকল্পের প্রসেস ফ্লো ডায়াগ্রাম, লে আউট প্ল্যান (বর্জ্য পরিশোধনাগারের অবস্থান নির্দেশিত), বর্জ্য পরিশোধনাগার (Effluent Treatment Plant ETP = ই টি পি) এর নকশা সংযুক্ত থাকিবে (কেবল প্রস্তাবিত শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে প্রযোজ্য);
- (ই) পরিবেশগত ব্যবস্থাপনা পরিকল্পনা (Environmental Management Plan EMP= ইএমপি) প্রতিবেদন, যাহার সহিত সংশ্লিষ্ট শিল্প প্রতিষ্ঠান বা প্রকল্পের প্রসেস ফ্লো ডায়াগ্রাম, লে-আউট প্ল্যান (বর্জ্য পরিশোধনাগারের অবস্থান নির্দেশিত); বর্জ্য পরিশোধনাগারের নকশাসহ উহার কার্যকারিতা সম্পর্কিত তথ্যাদি সংযুক্ত থাকিবে (কেবল বিদ্যমান শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে প্রযোজ্য);
- (ঈ) স্থানীয় কর্তৃপক্ষের অনাপত্তিপত্র ; এবং
- (উ) পরিবেশগত বিরূপ প্রতিক্রিয়া সংক্রান্ত জরুরী পরিকল্পনাসহ দূষণের প্রকোপ হ্রাসকরণ পরিকল্পনা;
- (ঊ) পুনঃস্থাপন, পুনর্বাসন পরিকল্পনার রূপরেখা (প্রযোজ্য ক্ষেত্রে);
- (ঋ) প্রয়োজনীয় অন্যান্য তথ্যাবলী (প্রযোজ্য ক্ষেত্রে);
- (ঘ) লাল শ্রেণীর ক্ষেত্রে :
- (অ) শিল্প প্রতিষ্ঠান বা প্রকল্পের সম্ভাব্যতা সমীক্ষা প্রতিবেদন (কেবল প্রস্তাবিত শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে প্রযোজ্য);
- (আ) প্রাথমিক পরিবেশগত সমীক্ষা প্রতিবেদন, যাহার সহিত পরিবেশগত প্রভাব নিরূপণের (Environmental Impact Assessment EIA = ই আই এ) কার্যপরিধি, সংশ্লিষ্ট শিল্প প্রতিষ্ঠান বা প্রকল্পের প্রসেস ফ্লো ডায়াগ্রাম সংযুক্ত থাকিবে, অথবা, অধিদপ্তর কর্তৃক ইতোপূর্বে অনুমোদিত কার্যপরিধির ভিত্তিতে প্রণীত পরিবেশগত প্রভাব নিরূপণ প্রতিবেদন, যাহার সহিত সংশ্লিষ্ট শিল্প প্রতিষ্ঠান বা প্রকল্পের লে আউট প্ল্যান (বর্জ্য পরিশোধনাগারের অবস্থান নির্দেশিত), বর্জ্য পরিশোধনাগারের নকশাসহ সময়সূচী প্রসেস ফ্লো

ডায়গ্রাম সংযুক্ত থাকিবে (কেবল প্রস্তাবিত শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে প্রযোজ্য);

(ই) পরিবেশগত ব্যবস্থাপনা পরিকল্পনা প্রতিবেদন, যাহার সহিত সংশ্লিষ্ট শিল্প প্রতিষ্ঠান বা প্রকল্পের প্রসেস ফ্লো ডায়গ্রাম, লে আউট প্ল্যান (বর্জ্য পরিশোধনাগারের অবস্থান নির্দেশিত), বর্জ্য পরিশোধনাগারের নকশাসহ উহার কার্যকারিতা সম্পর্কিত তথ্যাদি সংযুক্ত থাকিবে (কেবল বিদ্যমান শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে প্রযোজ্য);

(ঈ) স্থানীয় কর্তৃপক্ষের অনাপত্তিপত্র; এবং পরিবেশগত বিরূপ প্রতিক্রিয়া সংক্রান্ত জরুরী পরিকল্পনাসহ দূষণের প্রকোপ-হ্রাসকরণ পরিকল্পনা;

(উ) পুনঃস্থাপন পুনর্বাসন পরিকল্পনার রূপরেখা (প্রযোজ্য ক্ষেত্রে);

(ঊ) প্রয়োজনীয় অন্যান্য তথ্যাবলী (প্রযোজ্য ক্ষেত্রে);

(৭) উপ-বিধি (৬) এ উল্লেখিত কাগজপত্রসহ উপ-বিধি (৫) এর অধীন আবেদনপত্র প্রাপ্তির পর সবুজ শ্রেণীভুক্ত প্রস্তাবিত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে পনের কার্য দিবসের মধ্যে সংশ্লিষ্ট উদ্যোক্তা বরাবরে পরিবেশগত ছাড়পত্র প্রদান করা হইবে, অথবা যথাযথ কারণ উল্লেখপূর্বক আবেদনপত্র অগ্রাহ্য করা হইবে।

(৮) উপ-বিধি (৬) এর উল্লেখিত কাগজপত্রসহ উপ-বিধি (৫) এর অধীন আবেদনপত্র প্রাপ্তির পর কমলা-ক শ্রেণীভুক্ত প্রস্তাবিত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ত্রিশ কার্যদিবস এবং কমলা-খ ও লাল শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ছাড়পত্র প্রাপ্তির পর উদ্যোক্তা ষাট কার্যদিবসের মধ্যে সংশ্লিষ্ট উদ্যোক্তা বরাবরে অবস্থানগত ছাড়পত্র প্রদান করা হইবে, অথবা, যথাযথ কারণ উল্লেখপূর্বক আবেদনপত্র অগ্রাহ্য করা হইবে।

(৯) উপ-বিধি (৮) এ উল্লেখিত অবস্থানগত ছাড়পত্র প্রাপ্তির পর উদ্যোক্তা-

(অ) ভূমি উন্নয়ন ও অবকাঠামোগত উন্নয়ন কার্যক্রম গ্রহণ করিতে পারিবে;

(আ) ইটি পিসহ যন্ত্রপাতি স্থাপন করিতে পারিবে (কেবল কমলা-ক এবং কমলা-খ শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে প্রযোজ্য);

(ই) দফা (অ-আ) এ উল্লেখিত কার্যাবলী সম্পন্ন হওয়ার পর তাহা অবহিত করিয়া পরিবেশগত ছাড়পত্রের জন্য আবেদন করিবে, পরিবেশগত ছাড়পত্র ব্যাতিরেকে গ্যাস সংযোগ গ্রহণ করিতে পারিবে না এবং শিল্প প্রতিষ্ঠানের ক্ষেত্রে পরীক্ষামূলক উৎপাদন ও অন্যান্য ক্ষেত্রে প্রকল্প চালু করিতে পারিবে না (কেবল কমলা-ক এবং কমলা-খ শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে প্রযোজ্য);

(ঈ) আই ই ই প্রতিবেদনে উল্লেখিত কার্যপরিধির ভিত্তিতে ই আই এ প্রতিবেদন প্রণয়ন করিয়া ই টি পি'র নকশাসহ সময়সূচী নির্দিষ্টকৃত সময়ের মধ্যে অধিদপ্তরের অনুমোদনের নিমিত্তে পেশ করিবে (কেবল লাল শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান প্রকল্পের ক্ষেত্রে প্রযোজ্য)।

(১০) উপ-বিধি (৯) এর দফা (ই) এর অধীন আবেদন প্রাপ্তির পর কমলা-ক শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে পনের কার্য দিবস এবং কমলা-খ শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ত্রিশ কার্য দিবসের মধ্যে সংশ্লিষ্ট উদ্যোক্তা বরাবরে পরিবেশগত ছাড়পত্র প্রদান করা হইবে, অথবা যথাযথ কারণ উল্লেখপূর্বক আবেদন অগ্রাহ্য করা হইবে।

(১১) উপ-বিধি (৯) এ দফা (ঈ) এর অধীন আবেদন প্রাপ্তির পর লাল শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ষাট কার্যদিবসের মধ্যে ইটি পি'র নম্বাসহ সময়সূচী এবং ই আই এ প্রতিবেদন অনুমোদন করা হইবে, অথবা যথাযথ কারণ উল্লেখপূর্বক আবেদন অগ্রাহ্য করা হইবে।

(১২) উপ-বিধি (১১) এর অধীন ই আই এ অনুমোদিত হওয়ার পর উদ্যোক্তা-

(অ) আমদানীত্বা যন্ত্রপাতির জন্য L/C খুলিতে পারিবে, যাহাতে ইটিপি সংক্রান্ত যন্ত্রপাতি অন্তর্ভুক্ত থাকিবে; এবং

(আ) ই টি পি স্থাপন করিয়া পরিবেশগত ছাড়পত্রের জন্য আবেদন করিবে, পরিবেশগত ছাড়পত্র ব্যতিরেকে গ্যাস সংযোগ গ্রহণ করিতে পারিবে না এবং শিল্প প্রতিষ্ঠানের ক্ষেত্রে পরীক্ষামূলক উৎপাদন ও অন্যান্য ক্ষেত্রে প্রকল্প চালু করিতে পারিবে না।

(১৩) উপ-বিধি (১২) এর দফা (আ) এর অধীন আবেদন প্রাপ্তির পর লাল শ্রেণীভুক্ত শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ত্রিশ কার্যদিবসের মধ্যে সংশ্লিষ্ট উদ্যোক্তা বরাবরে পরিবেশগত ছাড়পত্র প্রদান হইবে, অথবা যথাযথ কারণ উল্লেখপূর্বক আবেদন অগ্রাহ্য করা হইবে।

(১৪) উপ-বিধি (৬) এ উল্লিখিত কাগজপত্রসহ উপ-বিধি (৫) এর অধীন আবেদনপত্র প্রাপ্তির পর কমলা-ক শ্রেণীভুক্ত বিদ্যমান শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ত্রিশ কার্যদিবস এবং কমলা-খ এবং লাল শ্রেণীভুক্ত বিদ্যমান শিল্প প্রতিষ্ঠান ও প্রকল্পের ক্ষেত্রে ষাট কার্যদিবসের মধ্যে সংশ্লিষ্ট উদ্যোক্তা বরাবরে পরিবেশগত ছাড়পত্র প্রদান করা হইবে অথবা পৃষ্ঠার অপর দিকে যথাযথ কারণ উল্লেখপূর্বক আবেদনপত্র অগ্রাহ্য করা হইবে।

৭ক। দূষণ নিয়ন্ত্রণাধীন সনদ প্রদান পদ্ধতি।-বিধি ৪ এর উপ-বিধি (১) এ উল্লিখিত যন্ত্রপাতি সংযোজনের পর উক্ত Ordinance এর অধীন যানবাহন নিবন্ধনের পূর্বে অথবা, ক্ষেত্রমত, উপযুক্ততা সনদ নবায়নের পূর্বে যানবাহনের মালিক ফরম ৪ মোতাবেক "দূষণ নিয়ন্ত্রণাধীন সনদ" সংগ্রহ করিবে।

৭খ। ক্যাটালাইটিক কনভার্টার ও ডিজেল পার্টিকুলেট ফিল্টার আমদানী ইত্যাদির শর্ত।- ক্যাটালাইটিক কনভার্টার বা ডিজেল পার্টিকুলেট ফিল্টার আমদানী এবং বাজারজাত করিবার পূর্বে আমদানীকারক প্রদর্শনীর মাধ্যমে উহার কার্যকরতা প্রমাণ সাপেক্ষে মহা-পরিচালকের নিকট হইতে লিখিত অনুমোদন গ্রহণ করিবে।

৮। পরিবেশগত ছাড়পত্রের মেয়াদ।-(১) পরিবেশগত ছাড়পত্রের মেয়াদ হইবে সংশ্লিষ্ট ছাড়পত্র ইস্যুর তারিখ হইতে সবুজ শ্রেণীর ক্ষেত্রে তিন বৎসর এবং অন্যান্য শ্রেণীর ক্ষেত্রে এক বৎসর।

(২) প্রত্যেকটি পরিবেশগত ছাড়পত্রের মেয়াদ শেষ হইবার অন্তত: ত্রিশ দিন পূর্বে উহা নবায়ন করিতে হইবে।

৯। আপীল।-(১) ধারা ১৪ এর অধীন যে নোটিশ, আদেশ বা নির্দেশের বিরুদ্ধে আপীল দায়ের করা হইবে, তৎসম্পর্কে আপত্তির কারণসমূহ সংক্ষেপে ও স্পষ্টভাবে উল্লেখ করিতে হইবে।

(২) প্রত্যেকটি আপীলের সহিত নিম্নবর্ণিত কাগজপত্র থাকিতে হইবে, যথা:-

(অ) যে নোটিশ, আদেশ বা নির্দেশের বিরুদ্ধে আপীল করা হইতেছে উহার একটি করিয়া প্রমাণকৃত কপি;

(আ) পরিবেশগত ছাড়পত্রের কপি (যদি থাকে);

(ই) আপীল ফি বাবদ এক হাজার টাকা জমা প্রদানের প্রমাণস্বরূপ ট্রেজারী চালান; এবং

(ঈ) আপীলের সহিত সম্পর্কযুক্ত অন্য কোন কাগজাদি।

১০। আপীল কর্তৃপক্ষ কর্তৃক অনুসরণীয় পদ্ধতি।-(১) আপীল কর্তৃপক্ষ তাহাদের অফিসের কার্যভার এবং প্রতিপক্ষের প্রতি নোটিশ জারীর জন্য প্রয়োজনীয় সময় বিবেচনা করিয়া আপীল শুনানীর জন্য একটি দিন ধার্য করিবে।

(২) অধিদপ্তরের যে কার্যালয়ের নোটিশ, আদেশ বা নির্দেশের বিরুদ্ধে আপীল দায়ের করা হইয়াছে, সেই কার্যালয় বরাবরে আপীল কর্তৃপক্ষ আপীল শুনানীর তারিখ উল্লেখ করিয়া আপীলের কপিসহ নোটিশ প্রেরণ করিবে।

(৩) আপীল কর্তৃপক্ষ আপীল নিষ্পত্তির সুবিধার্থে প্রয়োজনীয় সকল কাগজ, তথ্যাদি যে কোন সময় আপীলকারী বা প্রতিপক্ষের নিকট হইতে তলব করিতে পারিবে।

১১। আপীল শুনানীকালীন পদ্ধতি।-(১) শুনানীর জন্য নির্ধারিত তারিখে, অথবা শুনানী মূলতবী হইলে পরবর্তী তারিখে আপীলের সমর্থনে আপীলকারীর বক্তব্য শ্রবণ করা হইবে।

(২) শুনানীর জন্য ধার্য তারিখে অথবা শুনানী মূলতবী হইলে পরবর্তী তারিখে আপীল শুনানীর জন্য ডাক পড়িলে যদি আপীলকারী হাজির না হয়, তাহা হইলে আপীল কর্তৃপক্ষ আপীল খারিজের আদেশ দান করিতে পারিবে।

(৩) যদি আপীলকারী হাজির হয়, কিন্তু প্রতিপক্ষ হাজির না হয়, তবে একতরফাভাবে আপীলের শুনানী হইবে।

(৪) যদি উপ-বিধি (২) অনুসারে আপীল খারিজ হয় তবে আপীলকারী উক্ত খারিজের আদেশ প্রদানের তারিখ হইতে ত্রিশ কার্যদিবসের মধ্যে পুনরায় আপীল মঞ্জুরের জন্য আপীল কর্তৃপক্ষের নিকট আবেদন করিতে পারিবে।

(৫) আপীল কর্তৃপক্ষ পক্ষগণ বা কোন এক পক্ষের শুনানীর পর তর্কিত নোটিশ, আদেশ বা নির্দেশ অনুমোদন, রদবদল বা বাতিল করিতে পারিবে।

(৬) আপীল কর্তৃপক্ষ তাহার সিদ্ধান্তের অনুকূলে যুক্তিযুক্ত কারণ লিপিবদ্ধ করিবেন এবং আপীলকারী কী প্রতিকার প্রাপ্য হইবেন তাহা উল্লেখ করিবে।

(৭) আপীল কর্তৃপক্ষ কর্তৃক প্রদত্ত আদেশের কপি যথাশীঘ্র সম্ভব আপীলকারী, অধিদপ্তরের সংশ্লিষ্ট কার্যালয় এবং মহাপরিচালক বরাবরে প্রেরণ করা হইবে।



১২। পরিবেশগত মানমাত্রা নির্ধারণ।-ধারা ২০ এর উপ-ধারা (২) এর দফা (ক) এর উদ্দেশ্য পূরণকল্পে বায়ু, পানি, শব্দ এবং জ্বাণসহ পরিবেশের অন্যান্য উপাদানের মানমাত্রা তফসিল ২, ৩, ৪, ৫, ৬, ৭ এবং ৮ এ উল্লেখিত মানমাত্রা ভিত্তিতে নির্ধারিত হইবে।

১৩। বর্জ্য নিঃসরণ ও নির্গমনের মানমাত্রা নির্ধারণ।-ধারা ২০ এর উপ-ধারা (২) এর দফা (ঙ) এর উদ্দেশ্য পূরণকল্পে তরল বর্জ্য নির্গমন এবং গ্যাসীয় নিঃসরণের পরিসীমা তফসিল ৯, ১০, ও ১১ এবং শিল্প শ্রেণীভিত্তিক বর্জ্য নিঃসরণ বা নির্গমন এর মানমাত্রা তফসিল ১২-এ উল্লেখিত মানমাত্রা ভিত্তিতে নির্ধারিত হইবে।

১৪। পরিবেশগত ছাড়পত্র বা ছাড়পত্র নবায়ন ফি।-এই বিধিমালার অধীন পরিবেশগত ছাড়পত্র বা ছাড়পত্র নবায়ন ফি তফসিল-১৩ অনুযায়ী প্রদেয় হইবে।

১৫। বিভিন্ন সেবা ও উহার ফি।-(১) কোন ব্যক্তি বা সংস্থার আবেদনক্রমে অধিদপ্তর কর্তৃক পানি, তরল বর্জ্য, বায়ু ও শব্দের নমুনা বিশ্লেষণ এবং বিশ্লেষণজাত তথ্য ও উপাত্ত সরবরাহ করা হইবে।

(২) উপ-বিধি (১) এ উল্লেখিত সেবার জন্য তফসিল-১৪ এ বর্ণিত যথাযথ ফি প্রদান করিতে হইবে।

১৬। ফি প্রদানের পদ্ধতি।-এই বিধিমালার অধীন প্রদেয় বিভিন্ন মহাপরিচালকের অনুকূলে ট্রেজারী চালানোর মাধ্যমে “৬৫ বিবিধ আয়করমুক্ত রাজস্ব খাতে” বাংলাদেশ ব্যাংক অথবা সরকারী ট্রেজারীতে জমা দিতে হইবে এবং ট্রেজারী চালান আবেদনপত্রের সহিত সংযুক্ত করিতে হইবে।

১৭। বিশেষ ঘটনা অবহিতকরণ।-কোন স্থানে নির্দিষ্টকৃত মানমাত্রার অতিরিক্ত পরিবেশ দূষক নির্গত বা নিঃসৃত হইলে বা কোন দূর্ঘটনা বা অদৃষ্টপূর্ব কোন ক্রিয়া বা ঘটনার কারণে কোন কোন স্থান এইরূপ আশংকায়ুক্ত হইলে সেই দূষণ ঘটনাধীন স্থান বা দূষণ আশংকায়ুক্ত স্থানের দায়িত্বে নিয়োজিত ব্যক্তি বা ব্যক্তিবর্গ তাৎক্ষণিকভাবে ঘটনা বা আশংকিত ঘটনার বিষয় সম্পর্কে মহাপরিচালককে অবহিত করিবে।

ফরম-১

প্রতিকার প্রার্থনার আবেদনপত্র

[বিধি ৫ (১) দ্রষ্টব্য]

মহা-পরিচালক  
পরিবেশ অধিদপ্তর  
গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
ই-১৬ আগারগাঁও, ঢাকা-১২০৭।

প্রেরক

.....  
.....  
.....

মহোদয়,

আমি পরিবেশ দূষণ বা পরিবেশের অবক্ষয়জনিত কারণে একজন ক্ষতিগ্রস্ত অথবা সম্ভাব্য ক্ষতির আশংকাগ্রস্ত ব্যক্তি হিসাবে, বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫ এর ধারা ৮ এর উপ-ধারা (১) এর আওতায় নিম্নবর্ণিত পরিবেশ হানি/পরিবেশ হানির আশংকা সম্পর্কে প্রতিকার প্রার্থনা করিতেছি:-

- ১। পরিবেশ দূষণ বা পরিবেশের অবক্ষয়জনিত কারণে ক্ষতিগ্রস্ত বা সম্ভাব্য ক্ষতির আশংকাগ্রস্ত ব্যক্তি/ব্যক্তিবর্গের নাম .....
- ২। ক্ষতিগ্রস্ত হওয়ার কারণ।
- ৩। ক্ষতিগ্রস্ত হওয়ার স্থান।
- ৪। ক্ষতির/সম্ভাব্য ক্ষতির বিবরণ।
- ৫। ক্ষতির সময় .....
- ৬। ক্ষতি ঘটানোর সহিত সংশ্লিষ্ট ব্যক্তি/ব্যক্তিবর্গ/প্রতিষ্ঠান ইত্যাদির নাম, ঠিকানা।
- ৭। প্রার্থিত প্রতিকার।

তারিখ : .....

স্বাক্ষরঃ.....

ফরম-২

নমুনা সংগ্রহ সম্পর্কিত অভিপ্রায় নোটিশ

[বিধি ৬ দ্রষ্টব্য]

যেহেতু আপনার শিল্প প্রতিষ্ঠান বা প্রকল্পের \*\*\* ..... হইতে কঠিনবর্জ্য/  
বর্জ্যপানি/গ্যাসীয় নিঃসরণ/মাটি/যে কোন দূষক বিশ্লেষণের জন্য.....তারিখ  
..... ঘটিকায় সংশ্লিষ্ট বর্জ্য পদার্থের নমুনা সংগ্রহ করা প্রয়োজনীয় ও আবশ্যিক ;

সেহেতু নমুনা সংগ্রহের তারিখে আপনাকে/আপনার উপযুক্ত প্রতিনিধিকে শিল্প প্রতিষ্ঠান বা  
প্রকল্পে উপস্থিত থাকিয়া নমুনা সংগ্রহে সহযোগিতা প্রদান এবং সংগৃহীত নমুনার পত্রে  
স্বাক্ষরদানের জন্য আপনাকে এতদ্বারা অভিপ্রায় নোটিশ প্রদান করা হইল।

নমুনা সংগ্রহকারী কর্মকর্তা

নাম-

পদবী-

মেসার্স .....

.....

.....

\*\*\* : বর্জ্যপ্রবাহ, ষ্টাক, ইত্যাদি, যে সূত্র হইতে নমুনা সংগ্রহ করা হইবে উহার বিবরণ।

পরিবেশগত ছাড়পত্রের জন্য আবেদনপত্র

[বিধি ৭ (৫) দ্রষ্টব্য]

পরিচালক/উপ-পরিচালক

পরিবেশ অধিদপ্তর

ঢাকা বিভাগ/চট্টগ্রাম বিভাগ/খুলনা বিভাগ/রাজশাহী বিভাগ (বগুড়া)।

জনাব,

আমি আমার প্রস্তাবিত শিল্প প্রতিষ্ঠান বা প্রকল্প অথবা বিদ্যমান শিল্প প্রতিষ্ঠান বা প্রকল্পের জন্য নিম্নে প্রদত্ত তথ্যাদিসহ কাগজপত্র জমা দিয়া পরিবেশগত ছাড়পত্র প্রদানের জন্য আবেদন করিতেছি।

- ১। শিল্প প্রতিষ্ঠান বা প্রকল্পের নাম :  
(ক) শিল্প প্রতিষ্ঠান বা প্রকল্পের অবস্থানগত ঠিকানা :  
(খ) অফিসের বর্তমান ঠিকানা :
- ২। (ক) প্রস্তাবিত শিল্প প্রতিষ্ঠান বা প্রকল্প :  
ঃ নির্মাণ শুরু করার সম্ভাব্য তারিখ :  
ঃ নির্মাণ সমাপ্তির সম্ভাব্য তারিখ :  
ঃ শিল্প প্রতিষ্ঠানের ক্ষেত্রে  
পরীক্ষামূলক উৎপাদন ও অন্যান্য ক্ষেত্রে  
প্রকল্প চালু হইবার সম্ভাব্য তারিখ :  
(খ) বিদ্যমান শিল্প প্রতিষ্ঠান বা প্রকল্প  
ঃ শিল্প প্রতিষ্ঠানের ক্ষেত্রে পরীক্ষামূলক  
উৎপাদন শুরু করার ও অন্যান্য ক্ষেত্রে  
প্রকল্প চালু হইবার তারিখ :
- ৩। উৎপন্ন দ্রব্যের নাম ও পরিমাণ (দৈনিক/মাসিক/বার্ষিক) :
- ৪। (ক) কাঁচামালের নাম ও পরিমাণ (দৈনিক/মাসিক/বার্ষিক) :  
(খ) কাঁচামালের উৎস :
- ৫। (ক) দৈনিক পানি ব্যবহারের পরিমাণ :  
(খ) পানির উৎস :
- ৬। (ক) জ্বালানীর নাম ও পরিমাণ (দৈনিক/মাসিক/বার্ষিক) :

	(খ) জ্বালানীর উৎস	ঃ
৭।	(ক) দৈনিক সম্ভাব্য তরল বর্জ্যের পরিমাণ	ঃ
	(খ) বর্জ্যের নির্গমণ স্থল	ঃ
	(গ) দৈনিক সম্ভাব্য নিঃসরণযোগ্য গ্যাসীয় পদার্থের পরিমাণ	ঃ
	(ঘ) গ্যাসীয় পদার্থের নির্গমন পদ্ধতি	ঃ
৮।	দাগ, খতিয়ান উল্লেখপূর্বক মৌজা ম্যাপ	ঃ
৯।	রাজধানী উন্নয়ন কর্তৃপক্ষ/চট্টগ্রাম উন্নয়ন কর্তৃপক্ষ/খুলনা উন্নয়ন কর্তৃপক্ষ/রাজশাহী উন্নয়ন কর্তৃপক্ষ/স্থানীয় কর্তৃপক্ষ এর অনুমতিপত্র (প্রযোজ্য ক্ষেত্রে)	ঃ
১০।	(ক) প্রস্তাবিত বর্জ্য পরিশোধনাগারের নকশাসহ সময়সূচি	ঃ
	(খ) বরাদ্দকৃত অর্থ	ঃ
	(গ) জায়গার পরিমাপ	ঃ
১১।	উৎপাদন প্রক্রিয়ার ফ্লো-ডায়াগ্রাম	ঃ
১২।	(ক) শিল্প প্রতিষ্ঠান বা প্রকল্পের লোকেশন ম্যাপ	ঃ
	(খ) লে-আউট প্ল্যান (বর্জ্য পরিশোধনাগারের অবস্থান নির্দেশিত)	ঃ
১৩।	(ক) আই ই ই/ই আই এ প্রতিবেদন	ঃ
	(প্রযোজ্য ক্ষেত্রে)	
	(খ) পরিবেশ ব্যবস্থাপনা পরিকল্পনা	ঃ
	(প্রযোজ্য ক্ষেত্রে)	
১৪।	সম্ভাব্যতা সমীক্ষা প্রতিবেদন	ঃ

(প্রযোজ্য ক্ষেত্রে)

উদ্যোক্তার স্বাক্ষর

(সীলমোহর)

নাম :

ঠিকানা :

ফোন :

তারিখ :

-ঃ ঘোষণা :-

আমি এই মর্মে ঘোষণা করিতেছি যে, আবেদনপত্রে প্রদত্ত তথ্যাদি আমার জানামতে সত্য এবং ইহাতে কোন তথ্য গোপন বা বিকৃত করা হয় নাই।

(উদ্যোক্তার নাম ও স্বাক্ষর)

ফর্ম-৪

[বিধি ৭ক দ্রষ্টব্য]

দূষণ নিয়ন্ত্রণাধীন সনদ

(Pollution Under Control Certificate)

এতদ্বারা প্রত্যয়ন করা যাইতেছে যে, জনাব..... ঠিকানা  
..... এর যানবাহন নং ..... এর সর্বোচ্চ ঘূর্ণন  
বেগের দুই-তৃতীয়াংশ বেগে নিঃসরিত গ্যাসীয় পদার্থের পরিমাপকৃত মান নিম্নরূপ, যথা :

স্থিতিমাপ	একক	মানমাত্রা	পরিমাপকৃত মান
কালো ধোঁয়া	হার্টরিজ স্মোক ইউনিট (এইচ এস ইউ)	৬৫	
কার্বন মনোক্সাইড	গ্রাম/কিঃ মিঃ শতকরা আয়তনে	২৪ ০৪	
হাইড্রোক্যার্বন	গ্রাম/কিঃমিঃ পিপিএম	০২ ১৮০	
নাইট্রোজেন অক্সাইডসমূহ	গ্রাম/কিঃমিঃ পিপিএম	০২ ৬০০	

(২) এই পরিমাপকৃত মান পরিবেশ সংরক্ষণ বিধিমালা, ১৯৯৭-এর তফসিল ৬-এ বর্ণিত মানমাত্রার উর্ধ্বে নহে।

(৩) এই সনদের মেয়াদ..... তারিখ পর্যন্ত বহাল থাকিবে।

তারিখ :

মহা-পরিচালক/স্বমতাপ্রাপ্ত

কর্মকর্তার স্বাক্ষর

সীল

পরিবেশ অধিদপ্তর

## তফসিল-১

পরিবেশের উপর প্রভাব বিস্তার ও অবস্থান অনুযায়ী বিভিন্ন শিল্প প্রতিষ্ঠান বা প্রকল্পের  
শ্রেণীবিভাগ

[বিধি ৭ (২) দ্রষ্টব্য]

(ক) সবুজ শ্রেণী

- ১। টিভি, রেডিও ইত্যাদি সংযোজন ও প্রস্তুত।
- ২। ঘড়ি প্রস্তুত ও সংযোজন।
- ৩। টেলিফোন সংযোজন।
- ৪। খেলনা প্রস্তুত ও সংযোজন (প্রাস্টিক জাতীয় বাদে)।
- ৫। বই বাঁধাই।
- ৬। দড়ি, মাদুর ও পাট (সূতী, পাট ও কৃত্রিম তন্তুজাত)।
- ৭। ফটোগ্রাফি (চলচ্চিত্র ও এন্সরে বাদে)।
- ৮। কৃত্রিম চামড়াজাত সামগ্রী প্রস্তুত।
- ৯। মোটর সাইকেল, বাইসাইকেল ও খেলনা সাইকেল সংযোজন।
- ১০। বৈজ্ঞানিক ও গণিত যন্ত্রপাতি সংযোজন (ভেরি বাদে)।
- ১১। বাদ্যযন্ত্র।
- ১২। খেলাধুলার সামগ্রী (প্রাস্টিক জাতীয় বাদে)।
- ১৩। চা প্যাকিং (প্রসেসিং বাদে)।
- ১৪। গুড়ো দুধ রি-প্যাকিং (ভেরি বাদে)।
- ১৫। বাঁশ ও বেত সামগ্রী।
- ১৬। কৃত্রিম ফুল (প্রাস্টিক বাদে)।
- ১৭। কলম ও বলপেন।
- ১৮। স্বর্ণালংকার (ভেরি বাদে) (শুধু দোকান)।
- ১৯। মোমবার্তি।
- ২০। ডাকারি ও শল্য যন্ত্রপাতি (ভেরি বাদে)।
- ২১। কর্ক সামগ্রী প্রস্তুতকারী কারখানা (খাতব জাতীয় বাদে)।
- ২২। লত্মী (ওয়্যাসিং বাদে)।

পাদটিকা :

- (ক) এ তালিকার বাহিরে সকল শিল্পখাতভুক্ত কুটিরশিল্প পরিবেশগত ছাড়পত্রের চাহিদার বাহিরে থাকিবে। (কুটিরশিল্প বলিতে পরিবারের সদস্যদের দ্বারা পূর্ণ বা খন্ডকালীন সময়ে উৎপাদন অথবা সেবামূলক কর্মকাণ্ডে নিয়োজিত এবং সর্বোচ্চ ৫ (পাঁচ) লক্ষ টাকা পর্যন্ত বিনিয়োগ সীমাবদ্ধ শিল্পসমূহ বুঝাইবে)।

- (খ) বর্তমান তালিকাভুক্ত কোন শিল্প প্রতিষ্ঠানই আবাসিক এলাকায় অবস্থিত হইতে পারিবে না।
- (গ) শিল্প প্রতিষ্ঠানসমূহের অবস্থান যথাসম্ভব ঘোষিত শিল্প এলাকায় বা শিল্পসমৃদ্ধ এলাকায় অথবা যথাসম্ভব ফাঁকা জায়গায় হওয়া বাঞ্ছনীয়।
- (ঘ) বানিজ্যিক এলাকায় অগ্রহণযোগ্য মাত্রার শব্দ, ধোঁয়া, দুর্গন্ধ সৃষ্টি সম্ভাবনাময় শিল্প প্রতিষ্ঠানের অবস্থান গ্রহণযোগ্য নহে।

(খ) কমলা-ক শ্রেণী

- ১। গো-খামার শহরায় ১০ (দশ)টি বা এর নিচে এবং গ্রামে ২৫ (পঁচিশ)টি বা এর নিচে।
- ২। পোলট্রি (মুরগীর সংখ্যা শহরে ২৫০ পর্যন্ত এবং গ্রামে ১০০০ পর্যন্ত)।
- ৩। আটা, চাল, হলুদ-মরিচ ভান্সানো, ডাল পেঁষা/ভান্সানো (২০ অশ্বশক্তি পর্যন্ত)।
- ৪। বস্ত্রবুনন এবং হস্তচালিত তাঁত।
- ৫। জুতা ও চামড়াজাত সামগ্রী প্রস্তুত (৫ লক্ষ টাকা মূলধন পর্যন্ত)।
- ৬। করাচ কল/কাঠ চেরাই।
- ৭। কাঠ/লোহা, এ্যালুমিনিয়াম ইত্যাদির আসবাবপত্র (৫ লক্ষ টাকা মূলধন পর্যন্ত)।
- ৮। ছাপাখানা।
- ৯। প্রাস্টিক ও রাবার সামগ্রী (পিভিসি বাদে)।
- ১০। রেস্টুরেন্ট।
- ১১। কার্টুন/বাল্প প্রস্তুত/প্রিন্টিং প্যাকেজিং।
- ১২। সিনেমা হল।
- ১৩। ড্রাইক্লিনিং।
- ১৪। কৃত্রিম চামড়াজাত সামগ্রী প্রস্তুত (৫ লক্ষ টাকা মূলধন পর্যন্ত)।
- ১৫। খেলাধুলার সামগ্রী।
- ১৬। লবণ প্রস্তুত (১০ লক্ষ টাকা মূলধন পর্যন্ত)।
- ১৭। কৃষি যন্ত্রপাতি ও সরঞ্জাম।
- ১৮। শিল্প যন্ত্রপাতি ও সরঞ্জাম।
- ১৯। স্বর্ণালংকার প্রস্তুত।
- ২০। আলপিন, ইউপিন।
- ২১। চশমার ফ্রেম।
- ২২। চিরুনি।
- ২৩। কাঁসা পিতলের তৈজসপত্র, সুভোনির প্রস্তুত।
- ২৪। বিস্কুট ও রুটি প্রস্তুতের কারখানা (৫ লক্ষ টাকা মূলধন পর্যন্ত)।
- ২৫। চকলেট ও লজেন্স প্রস্তুতের কারখানা (৫ লক্ষ টাকা মূলধন পর্যন্ত)।
- ২৬। কাঠের নৌযান তৈরি।

(গ) কমলা-খ শ্রেণী

- ১। পিভিসি সামগ্রী।



- ২। কৃত্রিম তন্তু (কাঁচামাল)।
- ৩। গ্লাস ফ্যাক্টরী।
- ৪। জীবন রক্ষাকারী ঔষধ (শুধু ফর্মুলেশনের বেলায় প্রযোজ্য)।
- ৫। ভোজ্য তৈল।
- ৬। আলকাতরা।
- ৭। পাটকল।
- ৮। হোটেল, বহুতল বিশিষ্ট বাণিজ্যিক ও এ্যাপার্টমেন্ট ভবন।
- ৯। ঢালাই।
- ১০। এ্যালুমিনিয়াম সামগ্রী।
- ১১। আঠা (এ্যানিমেল গ্লু বাদে)।
- ১২। ইট/টাইলস।
- ১৩। চুন।
- ১৪। প্লাস্টিক সামগ্রী।
- ১৫। বোতলজাত, খাবার পানি, কোমল কার্বনেটেড পানীয় প্রস্তুত ও বোতলজাতকরণ।
- ১৬। গ্যালভানাজিং।
- ১৭। সুগন্ধী, প্রসাধনী।
- ১৮। ময়দা (বড়)।
- ১৯। কার্বন রড।
- ২০। পাথর গুড়ো, কাটা, ঘষা।
- ২১। মাছ, মাংস, খাদ্য প্রক্রিয়াজাতকরণ।
- ২২। ছাপার ও লেখার কালি।
- ২৩। পশু খাদ্য।
- ২৪। আইসক্রিম।
- ২৫। ক্লিনিক ও প্যাথলজিক্যাল ল্যাব।
- ২৬। মাটি, চীনে মাটির তৈজসপত্র/স্যানিটারি ওয়ার (সিরামিকস)।
- ২৭। চিংড়ি প্রক্রিয়াকরণ।
- ২৮। পানি পরিশোধন প্লান্ট।
- ২৯। ধাতব, বাসন কোষণ/চামচ ইত্যাদি।
- ৩০। সোডিয়াম সিলিকেট।
- ৩১। দিয়াশলাই।
- ৩২। স্টার্চ ও গ্লুকোজ।
- ৩৩। গবাদি পশুর খাদ্য।
- ৩৪। স্বয়ংক্রিয় চালকল।
- ৩৫। মোটরযান সংযোজন।
- ৩৬। কাঠের নৌযান তৈরি।
- ৩৭। ফটোগ্রাফি (চলচ্চিত্র ও এম্বরে ফিল্ম তৈরি সংক্রান্ত কর্মকাণ্ড)।

- ৩৮। চা প্রসেসিং।
- ৩৯। গুড়ো দুধ তৈরিকরণ/কনডেন্সড মিষ্ট/ডেইরী।
- ৪০। রি-রোলিং।
- ৪১। কাঠ প্রক্রিয়াকরণ।
- ৪২। সাবান।
- ৪৩। রেফ্রিজারেটর মেরামত।
- ৪৪। ধাতব নৌযান মেরামত।
- ৪৫। ইঞ্জিনিয়ারিং ওয়ার্কস (১০ লক্ষ মূলধন পর্যন্ত)।
- ৪৬। সূতা প্রস্তুত (স্পিনিং মিল)।
- ৪৭। বৈদ্যুতিক কেবল।
- ৪৮। হিমাগার।
- ৪৯। টায়ার রিট্রেডিং।
- ৫০। মোটরযান মেরামত ওয়ার্কস (১০ লক্ষ টাকা মূলধন পর্যন্ত)।
- ৫১। গো-খামার ৪ শহরাঞ্চলে ১০ (দশ) টির উর্ধ্বে এবং গ্রামাঞ্চলে ২৫ (পঁচিশ) টির উর্ধ্বে।
- ৫২। পোলট্রি (মুরগীর সংখ্যা শহরে ২৫০ (দুইশত পঞ্চাশ)টির এবং গ্রামাঞ্চলে ১০০০ (এক হাজার)টির উর্ধ্বে।
- ৫৩। আটা, চাল, হনুদ-মরিচ ভান্ডানো, ডাল পেঁষা/ভান্ডানো ২০ অশ্বশক্তির উর্ধ্বে।
- ৫৪। জুতা ও চামড়া জাত সামগ্রী প্রস্তুত, ৫ (পাঁচ) লক্ষ টাকা মূলধনের উর্ধ্বে।
- ৫৫। কাঠ/লোহা, এ্যালুমিনিয়াম ইত্যাদির আসবাবপত্র, ৫ (পাঁচ) লক্ষ টাকা মূলধনের উর্ধ্বে।
- ৫৬। কৃত্রিম চামড়া জাত সামগ্রী প্রস্তুত, ৫ (পাঁচ) লক্ষ টাকা মূলধনের উর্ধ্বে।
- ৫৭। লবণ প্রস্তুত ১০ (দশ) লক্ষ টাকা মূলধনের উর্ধ্বে।
- ৫৮। বিস্কুট ও রুটি প্রস্তুতের কারখানা, ৫ (পাঁচ) লক্ষ টাকা মূলধন পর্যন্ত।
- ৫৯। চকলেট ও লজেন্স প্রস্তুতের কারখানা, ৫ (পাঁচ) লক্ষ টাকা মূলধন পর্যন্ত।
- ৬০। পোষাক ও সুয়েটার প্রস্তুত।
- ৬১। বস্ত্র ওয়াশিং।
- ৬২। শক্তিশালিত তাঁত।
- ৬৩। রাস্তা নির্মাণ/পুনঃনির্মাণ/সম্প্রসারণ (ফিডার রোড, স্থানীয় রাস্তা)।
- ৬৪। সেতু নির্মাণ/পুনঃনির্মাণ/সম্প্রসারণ (দৈর্ঘ্য ১০০ মিটারের নিম্নে)।
- ৬৫। গণশৌচাগার।
- ৬৬। জাহাজ ভাঙ্গা।
- ৬৭। জি আই ওয়ার।
- ৬৮। ব্যাটারী সংযোজন।
- ৬৯। ডেইরী এক্স ফুড।

## পাদটিকা ৪

- (ক) বর্তমান তালিকাভুক্ত কোন শিল্প প্রতিষ্ঠানই আবাসিক এলাকায় অবস্থিত হইতে পারিবে না।
- (খ) শিল্প প্রতিষ্ঠানসমূহের অবস্থান যথাসম্ভব ঘোষিত শিল্প এলাকায় বা শিল্পসমৃদ্ধ এলাকায় অথবা যথাসম্ভব ফাঁকা জায়গায় হওয়া বাঞ্ছনীয়।
- (গ) বানিজ্যিক এলাকায় অগ্রহণযোগ্য মাত্রার শব্দ, ধোঁয়া, দুর্গন্ধ সৃষ্টি সম্ভাবনাময় শিল্প প্রতিষ্ঠানের অবস্থান গ্রহণযোগ্য নহে।

## (ঘ) লাল শ্রেণী

- ১। চামড়া প্রক্রিয়াকরণ (ট্যানারী)।
- ২। ফরমালডিহাইড।
- ৩। ইউরিয়া সার।
- ৪। টিএসপি সার।
- ৫। রাসায়নিক রং, পালিশ, ভার্নিশ, এনামেল।
- ৬। বিদ্যুৎ উৎপাদন কেন্দ্র।
- ৭। সব খনিজ প্রকল্প (কয়লা, চূনাপাথর, কঠিন শিলা, প্রাকৃতিক গ্যাস, খনিজ তৈল ইত্যাদি)।
- ৮। সিমেন্ট।
- ৯। জ্বালানী তেল পরিশোধনাগার।
- ১০। কৃত্রিম রাবার।
- ১১। কাগজ ও মগু।
- ১২। চিনি।
- ১৩। ডিস্টিলারী।
- ১৪। কাপড় রং ও রাসায়নিক প্রক্রিয়াকরণ।
- ১৫। কস্টিক সোডা, পটাশ।
- ১৬। অন্যান্য ক্ষার।
- ১৭। লোহা ও ইস্পাত প্রস্তুত।
- ১৮। ঔষধের কাঁচামাল ও মৌলিক ঔষধ।
- ১৯। ইলেকট্রোপ্রেটিং।
- ২০। ফটোফিল্ম, কাগজ ও ফটো রাসায়নিক।
- ২১। পেট্রোলিয়াম ও কয়লা থেকে বিভিন্ন সামগ্রী প্রস্তুত।
- ২২। বিস্ফোরক।
- ২৩। এসিড এবং ইহাদের লবণ (জেব ও অজৈব)।
- ২৪। নাইট্রোজেন যৌগ (সায়ানাইড, সায়ানামাইড, ইত্যাদি)।
- ২৫। প্রাস্টিক কাঁচামাল উৎপাদন (পিভিসি, পিপি/লৌহ, পলিস্টারিন ইত্যাদি)।
- ২৬। এ্যাসবেসটস।
- ২৭। ফাইবার গ্লাস।

- ২৮। কীটনাশক, ছত্রাক নাশক, আগাছা নাশক।
- ২৯। ফসফরাস ও এর যৌগ।
- ৩০। ক্লোরিন, ফ্লোরিন, ব্রোমিন, আয়োডিন এবং ইহাদের যৌগ।
- ৩১। শিল্প (নাইট্রোজেন, অক্সিজেন ও কার্বন-ডাই-অক্সাইড বাদে)।
- ৩২। বর্জ্য ইনসিনারেটর।
- ৩৩। অন্যান্য রাসায়নিক।
- ৩৪। সমরাস্ত্র।
- ৩৫। পারমাণবিক শক্তি।
- ৩৬। মদ।
- ৩৭। অন্যত্র উল্লেখিত নয় এমন অধাতব রাসায়নিক।
- ৩৮। অন্যত্র উল্লেখিত নয় এমন অধাতব।
- ৩৯। শিল্প নগরী।
- ৪০। মৌলিক শিল্প রাসায়নিক।
- ৪১। লোহা সম্পর্কিত নয় এমন মৌলিক ধাতব।
- ৪২। ডিটারজেন্ট।
- ৪৩। শিল্প/গৃহস্থালী/বাণিজ্যিক বর্জ্য দ্বারা মাটি ভরাট।
- ৪৪। পয়ঃ বর্জ্য পরিশোধন প্লান্ট।
- ৪৫। জীবন রক্ষাকারী ঔষধ।
- ৪৬। এ্যানিমেল গু।
- ৪৭। ইঁদুর নাশক।
- ৪৮। রিফ্যাক্টরিজ।
- ৪৯। শিল্প গ্যাস (অক্সিজেন, নাইট্রোজেন ও কার্বন-ডাই-অক্সাইড)।
- ৫০। ব্যাটারী।
- ৫১। হাসপাতাল।
- ৫২। জাহাজ নির্মাণ।
- ৫৩। তামাক (প্রক্রিয়াজাতকরণ/সিগারেট/বিড়ি প্রস্তুত)।
- ৫৪। ধাতব নৌযান তৈরি।
- ৫৫। কাঠের নৌযান তৈরি।
- ৫৬। রেফ্রিজারেটর/এয়ারকন্ডিশনার/এয়ারকুলার প্রস্তুত।
- ৫৭। টায়ার ও টিউব।
- ৫৮। বোর্ড মিল।
- ৫৯। কাপেট।
- ৬০। ইঞ্জিনিয়ারিং ওয়ার্কস : ১০ (দশ) লক্ষ টাকা মূলধনের উর্ধ্বে।
- ৬১। মোটরযান মেরামত ওয়ার্কস : ১০ (দশ) লক্ষ টাকা মূলধনের উর্ধ্বে।
- ৬২। পানির পরিশোধন প্লান্ট।
- ৬৩। স্যুরেজ পাইপলাইন স্থাপন/প্রতিস্থাপন/সম্প্রসারণ।

- ৬৪। পানি, বিদ্যুৎ ও গ্যাস বিতরণ লাইন স্থাপন/প্রতিস্থাপন/সম্প্রসারণ।  
 ৬৫। খনিজ সম্পদের অনুসন্ধান/উত্তোলন/বিতরণ।  
 ৬৬। বন্যা নিয়ন্ত্রণ বাধ, পোস্তার, ডাইক ইত্যাদি নির্মাণ/পুনঃনির্মাণ/সম্প্রসারণ।  
 ৬৭। রাস্তা নির্মাণ/পুনঃনির্মাণ/সম্প্রসারণ (আঞ্চলিক, জাতীয় ও আন্তর্জাতিক)।  
 ৬৮। সেতু নির্মাণ/পুনঃনির্মাণ/সম্প্রসারণ (দৈর্ঘ্য ১০০ মিটার বা তদুর্ধ্ব)।  
 ৬৯। মিউরেট অব পটাশ (ম্যানুফ্যাকচারিং)।

### পাদটিকা :

- (ক) বর্তমান তালিকাভুক্ত কোন শিল্প প্রতিষ্ঠানই আবাসিক এলাকায় অবস্থিত হইতে পারিবে না।  
 (খ) শিল্প প্রতিষ্ঠানসমূহের অবস্থান যথাসম্ভব ঘোষিত মিল্ল এলাকায় বা শিল্পসমৃদ্ধ এলাকায় অথবা যথাসম্ভব ফাঁকা জায়গায় হওয়া বাঞ্ছনীয়।  
 (গ) বানিজ্যিক এলাকায় অগ্রহণযোগ্য মাত্রার শব্দ, ধোঁয়া, দুর্গন্ধ সৃষ্টি সম্ভাবনাময় শিল্প প্রতিষ্ঠানের অবস্থান গ্রহণযোগ্য নহে।  
 (ঘ) প্রাথমিক পরিবেশগত সমীক্ষা (আই ই ই) এর উপর ভিত্তি করিয়া অবস্থানগত ছাড়পত্র গ্রহণের পর, অনুমোদিত কার্যপরিধি মোতাবেক পরবর্তীতে নির্ধারিত সময়ে পরিবেশগত প্রভাব নিরূপন (ই আই এ) প্রতিবেদন, ই টি পির নকশাসহ সময়সূচী পেশ করতে হবে।

### তফসিল-২

বায়ুর মানমাত্রা  
 [বিধি ১২ দ্রষ্টব্য]

প্রতি কিউসিক মিটারে মাইক্রোগ্রাম হিসাবে ঘনত্ব

ক্রমিক নং	এলাকার শ্রেণী	প্রলম্বিত বস্তুকণা (এসপিএম)	সালফার ডাইঅক্সাইড	কার্বন মনঅক্সাইড	নাইট্রোজেন অক্সাইডসমূহ
ক।	শিল্প ও মিশ্র	৫০০	১২০	৫০০০	১০০
খ।	বাণিজ্যিক ও মিশ্র	৪০০	১০০	৫০০০	১০০
গ।	আবাসিক ও গ্রামীণ	২০০	৮০	২০০০	৮০
ঘ।	সংবেদনশীল	১০০	৩০	১০০০	৩০

### নোটঃ

- (১) জাতীয় পর্যায়ে স্মৃতিসৌধসমূহ, স্বাস্থ্যকেন্দ্র, হাসপাতাল, প্রত্নতাত্ত্বিক স্থান, শিক্ষা প্রতিষ্ঠান এবং সরকার কর্তৃক নির্দিষ্ট এলাকা (যদি থাকে) সংবেদনশীল এলাকাভুক্ত।  
 (২) শিল্প এলাকা হিসেবে চিহ্নিত নহে এইরূপ এলাকায় অবস্থিত শিল্প কারখানাসমূহ এমন কোন দূষক নির্গমন বা নিঃসরণ করিবে না যা উপরোক্ত গ ও ঘ শ্রেণীভুক্ত পারিপার্শ্বিক এলাকার পরিবেষ্টক বায়ুর মানমাত্রা অতিক্রম সহায়ক হইতে পারে।  
 (৩) প্রলম্বিত বস্তুকণা বলিতে ১০ মাইক্রন বা উহার নিম্নব্যাসম্পন্ন বায়ুবাহিত কণা বুঝাইবে।

**তফসিল-৩**  
**পানির মানমাত্রা**  
**[বিধি ১২ দ্রষ্টব্য]**

(ক) অভ্যন্তরীণ ভূ-পৃষ্ঠস্থ পানির মানমাত্রা

সর্বোৎকৃষ্ট ব্যবস্থাভিত্তিক শ্রেণী	pH	স্থিতিমাপ		
		বিওডি মিঃগ্রাম/লিঃ	ডিও মিঃগ্রাম/লিঃ	সার্বিক কলিফর্ম জীবাণু সংখ্যা/১০০ মিঃলিঃ
ক. কেবল জীবাণুমুক্ত করণের মাধ্যমে সরবরাহের জন্য সুপেয় পানির উৎস	৬.৫-৮.৫	২ বা নিম্নে	তাহার ৬ বা তদুর্ধ্ব	৫০ বা তাহার নিম্নে
খ. বিনোদনমূলক কার্যে ব্যবহার্য পানি	৬.৫-৮.৫	৩ বা নিম্নে	তাহার ৫ বা তদুর্ধ্ব	২০০ বা তাহার নিম্নে
গ. প্রচলিত প্রক্রিয়াকরণের মাধ্যমে সরবরাহের জন্য সুপেয় পানির উৎস	৬.৫-৮.৫	৩ বা নিম্নে	তাহার ৬ বা তদুর্ধ্ব	৫০০০ বা তাহার নিম্নে
ঘ. মৎস্য চাষে ব্যবহার্য পানি	৬.৫-৮.৫	৬ বা নিম্নে	তাহার ৫ বা তদুর্ধ্ব	৫০০০ বা তাহার নিম্নে
ঙ. বিভিন্ন প্রক্রিয়া ও শীতলকরণসহ শিল্প ক্ষেত্রে ব্যবহার্য পানি	৬.৫-৮.৫	১০ বা নিম্নে	তাহার ৫ বা তদুর্ধ্ব	
চ. সেচকার্যে ব্যবহার্য পানি	৬.৫-৮.৫	১০ বা নিম্নে	তাহার ৫ বা তদুর্ধ্ব	১০০০ বা তাহার নিম্নে

নোটঃ

১। মৎস্য চাষে ব্যবহার্য পানিতে মৌল নাইট্রোজেন হিসাবে এমোনিয়ার সর্বোচ্চ উপস্থিতি ১.২ মিঃ গ্রাঃ/ লিঃ

২। সেচকার্যে ব্যবহার্য পানির তড়িৎ পরিবাহিতা ২২৫০ pmho/cm (২৫ ডিগ্রী সেলসিয়াস উষ্ণতায়); সোডিয়াম ২৬% এর নিম্নে; বোরণ ০.২% এর নিম্নে।

(খ) সুপেয় পানির মানমাত্রা

ক্রমিক নং	স্থিতিমাপ	একক	মানমাত্রা
১।	এলুমিনিয়াম	গম/ঘ	০.২
২।	এমোনিয়া	"	০.৫
৩।	আর্সেনিক	"	০.০৫
৪।	বেলিয়াম	"	০.০১
৫।	বেনজিন	"	০.০১
৬।	বিওডি <sub>৫</sub> 20°C	"	০.২
৭।	বোরণ	"	১.০
৮।	ক্যাডমিয়াম	"	০.০০৫
৯।	ক্যালসিয়াম	"	৭৫
১০।	ক্রোমাইড	"	১৫০-৬০০*
১১।	ক্রোরিনেটেড এলকেনস কার্বনট্রোক্লোরাইড ১.১ ডাইক্রোরোইথিলিন ১.২ ডাইক্রোরোইথিলিন ট্রোক্লোরোইথিলিন ট্রাইক্রোরোইথিলিন	" " " " "	 ০.০১ ০.০০১ ০.০৩ ০.০৩ ০.০৯
১২।	ক্রোরিনেটেড ফিনোলস পেন্টাক্লোরোফেনোল ২৪৬ ট্রাইক্রোরোফিনোল	" " "	 ০.০৩ ০.০৩
১৩।	ক্লোরিন (রেসিডুয়াল)	"	০.২
১৪।	ক্রোরোফর্ম	"	০.০৯
১৫।	ক্রোমিয়াম (ষড়যোজী)	"	০.০৫
১৬।	ক্রোমিয়াম (সার্বিক)	"	০.০৫
১৭।	সিওডি	"	৪
১৮।	কলিফর্ম (ফিকাল)	n/100ml	০
১৯।	কলিফর্ম (সার্বিক)	n/100ml	০
২০।	বর্ণ	হেজেন একক	১৫
২১।	কপার	mg/l	১
২২।	সায়ানাইট	"	০.১
২৩।	ডিটারজেন্টস	"	০.২
২৪।	ডিও	"	৬

ক্রমিক নং	স্থিতিমাপ	একক	মানমাত্রা
২৫।	ফ্লুরাইড	"	১
২৬।	খরতা (CaCO <sub>3</sub> হিসেবে)	mg/l	২০০-৫০০
২৭।	লৌহ	"	০.৩-১.০
২৮।	শিয়েলডাল নাইট্রোজেন (সার্বিক)	"	১
২৯।	লেড	"	০.০৫
৩০।	ম্যাগনেসিয়াম	"	৩০-৩৫
৩১।	ম্যাঙ্গানিজ	"	০.১
৩২।	মার্কারী	"	.০০১
৩৩।	নিকেল	"	০.১
৩৪।	নাইট্রেট	"	১০
৩৫।	ইইট্রাইট	"	<১
৩৬।	গন্ধক	"	গন্ধহীন
৩৭।	তেল ও গ্রীজ	"	০.০১
৩৮।	PH	"	৬.৫-৮.৫
৩৯।	ফিনোল যৌগাদি	"	.০০২
৪০।	ফসফেট	"	৬
৪১।	ফসফরাস	"	০
৪২।	পটাশিয়াম	"	১২
৪৩।	তেজস্ক্রীয় বস্তুসমূহ সার্বিক আলফা বিকীরণ	Bq/l	০.১
৪৪।	সার্বিক বিটা বিকিরণ	"	০.১
৪৫।	সিলোনিয়াম	mg/l	০.০১
৪৬।	সিলভার	"	০.০২
৪৭।	সোডিয়াম	"	২০০
৪৮।	প্রলম্বিত কঠিন বস্তুকণা	"	১০
৪৯।	সালফাইড	mg/l	০
৫০।	সালফেট	"	৪০০
৫১।	সার্বিক দ্রবীভূত দ্রব্য	"	১০০০
৫২।	উষ্ণতা	0 <sub>c</sub>	২০-৩০
৫৩।	টিন	mg/l	২
৫৪।	টারবিডিটি	জেটাইউ	১০
৫৫।	জিংক	mg/l	৫



### তফসিল-৪

শব্দের মানমাত্রা  
[বিধি ১২ দ্রষ্টব্য]

ক্রমিক নং	এলাকার শ্রেণী	dBa এককে	
		দিবা	রাত্রি
ক.	নীরব এলাকা	৪৫	৩৫
খ.	আবাসিক এলাকা	৫০	৪০
গ.	মিশ্র এলাকা (মূলতঃ/মুখ্যত আবাসিক এবং বাণিজ্যিক ও শিল্প এলাকা হিসাবে একত্রে ব্যবহৃত এলাকাসমূহ)	৬০	৫০
ঘ.	বাণিজ্যিক এলাকা	৭০	৬০
ঙ.	শিল্প এলাকা	৭৫	৭০

### তফসিল-৫

মোটরযান বা যান্ত্রিক নৌযানজনিত শব্দের মানমাত্রা

[বিধি ১২ দ্রষ্টব্য]

যানবাহনের শ্রেণী	একক	মানমাত্রা	মন্তব্য
মোটরযান (সকল প্রকার)	dBa	৮৫	নির্গমন নল হইতে ৭.৫ মিটার দূরত্বে পরিমাপকৃত।
		১০০	নির্গমন নল হইতে ০.৫ মিটার দূরত্বে পরিমাপকৃত।
যান্ত্রিক নৌযান	dBa	৮৫	স্থির অবস্থায় ভারশূন্য সর্বোচ্চ ঘূর্ণন বেগের দুই-তৃতীয়াংশে নৌযান হইতে ৭.৫ মিটার দূরত্বে পরিমাপকৃত।
		১০০	একই অবস্থায় ০.৫ মিটার দূরত্বে পরিমাপকৃত।

\* পরিমাপকালে মোটরযানটি স্থির অবস্থায় থাকিবে এবং ইহার ইঞ্জিনের শর্তাদি নিম্নরূপ হইবেঃ

- (ক) ডিজেল ইঞ্জিন-সর্বোচ্চ ঘূর্ণনবেগ;
- (খ) গ্যাসোলিনচালিত ইঞ্জিন-সর্বোচ্চ ঘূর্ণনবেগের দুই-তৃতীয়াংশে ভারশূন্য ভূরণ;
- (গ) মোটর সাইকেল-সর্বোচ্চ ঘূর্ণনবেগ ৫০০০ rpm এর অধিক হইলে উহার দুই-তৃতীয়াংশ এবং সর্বোচ্চ ঘূর্ণনবেগ ৫০০০ rpm এর নিম্নে হইলে উহার তিন-চতুর্থাংশ।

#### তফসিল-৬

মোটরযানজনিত নিঃসরণ মানমাত্রা  
[বিধি ৪ এবং ১২ দ্রষ্টব্য]

স্থিতিমাপ	একক	মানমাত্রা
কালো ধোঁয়া	হার্টরিজ স্মোক ইফনিট (এইচ এস ইউ)	৬৫
কার্বনমনোক্সাইড	গ্রাম/কিঃমিঃ	২৪
	শতকরা আয়তনে	০৪
হাইড্রোক্যার্বন	গ্রাম/কিঃমিঃ	০২
	পিপিএম	১৮০
নাইট্রোজেনের অক্সাইডসমূহ	গ্রাম/কিঃমিঃ	০২
	পিপিএম	৬০০

\* সর্বোচ্চ ঘূর্ণনবেগের দুই-তৃতীয়াংশ বেগে পরিমাপকৃত।

#### তফসিল-৭

যান্ত্রিক নৌযানজনিত নিঃসরণ মানমাত্রা  
[বিধি ৪ এবং ১২ দ্রষ্টব্য]

স্থিতিমাপ	একক	মানমাত্রা
কালো ধোঁয়া	হার্টরিজ স্মোক ইউনিট (এইচ এস ইউ)	৬৫

\* সর্বোচ্চ ঘূর্ণনবেগের দুই-তৃতীয়াংশ বেগে পরিমাপকৃত।

**তফসিল-৮**  
**মাপ মানমাত্রা**  
**[বিধি ১২ দ্রষ্টব্য]**

স্থিতিমাপ	একক	মানমাত্রা
এসিটালডিহাইড	পিপিএম	০.৫-৫
এমোনিয়া	"	১-৫
হাইড্রোজেন সালফাইড	"	০.০২-০.২
মিথাইল ডাইসালফাইড	"	০.০০৯-০.১
মিথাইল মারক্যাপটান	"	০.০২-০.২
মিথাইল সালফাইড	"	০.০১-০.২
স্টাইরিন	"	০.৪-২.০
ট্রাইমিথাইলএমিন	"	০.০০৫-০.০৭

**নোটঃ**

(১) যে সকল নির্গমন/নিঃসরণ নল ৫ মিটারের অধিক উচ্চতা সম্পন্ন তাহাদের ক্ষেত্রে সাধারণভাবে যে নিয়ন্ত্রণমান প্রয়োগ করা হইবে তাহা নিম্নরূপঃ

$$Q = 0.108 \times He^2 \text{ Cm} \text{ (যেখানে } Q = \text{গ্যাস নিঃসরণের হার Nm}^3/\text{ঘন্টা)}$$

He = নিঃসরণ নলের উচ্চতা (m)

Cm = উপরোক্ত বর্ণিত মানমাত্রা (পিপিএম)

(২) যে সকল বিশেষ স্থিতিমাপ মানমাত্রার পরিসীমা উল্লেখ করা হইয়াছে সেই সকল ক্ষেত্রে সতর্কীকরণের জন্য নিম্নতর মানমাত্রা এবং মামলা প্রক্রিয়াকরণ বা শাস্তিমূলক ব্যবস্থা গ্রহণের জন্য উচ্চতর মানমাত্রা ব্যবহার করা হইবে।

**তফসিল-৯**

**পয়ঃনির্গমন মানমাত্রা**  
**[বিধি ১৩ দ্রষ্টব্য]**

স্থিতিমাপ	একক	মানমাত্রা
বিণ্ডি	মিলিগ্রাম/লিঃ	৪০
নাইট্রেড	"	২৫০
ফসফেট	"	৩৫
প্রলঙ্ঘিত কঠিনবস্তু (এসএস)	"	১০০

স্থিতিমাপ	একক	মানমাত্রা
উষ্ণতা	ডিগ্রী সেন্টিগ্রেড	৩০
কলিফর্ম	প্রতি ১০০ ml এ সংখ্যা	১০০০

### নোটঃ

- (১) এই মানমাত্রা ভূপৃষ্ঠস্থ পানি/ অভ্যন্তরীণ পানি প্রবাহে নিক্ষেপনের ক্ষেত্রে প্রযোজ্য।
- (২) চূড়ান্ত নিক্ষেপনের পূর্বে পয়ঃনির্গমনকে ক্লোরিন দ্বারা পরিশোধিত করিতে হইবে।

### তফসিল-১০

শিল্প প্রতিষ্ঠান বা প্রকল্পের বর্জ্য নির্গমনের মানমাত্রা  
[বিধি ১৩ দ্রষ্টব্য]

ক্রমিক নং	স্থিতিমাপ	GKK	মানমাত্রা নির্গমনের স্থান		
			অভ্যন্তরীণ ভূপৃষ্ঠস্থ পানি	গণপয়ঃপদ্ধতি দ্বিতীয় পর্যায়ে প্রক্রিয়াকরণ	সেচভূমি
১।	এমোনিয়াকেল নাইট্রোজেন (মৌল N হিসাবে)	mg/l	৫০	৭৫	৭৫
২।	এমোনিয়া (মুক্ত এমোনিয়া হিসাবে)	mg/l	৫	৫	১৫
৩।	আর্সেনিক (AS হিসাবে)	mg/l	০.২	০.০৫	০.২
৪।	বিগডি, 20°C	mg/l	৫০	২৫০	১০০
৫।	বোরণ	mg/l	২	২	২
৬।	ক্যাডমিয়াম (Cd হিসাবে)	mg/l	০.০৫	০.৫	০.৫
৭।	ক্রোমাইড	mg/l	৬০০	৬০০	৬০০
৮।	ক্রোমিয়াম সম্পূর্ণ (Cr হিসাবে)	mg/l	০.৫	১.০	১.০
৯।	সিওডি	mg/l	২০০	৪০০	৪০০
১০।	ক্রোমিয়াম	mg/l	০.১	১.০	১.০

ক্রমিক নং	স্থিতিমাপ	GKK	মানমাত্রা নির্ণয়ের স্থান		
			অভ্যন্তরীণ ভূপৃষ্ঠস্থ পানি	গণপয়ঃপদ্ধতি দ্বিতীয় পর্যায়ে প্রক্রিয়াকরণ	সেচভূমি
	(মড়যোজী হিসাবে)	Cr			
১১।	তাম্র হিসাবে)	Cu mg/l	০.৫	৩.০	৩.০
১২।	দ্রবীভূত অক্সিজেন (D.O)	mg/l	৪.৫-৮	৪.৫-৮	৪.৫-৮
১৩।	তড়িৎ পরিবাহিতা (EC) mmho/Cm	mg/l	১২০০	১২০০	১২০০
১৪।	সার্বিক দ্রবীভূত কঠিন দ্রব্য	mg/l	২,১০০	২,১০০	২,১০০
১৫।	ফ্লোরাইড হিসাবে)	(F mg/l	২	১৫	১০
১৬।	সালফাইড হিসাবে)	(S mg/l	১	২	২
১৭।	আয়রন হিসাবে)	(Fe mg/l	২	২	২
১৮।	সার্বিক কেলডল নাইট্রোজেন (N হিসাবে)	mg/l	১০০	১০০	১০০
১৯।	লেড হিসাবে)	(Pb mg/l	০.১	১.০	০.১
২০।	ম্যান্গানিজ হিসাবে)	(Mn mg/l	৫	৫	৫
২১।	মার্কারী হিসাবে)	(Hg mg/l	০.০১	০.০১	০.০১
২২।	নিকেল হিসাবে)	(Ni mg/l	১.০	২.০	১.০
২৩।	নাইট্রেট N হিসাবে)	(মৌল mg/l	১০.০	স্থিরকৃত নাই	হয় ১০

ক্রমিক নং	স্থিতিমাপ	GKK	মানমাত্রা নির্গমনের স্থান		
			অভ্যন্তরীণ ডুপ্লটস্থ পানি	গণপয়ঃপদ্ধতি দ্বিতীয় পর্যায়ে প্রক্রিয়াকরণ	সেচভূমি
২৪।	তৈল এবং গ্রীজ	mg/l	১০	২০	১০
২৫।	ফেনল যৌগাদি (C <sub>6</sub> H <sub>5</sub> OH হিসাবে)	mg/l	১.০	৫	১
২৬।	দ্রবীভূত ফসফরাস (P হিসাবে)	mg/l	৮	৮	১৫
২৭।	তেজস্ক্রিয় দ্রব্য	mg/l	বাংলাদেশ পরমাণু শক্তি কমিশন কর্তৃক স্থিরীভব্য		
২৮।	পিএইচ (P <sup>H</sup> )	mg/l	৬-৯	৬-৯	৬-৯
২৯।	সিলেনিয়াম (Se হিসাবে)	mg/l	০.০৫	০.০৫	০.০৫
৩০।	জিংক (Zn হিসাবে)	ডিগ্রী	৫.০	১০.০	১০.০
৩১।	সার্বিক দ্রবীভূত কঠিন দ্রব্য	ডিগ্রী	২,১০০	২,১০০	২,১০০
৩২।	উষ্ণতা	সেন্টিগ্রেড	৪০ ৪৫	৪০ ৪৫	৪০-গ্রীষ্ম কালীন ৪৫-শীত কালীন
৩৩।	প্রলম্বিত বস্তুকণা (এসএস)	mg/l	১৫০	৫০০	২০০
৩৪।	সায়ানাইড হিসাবে)	(Cn mg/l	০.১	২.০	০.২

## নোটঃ

- ১। শিল্প শ্রেণীভিত্তিক মানমাত্রা শিরোনামের অধীনে বর্ণিত শিল্পশ্রেণী ব্যতীত অন্যান্য শিল্পপ্রতিষ্ঠান বা প্রকল্পসমূহের ক্ষেত্রে এই মানমাত্রা প্রযোজ্য হইবে।
- ২। শিল্প প্রতিষ্ঠানের ক্ষেত্রে পরীক্ষামূলক উৎপাদনে যাইবার মুহূর্ত হইতেই এবং অন্যান্য ক্ষেত্রে প্রকল্প চালু হইবার মুহূর্ত হইতেই এই মানমাত্রা নিশ্চিত হইতে হইবে।
- ৩। যে কোন সময় তাৎক্ষণিক সংগৃহীত নমুনায় এই মানমাত্রা অতিক্রান্ত হইতে পারিবে না। কোন স্থানের পরিবেষ্টক শর্তাদি অনুযায়ী প্রয়োজনে এই মানমাত্রাসমূহ কঠোরতর হইতে পারে।
- ৪। অভ্যন্তরীণ ভূপৃষ্ঠস্থ পানি বলিতে ড্রেন, পুকুর/দিঘী/জলাশয়/ডোবা, খাল, নদী, ঝর্ণা এবং মোহনা বুঝাইবে।
- ৫। গণপয়ঃপদ্ধতি বলিতে প্রাথমিক ও দ্বিতীয় পর্যায়ের প্রক্রিয়াকরণসহ পূর্ণমাত্রার যৌথ প্রক্রিয়াকরণ ব্যবস্থার সহিত সংযুক্ত পয়ঃপদ্ধতি বুঝাইবে।
- ৬। সেচভূমি বলিতে বর্জ্যপানির পরিমাণ ও শুনাগুনের ভিত্তিতে নির্ধারণকৃত পর্যাপ্ত ভূমিতে বিশেষ বিশেষভাবে চিহ্নিত ফসল চাষে সংবাদ সেচক্রিয়া বুঝাইবে।
- ৭। নোটিংশের ৫ এবং ৬ অনুচ্ছেদে প্রদত্ত সংজ্ঞার সহিত সামঞ্জস্যপূর্ণ নহে এমন কোন নির্গমন কোন গণপয়ঃপদ্ধতি বা ভূমিতে সংঘটিত হইলে সেই ক্ষেত্রে অভ্যন্তরীণ ভূপৃষ্ঠস্থ মানমাত্রা প্রযোজ্য হইবে।

## তফসিল-১১

শিল্প প্রতিষ্ঠান বা প্রকল্পের গ্যাসীয় নির্গমন মানমাত্রা  
(বিধি ১৩ দ্রষ্টব্য)

ক্রমিক নং	স্থিতিমাপ	mg/Nm <sup>3</sup> উপস্থিতি	এককে
১.	বস্ত্রকণা		
	(ক) ২০০ মেগাওয়াট বা তাহার অধিক ক্ষমতাসম্পন্ন বিদ্যুৎকেন্দ্র	১৫০	
	(খ) ২০০ মেগাওয়াট-এর নিম্নক্ষমতাসম্পন্ন বিদ্যুৎকেন্দ্র	৩৫০	
২.	ক্রোরিন	১৫০	
৩.	হাইড্রোক্লোরিক এসিড বাষ্প ও কুয়াশা	৩৫০	
৪.	সার্বিক ফ্লোরাইড F	২৫	
৫.	সালফিউরিক এসিড কুয়াশা	৫০	
৬.	লেড বস্ত্রকণা	১০	
৭.	মার্কারী বস্ত্রকণা	০.২	
৮.	সালফার ডাইঅক্সাইড	কেজি/টন এসিড	

ক্রমিক নং	স্থিতিমাপ	mg/Nm <sup>3</sup> উপস্থিতি	এককে
	(ক) সালফিউরিক এসিড উৎপাদন (DCDA *প্রক্রিয়া)	৪ ১০	
	(খ) সালফিউরিক এসিড উৎপাদন (SCSA *প্রক্রিয়া)		
	সালফিউরিক এসিড বিচ্ছুরণের ক্ষেত্রে স্ট্যাকের সর্বনিম্ন উচ্চতা (মিটারে)।		
	(ক) কয়লা জ্বালানী ভিত্তিক বিদ্যুৎকেন্দ্র		
	(১) ৫০০ মেগাওয়াট বা তাহার অধিক	২৭৫	
	(২) ২০০ হইতে ৫০০ মেগাওয়াট	২২০	
	(৩) ২০০ মেগাওয়াটের নিম্নে	১৪ (Q**) ০.৩	
	(খ) বয়লার		
	(১) জলীয় বাষ্প প্রতি ঘণ্টায় ১৫ টন পর্যন্ত	১১	
	(২) জলীয় বাষ্প প্রতি ঘণ্টায় ১৫ টনের অধিক	১৪ (Q**) ০.৩	
৯.	নাইট্রোজেনের অক্সাইডসমূহ		
	(ক) নাইট্রিক এসিড উৎপাদন	৩ কেজি/টন এসিড	
	(খ) গ্যাসজ্বালানীভিত্তিক বিদ্যুৎ কেন্দ্র	৫০ ppm	
	(১) ৫০০ মেগাওয়াট বা তাহার অধিক	৫০ ppm	
	(২) ২০০ হইতে ৫০০ মেগাওয়াট	৪০ ppm	
	(৩) ২০০ মেগাওয়াটের নিম্নে	৩০ ppm	
	(গ) ধাতুতাপন চুল্লী	২০০ ppm	
১০.	চুল্লীনির্গত কালি ও ধূলিকণা	mg/Nm <sup>3</sup>	
	(ক) বাত্যাচুল্লী	৫০০	
	(খ) ইটের ভাটা	১০০০	
	(গ) কোকচুল্লী	৫০০	
	(ঘ) চূনের ভাটা	২৫০	

\*DCDA: Double conversion, Double absorption; SCSA: Single conversion.  
Single absorption

\*\*Q = নিঃসৃত সালফার ডাইঅক্সাইডের পরিমাণ, কেজি/ঘণ্টা।



**তফসিল-১২**  
**শিল্পশ্রেণীভিত্তিক বর্জ্য নিঃসরণ বা নির্গমনের মানমাত্রা**  
**[বিধি ১৩ দ্রষ্টব্য]**

(ক) সার কারখানা

নাইট্রোজেনসম্বলিত সার কারখানা

**তরলবর্জ্য**

স্থিতিমাপ	mg/l এককে উপস্থিতি সীমা
মৌল নাইট্রোজেন হিসাবে	৫০ (নূতন)
	১০০ (পুরাতন)
সার্বিক শিয়েলতাল নাইট্রোজেন	১০০ (পুরাতন)
মৌল নাইট্রোজেন হিসাবে	২৫০ (নূতন)
PH	৬.৫-৮
ক্রোমোট অপসারণ প্লানট-এর নির্গমনমুখে	০.৫
ক্রোমিয়াম (মৌল Cr হিসাবে মোট)	
ষড়যোজী Cr	০.১
প্রলম্বিত কঠিনবস্তুকণা	১০০
তৈল ও গ্রীজ	১০
বর্জ্যপানি নির্গমন	১০ m <sup>3</sup> /t ইউরিয়া

**গ্যাসীয় নিঃসরণ**

উৎস	স্থিতিমাপ	mg/Nm <sup>3</sup> এককে উপস্থিতিসীমা
ইউরিয়া প্রিলিং	বস্তুকণা	১৫০ শুষ্ক পদ্ধতিতে ধূলিকণা অপসারণ (dry dedusting)
টাওয়ার		৫০ (আর্দ্র পদ্ধতিতে ধূলিকণা অপসারণ ও নূতন প্ল্যান্ট)

ফসফেট জাতীয়

তরলবর্জ্য

স্থিতিমাপ	mg/l এককে উপস্থিতিসীমা
ফ্লুরাইড অপসারণ প্ল্যান্ট-এর নির্গমন মুখে ফ্লুরাইড (মৌল ফ্লুরিন হিসাবে)	১০
ফসফেট, মৌল P হিসাবে	৫
প্রলম্বিত কঠিনবস্তুকণা ফ্রোমেট অপসারণ প্ল্যান্ট-এর নির্গমন মুখে ক্রোমিয়াম (মৌল Cr হিসাবে)	১০০
মোট	০.৫
ষড়যোজী Cr	০.১
তৈল ও গ্রীজ	১০

গ্যাসীয় নিঃসরণ

উৎস	স্থিতিমাপ	mg/Nm <sup>3</sup> এককে উপস্থিতি সীমা
থ্রানিউলেশন, মিস্রিং ও থাইভিং সেকশন	বস্তুকণা	১৫০
ফসফরিক এসিড পদ্ধতি	সার্বিক ফ্লুরাইড (মৌল F হিসাবে)	২৫
সালফিউরিক এসিড প্ল্যান্ট	সালফার ডাইঅক্সাইড DCDA	৪ kg/t of সালফিউরিক (১০০%)
	SCSA	১০ kg/t of সালফিউরিক (১০০%)
	সালফিউরিক এসিড বাম্প	৫০

(খ) সমন্বিত বস্ত্রকারখানা ও বৃহৎ (যাহাতে তিন কোটি টাকার অধিক বিনিয়োগ করা হইয়াছে) প্রক্রিয়াকরণ ইউনিট

#### তরলবর্জ্য

স্থিতিমাপ	mg/1 এককে উপস্থিতসীমা
pH	৬.৫-৯
প্রলম্বিত কঠিন বস্তুকণা	১০০
বিগুডি $২০^{\circ}\text{C}$	১৫০
তৈল ও গ্রীজ	১০
সার্বিক দ্রবীভূত কঠিন বস্তু	২১০০
বর্জ্যপানি প্রবাহ	প্রতি kg বস্ত্র প্রক্রিয়াকরণে ১০০ লিটার

(গ) মণ্ড ও কাগজ শিল্প

#### তরলবর্জ্য

স্থিতিমাপ	pH ব্যতীত mg/1 এককে উপস্থিতসীমা	
	প্রতিদিন ৫০ টনের অধিক উৎপাদন কারখানা	প্রতিদিন ৫০ টনের কম উৎপাদনের ক্ষমতাসম্পন্ন বৃহৎ উৎপাদনের ক্ষমতাসম্পন্ন ক্ষুদ্র কারখানা
pH	৬-৯	৬-৯
প্রলম্বিত কঠিন বস্তুকণা	১০০	১০০
বিগুডি $২০^{\circ}\text{C}$	৩০	৫০
সিগুডি	৩০০	৪০০
বর্জ্য পানি প্রবাহ	প্রতিটন কাগজের জন্য ২০০ ঘন মিটার	কৃষিজ, কাঁচামালভিত্তিক প্রতিটন কাগজের জন্য ২০০ ঘনমিটার। বর্জ্য কাগজভিত্তিক প্রতিটন কাগজের জন্য ৭৫ ঘনমিটার

(ঘ) সিমেন্ট শিল্প

গ্যাসীয় নিঃসরণ

১. সিমেন্ট প্রস্তুতির মৌলিক ইউনিটসমূহ

উৎস	স্থিতিমাপ	mg/Nm <sup>3</sup> উপস্থিতিসীমা	এককে
সকল সেকশন	বস্ত্রকণা	২৫০	
২. ক্লিফার	গ্রাইভিৎ ইউনিটসমূহ		
সকল সেকশন	বস্ত্রকণা		
	দৈনিক ১০০০ টনের অধিক উৎপাদন ক্ষমতা	২০০	
	দৈনিক ২০০-১০০০ টন উৎপাদন ক্ষমতা	৩০০	
	দৈনিক ২০০-১০০০ টন পর্যন্ত উৎপাদন ক্ষমতা	৪০০	

(ঙ) শিল্প প্রতিষ্ঠানের বয়লার

গ্যাসীয় নিঃসরণ

স্থিতিমাপ	mg/Nm <sup>3</sup> এককে উপস্থিতিসীমা
১। কালি ও বস্ত্রকণা (জ্বালানীভিত্তিক)	
(ক) কয়লা	৫০০
(খ) গ্যাস	১০০
(গ) তৈল	৩০০
২। নাইট্রোজেনের অক্সাইডসমূহ (জ্বালানীভিত্তিক)	
(ক) কয়লা	৬০০
(খ) গ্যাস	১৫০
(গ) তৈল	৩০০

(চ) নাইট্রিক এসিড প্র্যাঙ্ক

গ্যাসীয় নিঃসরণ

নাইট্রোজেনের অক্সাইড, উৎপন্ন এতিটন দুর্বল এসিড হইতে ৩ kg

(ছ) ডিষ্টিলারী

তরলবর্জ্য

স্থিতিমাপ	mg/l এককে উপস্থিতিসীমা
PH	৬-৯
প্রলম্বিত কঠিন বস্তুকণা	১৫০
বিগড়ি, 20°C	৫০০০ (দুই বৎসরের মানমাত্রা)
	৫০০০ (৭৪ বৎসরের মানমাত্রা)
তৈল ও গ্রীজ	১০

(জ) চিনি শিল্প

তরলবর্জ্য

স্থিতিমাপ	mg/l এককে উপস্থিতিসীমা
pH	৬-৯
প্রলম্বিত কঠিন বস্তুকণা	১৫০
বিগড়ি, 20°C	৫০
তৈল ও গ্রীজ	১০
প্রতিটন প্রেষণকৃত হইতে বর্জ্যপানি (ঘন মিটার)	০.৫

## গ্যাসীয় নিঃসরণ

বাগাস জ্বালানী ব্যবহারকারী বয়লার

বস্তুকণা, mg/Nm <sub>3</sub>	স্টেপস্ট্রেট	২৫০
	পালসেটিং/ হর্সও	৫০০
	স্প্রেডার স্টোকার	৮০০

(ঝ) ট্যানারী শিল্প

### তরলবর্জ্য

স্থিতিমাপ	mg/l এককে উপস্থিতিসীমা
PH	৬-৯
প্রলম্বিত কঠিন বস্তুকণা	১৫০
বিওডি <sub>৫</sub> 20°C	১০০
সালফাইড (মোল S হিসাবে)	১
সার্বিক ক্রোমিয়াম (মোল Cr হিসাবে)	২
তৈল ও গ্রীজ	১০
সার্বিক দ্রবীভূত কঠিনবস্তু	২১০০
প্রতি টন চামড়া প্রক্রিয়াজাতকরণ বর্জ্যপানি (ঘনমিটার)	

নোটঃ সোক লাইকারকে তরলবর্জ্য হইতে পৃথক করিতে হইবে।

(ঞ) খাদ্য প্রক্রিয়াকরণ, মৎস্য ক্যানিং, ডেইরি স্টাচ ও পাটশিল্প

### তরলবর্জ্য

স্থিতিমাপ	mg/l এককে উপস্থিতিসীমা
প্রলম্বিত কঠিন বস্তুকণা	৬-৯
বিওডি <sub>৫</sub> 20°C	১৫০
বর্জ্যপানি প্রবাহ	১০০
স্টার্চ	প্রতিটন কাঁচামালের জন্য ৮ ঘনমিটার
পাট প্রক্রিয়াজাতকরণ	প্রতিটন উৎপাদিত দ্রব্যের জন্য ১.৫ ঘনমিটার
দুগ্ধজাত দ্রব্য	প্রতিটন দুগ্ধের জন্য ৩ ঘনমিটার

(ট) অপরিশোধিত তেল শোধনাগার

### গ্যাসীয় নিঃসরণ

স্থিতিমাপ	উৎস	সর্বোচ্চ উপস্থিতির পরিমাণ	একক
সালফারডাইঅক্সাইড	পাতন	০.২৫	কেজি/টন
	ক্যাটালাইটিক ক্রাকার	২.৫	কেজি/টন

### তরলবর্জ্য

স্থিতিমাপ	সর্বোচ্চ উপস্থিতির পরিমাণ	একক
প্রলম্বিত কঠিন বস্তুকণা	১০	মিঃগ্রাঃ/লিঃ
	০	
তৈল ও গ্রীজ	১০	"
বিওডি, 20°C	৩০	"
ফেনল	১	"
সালফাইড (মৌল সালফার হিসাবে)	১	"
বর্জ্যপানি প্রবাহ	৭০	ঘনমিটার/১০০০ টন
	০	প্রক্রিয়াকৃত
		অপরিশোধিত তেল

### নোটঃ

১। নতুন শিল্প প্রতিষ্ঠানসমূহ তাহাদের কর্মসম্পাদন আরম্ভ করিবার সময় বর্জ্য নিঃসরণ/নির্গমনকালে এই মানমাত্রাসমূহ মানিয়া চলিবে। বিরাজমান সকল শিল্প প্রতিষ্ঠান এই বিধিমালা প্রজ্ঞাপিত হইবার তারিখ হইতে দুই বৎসরের মধ্যে (ভিন্নভাবে নির্দেশিত না হইলে) পর্যাপ্ত প্রক্রিয়া করণ সুবিধাদি চালু করিবে। ক্ষেত্রবিশেষে বৈধ যুক্তির ভিত্তিতে, অধিদপ্তর ইচ্ছা করিলে, এই সময়সীমা বর্ধিত করা যাইতে পারে।

২। এই মানমাত্রাসমূহ নিঃসরণ/নির্গমনস্থল নির্বিচারে প্রযোজ্য হইবে।

৩। নমুনা সংগ্রহকালীন কোন সময়েই এই মানমাত্রাসমূহ অতিক্রান্ত হইতে পারিবে না। পরিবেষ্টক শর্তাদির আলোকে এই মানমাত্রাসমূহকে অধিকতর কঠিনভাবে প্রয়োগ করা যাইতে পারে।

তফসিল-১৩

পরিবেশগত ছাড়পত্র বা ছাড়পত্র নবায়ন ফি  
[ বিধি ৭ (৫), ৮ (২) এবং ১৪ দ্রষ্টব্য ]

১। শিল্প প্রতিষ্ঠান বা প্রকল্প

বিনিয়োগকৃত অর্থ (টাকা)	পরিবেশগত ছাড়পত্র বা ছাড়পত্র নবায়ন ফি (টাকা)
(ক) ১ (এক) লক্ষ হইতে ১০ (দশ) লক্ষের মধ্যে	৩০০
(খ) ১০ (দশ) লক্ষ হইতে ১ (এক) কোটির মধ্যে	৩,০০০
(গ) ১ (এক) কোটি হইতে ৫০ (পঞ্চাশ) কোটির মধ্যে	৫,০০০
(ঘ) ৫০ (পঞ্চাশ) কোটির উর্ধ্বে	১০,০০০

তফসিল-১৪

পরিবেশগত অধিদপ্তর কর্তৃক পানি, তরলবর্জ্য, বায়ু ও শব্দের নমুনা বিশ্লেষণ এবং  
বিশ্লেষণজাত বিভিন্ন তথ্য বা উপাত্ত সরবরাহ সংক্রান্ত ফি  
[ বিধি ১৫ দ্রষ্টব্য ]

(ক) পানি বা তরল বর্জ্যের নমুনা

	স্থিতিমাপ	ফি (টাকা)
১।	ক্যালিফর্ম	৫০০
২।	ক্রোরিন	২৫০
৩।	টোটাল হার্ডনেস	২৫০
৪।	আয়রণ	৪০০
৫।	ক্যালসিয়াম	৪০০
৬।	ম্যাগনেসিয়াম	৪০০
৭।	বর্ণ (Colour)	৭৫
৮।	বিদ্যুৎ পরিবাহিতা (EC)	১০০
৯।	PH	১০০
১০।	প্রলম্বিত কঠিন বস্তুকণা (SS)	৩০০
১১।	সার্বিক কঠিন বস্তুকণা (TS)	২০০
১২।	সার্বিক দ্রবীভূত কঠিন বস্তুকণা (TDS)	২০০



	স্থিতিমাপ	ফি (টাকা)
১৩।	এ্যামোনিয়া নাইট্রোজেন	৪০০
১৪।	আর্সেনিক	৫০০
১৫।	বোরণ	৪০০
১৬।	ক্যাডমিয়াম	৫০০
১৭।	সিওডি	৪০০
১৮।	বিওডি	৪০০
১৯।	ক্রোমাইড	২৫০
২০।	ক্রোমিয়াম, হেক্সাভেলেন্ট	৫০০
২১।	ক্রোমিয়াম, যোট	৫০০
২২।	সায়ানাইড	৪০০
২৩।	ফ্লুরাইড	৪০০
২৪।	লেড	৫০০
২৫।	মারকারী	৫০০
২৬।	নিকেল	৫০০
২৭।	জৈব নাইট্রোজেন	৪০০
২৮।	তৈল ও গ্রীজ	৩০০
২৯।	ফসফেট	৪০০
৩০।	ফিনোল	৪০০
৩১।	সালফেট	৪০০
৩২।	জিংক	৫০০
৩৩।	ভাপমাত্রা	৭৫
৩৪।	টারবিডিটি (জিটিইউ)	১০০
৩৫।	টারবিডিটি (এনটিইউ)	১০০
৩৬।	পি-এ্যালকানিটি	২৫০
৩৭।	টি-এ্যালকানিটি	২০০
৩৮।	এ্যাসিডিটি	২০০
৩৯।	কার্বন-ডাই-অক্সাইড	২০০
৪০।	ক্যালসিয়াম হার্ডনেস	২৫০
৪১।	ডিও	৩০০
৪২।	হাইড্রেট	৪০০
৪৩।	নাইট্রাইট	৪০০
৪৪।	সিলিকা	৩০০

(খ) বায়ুর নমুনা

	স্থিতিমাপ	ফি (টাকা)
১।	এস,পি,এম	৫০০
২।	সালফার ডাই অক্সাইড	৫০০
৩।	নাইট্রাস অক্সাইড	৫০০
৪।	কার্বন মনো-অক্সাইড	৩০০
৫।	লেড	৫০০

(গ) শব্দের নমুনা

	স্থিতিমাপ	ফি (টাকা)
১।	শব্দ	২০০

(ঘ) বিশ্লেষণজাত বিভিন্ন তথ্য বা উপাত্ত সরবরাহ

- ১। ঢাকা বিভাগ/চট্টগ্রাম বিভাগ ও সিলেট বিভাগ/খুলনা বিভাগ ও বরিশাল বিভাগ/রাজশাহী বিভাগের সকল মনিটরিং স্টেশনের নদী ব্যতীত ডু-পৃষ্ঠস্থ এবং ডুগর্ভস্থ পানির বছরওয়ারী তথ্য বা উপাত্ত-
- (ক) সরকারী সংস্থার জন্য ৩,০০০
- (আ) অন্যান্য সংস্থার জন্য ৬,০০০
- ২। ঢাকা বিভাগ/চট্টগ্রাম বিভাগ ও সিলেট বিভাগ/খুলনা বিভাগ ও বরিশাল বিভাগ/রাজশাহী বিভাগের নদীর পানির সকল মনিটরিং স্টেশনের বছরওয়ারী তথ্য বা উপাত্ত-
- (অ) সরকারী সংস্থার জন্য ৪,০০০
- (আ) অন্যান্য সংস্থার জন্য ৬,০০০
- ৩। ঢাকা বিভাগ/চট্টগ্রাম বিভাগ ও সিলেট বিভাগ/খুলনা বিভাগ ও বরিশাল বিভাগ/রাজশাহী বিভাগের সকল মনিটরিং স্টেশনের বায়ুর বছরওয়ারী তথ্য বা উপাত্ত-
- (অ) সরকারী সংস্থার জন্য ২,০০০
- (আ) অন্যান্য সংস্থার জন্য ৪,০০০

মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার  
খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, ২০০০  
(২০০০ সনের ৩৬ নং আইন)

মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার  
খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণের জন্য প্রণীত আইন।

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

- ক) “উদ্যান” অর্থ মাষ্টার প্লানে বা ভূমি জরিপ নক্সায় উদ্যান বা পার্ক হিসাবে চিহ্নিত বা সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, উদ্যান বা পার্ক হিসাবে ঘোষিত কোন স্থান;
- খ) “উন্মুক্ত স্থান” অর্থ মাষ্টার প্লানে উন্মুক্ত স্থান হিসাবে চিহ্নিত বা সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, উন্মুক্ত স্থান হিসাবে ঘোষিত এমন স্থান যাহা দীর্ঘদিন হইতে ঈদগাহ বা অন্য কোনভাবে জনসাধারণ কর্তৃক ব্যবহার হইয়া আসিতেছে;
- গ) “কর্তৃপক্ষ” অর্থ রাজধানী উন্নয়ন কর্তৃপক্ষ, চট্টগ্রাম উন্নয়ন কর্তৃপক্ষ, খুলনা উন্নয়ন কর্তৃপক্ষ, রাজশাহী উন্নয়ন কর্তৃপক্ষ এবং আপাততঃ বলবৎ অন্য কোন আইনের অধীন প্রতিষ্ঠিত কোন শহর উন্নয়ন কর্তৃপক্ষ, সিটি কর্পোরেশন এবং বিভাগীয় ও জেলা শহরের পৌরসভাসহ দেশের সকল পৌরসভা;
- চ) “প্রাকৃতিক জলাধার” অর্থ নদী, খাল, বিল, দীঘি, ঝর্ণা বা জলাশয় হিসাবে মাষ্টার প্লানে চিহ্নিত বা সরকার, স্থানীয় সরকার বা কোন সংস্থা কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, বন্যা প্রবাহ এলাকা হিসাবে ঘোষিত কোন জায়গা এবং সলল পানি এবং বৃষ্টির পানি ধারণ করে এমন কোন ভূমিও ইহার অন্তর্ভুক্ত হইবে;
- ছ) “মাষ্টার প্লান” অর্থ রাজধানী উন্নয়ন কর্তৃপক্ষ, চট্টগ্রাম উন্নয়ন কর্তৃপক্ষ, খুলনা উন্নয়ন কর্তৃপক্ষ, রাজশাহী উন্নয়ন কর্তৃপক্ষ এবং অন্য কোন শহর উন্নয়ন কর্তৃপক্ষ বা বিভাগীয় ও জেলা শহরসহ সকল পৌরসভা প্রতিষ্ঠাকারী আইনের অধীন প্রণীত মাষ্টার প্লান;
- জ) “শ্রেণী পরিবর্তন” অর্থ মাষ্টার প্লানে বা সরকারী গেজেটে সংশ্লিষ্ট জায়গার অবস্থা যেভাবে উল্লেখ করা হইয়াছে বা বর্ণনা করা হইয়াছে বা সংশ্লিষ্ট জায়গা সাধারণতঃ যেভাবে থাকার কথা মাটি ভরাট, পাকা, আধা-পাকা বা কাঁচা ঘর-বাড়ি এবং অন্য যে কোন ধরনের ভবন নির্মাণসহ কোনভাবে সেই অবস্থার পরিবর্তন হইতে পারে এমন কিছু করাকে বুঝাইবে;

৩। আইনের প্রাধান্য।-আপাততঃ বলবৎ অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, এই আইন ও তদধীনে প্রণীত বিধির বিধানাবলী কার্যকর থাকিবে।

৪। মাষ্টার প্লানের বহুল প্রচার।-(১) কোন মাষ্টার প্লান চূড়ান্তভাবে প্রণয়নের পর উহার কপি উক্তরূপ প্রণয়নের তারিখ হইতে অন্যান্য এক মাসের মধ্যে কর্তৃপক্ষের হেড অফিস এবং শাখা

অফিস, যদি থাকে, এর নোটিশ বোর্ডে এমনভাবে লটকাইয়া রাখা হইবে যাহাতে উহা যথাসম্ভব সংশ্লিষ্ট এলাকার জনসাধারণের দৃষ্টি আকর্ষণ করে।

(২) কর্তৃপক্ষ তৎকর্তৃক নির্ধারিত মূল্যে মাষ্টার প্লানের মুদ্রিত কপি বা মাষ্টার প্লানের এলাকারভিত্তিক নকশা জনসাধারণের নিকট বিক্রির ব্যবস্থা করিবে।

(৩) সংশ্লিষ্ট কর্তৃপক্ষ যথাযথ বিবেচিত অন্য যে কোন পদ্ধতিতে মাষ্টার প্লান এবং তৎসূত্রে জনগণের দায়িত্ব ও কর্তব্য সম্পর্কে বহুল প্রচারের ব্যবস্থা করিবে।

৫। খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান ও প্রাকৃতিক জলাধারের শ্রেণী পরিবর্তনে বাধা-নিষেধ।- এই আইনের বিধান অনুযায়ী ব্যতীত, খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার হিসাবে চিহ্নিত জায়গার শ্রেণী পরিবর্তন করা যাইবে না বা উক্তরূপ জায়গা অন্য কোনভাবে ব্যবহার করা যাইবে না বা অনুরূপ ব্যবহারের জন্য ভাড়া, ইজারা বা অন্য কোনভাবে হস্তান্তর করা যাইবে না।

ব্যাখ্যাঃ এই ধারার উদ্দেশ্য পূরণকল্পে কোন উদ্যানের মৌলিক বৈশিষ্ট্য নষ্ট হয় এইরূপে উহার বৃক্ষরাজি নিধনকে উদ্যানটির শ্রেণী পরিবর্তনরূপে গণ্য করা হইবে।

৬। জায়গার শ্রেণী পরিবর্তনের আবেদন, ইত্যাদি।-(১) ধারা ৫-এ বর্ণিত কোন জায়গা বা জায়গার অংশবিশেষের শ্রেণী পরিবর্তন করার প্রয়োজন হইলে উক্ত জায়গার মালিক, প্রস্তাবিত পরিবর্তনের কারণ লিপিবদ্ধ করিয়া, সংশ্লিষ্ট কর্তৃপক্ষের মাধ্যমে সরকারের নিকট আবেদন করিবেন।

(২) উপ-ধারা (১) এর অধীন আবেদনপত্র প্রাপ্তির ৬০ দিনের মধ্যে কর্তৃপক্ষ আবেদনপত্রটি বিবেচনা করিয়া আবেদনাধীন জায়গার শ্রেণী পরিবর্তন জনস্বার্থে সমীচীন হইবে কিনা সেই সম্পর্কে, অন্যান্যদের মধ্যে, নিম্নবর্ণিত বিষয়ের উপর সুস্পষ্ট মতামত এবং সুপারিশ সহকারে আবেদনটি সরকার বরাবরে প্রেরণ করিবে, যথা:-

ক) আবেদনাধীন জায়গার শ্রেণী পরিবর্তন করা হইলে মাষ্টার প্লানের উদ্দেশ্য ক্ষতিগ্রস্ত হইবে কিনা, হইলে উহার পরিমাণ; এবং

খ) শ্রেণী পরিবর্তনজনিত কারণে সংশ্লিষ্ট এলাকার পরিবেশের উপর কোন ক্ষতিকর প্রভাব পড়িবে কিনা বা বসবাসকারীগণের অন্য কোন প্রকার ক্ষতি হইবার সম্ভাবনা আছে কিনা।

(৩) শ্রেণী পরিবর্তনের জায়গা যদি সরকারী, স্থানীয় কর্তৃপক্ষ, বিধিবদ্ধ সংস্থা বা কোম্পানীর হয় সেই ক্ষেত্রেও এই ধারার বিধানাবলী একইভাবে প্রযোজ্য হইবে।

(৪) উপ-ধারা (২) এর অধীন মতামত এবং সুপারিশ প্রদানের সুবিধার্থে সংশ্লিষ্ট কর্তৃপক্ষ আবেদনকারীর নিকট হইতে এতদসংশ্লিষ্ট প্রয়োজনীয় তথ্য ও দলিল চাহিতে পারিবে এবং আবেদনকারী উক্তরূপ তথ্য ও দলিল এতদুদ্দেশ্যে কর্তৃপক্ষ কর্তৃক নির্ধারিত সময়সীমা, যাহা নোটিশ প্রাপ্তির তারিখ হইতে অন্যান্য ১৫ দিন হইবে, এর মধ্যে সরবরাহ করতে বাধ্য থাকিবে।

(৫) এই ধারার অধীন কোন আবেদন গ্রহণ করা হইবে না যদি উহার সহিত নির্ধারিত ফিস কর্তৃপক্ষের বরাবরে নির্ধারিত পদ্ধতিতে জমা করার রসিদ সংযুক্ত করা না হয়।

৭। আবেদনপত্র নিশ্চিন্তি ১-(১) ধারা ৬ এর অধীন আবেদনপত্র প্রাপ্তির ৬০ দিনের মধ্যে সরকার, সংশ্লিষ্ট কর্তৃপক্ষের মতামত এবং সুপারিশ বিবেচনা করিয়া, আবেদনের উপর সিদ্ধান্ত প্রদান করিবে এবং আবেদনকারীকে, সিদ্ধান্ত প্রদানের তারিখ হইতে ১৫ দিনের মধ্যে, উক্ত সিদ্ধান্ত লিখিতভাবে অবহিত করিবে:

তবে শর্ত থাকে যে, আবেদনপত্রটি অননুমোদন করার বিষয়ে সিদ্ধান্ত গ্রহণ করা হইলে, আবেদন প্রাপ্তির ৯০ দিনের মধ্যে সরকার আবেদনকারীকে শুনানীর সুযোগ প্রদান করিবে।

(২) উপ-ধারা (১) এ প্রদত্ত সিদ্ধান্তে সংশ্লিষ্ট আবেদনকারী সিদ্ধান্ত সম্বলিত স্মারক বা নোটিশ প্রাপ্তির তারিখ হইতে ৩০ দিনের মধ্যে সরকার বরাবরে এর সিদ্ধান্ত পুনর্বিবেচনা করিবার জন্য আবেদন করিতে পারিবে।

(৩) উপ-ধারা (২) এর অধীন সিদ্ধান্ত পুনর্বিবেচনার কোন আবেদন গ্রহণযোগ্য হইবে না যদি উহার সহিত নির্ধারিত ফিস সরকার বরাবরে নির্ধারিত পদ্ধতিতে জমা করার রসিদ সংযুক্ত করা না হয়।

(৪) উপ-ধারা (৩) এর অধীন প্রদত্ত আবেদনের উপর সরকারের সিদ্ধান্ত চূড়ান্ত হইবে।

৮। শাস্তি, ইত্যাদি ১-(১) কোন ব্যক্তি এই আইনের কোন বিধান লঙ্ঘন করিলে তিনি অনধিক ৫ বৎসরের কারাদণ্ডে বা অনধিক ৫০ (পঞ্চাশ) হাজার টাকা অর্থদণ্ডে অথবা উভয় দণ্ডে দণ্ডনীয় হইবেন।

(২) ধারা ৫ এর বিধান লঙ্ঘন করিয়া যদি কোন জায়গা বা জায়গার অংশবিশেষের শ্রেণী পরিবর্তন করা হয়, তাহা হইলে সংশ্লিষ্ট কর্তৃপক্ষ নোটিশ দ্বারা জমির মালিককে অথবা বিধান লঙ্ঘনকারী ব্যক্তিকে নোটিশে উল্লেখিত জায়গার শ্রেণী পরিবর্তনের কাজে বাধা প্রদান করিতে পারিবে এবং নির্ধারিত পদ্ধতিতে অননুমোদিত নির্মাণকার্য ভাঙ্গিয়া ফেলিবার নির্দেশ দিতে পারিবে এবং অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, উক্তরূপ ভাঙ্গিয়া ফেলিবার জন্য কোন ক্ষতিপূরণ প্রদেয় হইবে না।

(৩) এই আইনের বিধান লঙ্ঘন করিয়া যদি কোন নির্মাণকার্য সম্পাদিত বা অবকাঠামো তৈরী হইয়া থাকে সেই সকল অবকাঠামো আদালতের আদেশে সংশ্লিষ্ট কর্তৃপক্ষের বরাবরে বাজেয়াপ্ত হইবে।

৯। অর্থদণ্ড আরোপের ক্ষেত্রে কতিপয় ম্যাজিস্ট্রেটের বিশেষ ক্ষমতা।-Code of Criminal Procedure, 1898 (Act V of 1898) এ উল্লিখিত যাহা কিছুই থাকুক না কেন, কোন ব্যক্তির উপর ধারা ৮ এর অধীনে অর্থদণ্ড আরোপের ক্ষেত্রে একজন প্রথম শ্রেণীর ম্যাজিস্ট্রেট বা মেট্রোপলিটান এলাকায় মেট্রোপলিটান ম্যাজিস্ট্রেট উক্ত ধারায় উল্লিখিত অর্থদণ্ড আরোপ করিতে পারিবেন।

১০। সরল বিশ্বাসে কৃত কাজকর্ম রক্ষণ।-এই আইন বা বিধির অধীন সরল বিশ্বাসে কৃত কোন কাজের ফলে কোন ব্যক্তি বা প্রতিষ্ঠান ক্ষতিগ্রস্ত হইলে বা ক্ষতিগ্রস্ত হইবার সম্ভাবনা থাকিলে উক্তজন্য কর্তৃপক্ষের বা, ক্ষেত্রমত, চেয়ারম্যান বা প্রধান নির্বাহী কর্মকর্তা বা কর্তৃপক্ষের অন্য কোন কর্মকর্তা বা অপর কর্মচারী বা কোন ব্যক্তির বিরুদ্ধে কোন আইনগত কার্যক্রম গ্রহণ করা যাইবে না।

১১। কোম্পানী কর্তৃক অপরাধ সংঘটন।-এই আইনের অধীন কোন বিধান লংঘনকারী ব্যক্তি যদি কোম্পানী হয়, তাহা হইলে উক্ত কোম্পানীর মালিক, পরিচালক, ম্যানেজার, সচিব বা অন্য কোন কর্মকর্তা বা এজেন্ট বিধানটি লংঘন করিয়াছেন বলিয়া গণ্য হইবে, যদি না তিনি প্রমাণ করিতে পারেন যে, উক্ত লংঘন তাঁহার অজ্ঞাতসারে হইয়াছে অথবা উক্ত লংঘন রোধ করিবার জন্য তিনি যথাসাধ্য চেষ্টা করিয়াছেন।

ব্যাখ্যাঃ এই ধারায়-

- ক) “কোম্পানী” বলিতে কোন সংবিধিবদ্ধ সংস্থা, বাণিজ্য প্রতিষ্ঠান ও সমিতি বা সংগঠনকেও বুঝাইবে;
- খ) বাণিজ্য প্রতিষ্ঠানের ক্ষেত্রে, “পরিচালক” বলিতে উহার কোন অংশীদার বা পরিচালনা বোর্ডের সদস্যকেও বুঝাইবে।

১২। অপরাধ বিচারার্থে গ্রহণ, ইত্যাদি।-(১) কর্তৃপক্ষের চেয়ারম্যান বা প্রধান, যে নামেই অভিহিত হউক না কেন, বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন ব্যক্তির লিখিত অভিযোগ ছাড়া কোন আদালত এই আইনের অধীন কোন অপরাধ বিচারের জন্য গ্রহণ করিবে না।

(২) অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, এই আইনের অধীন দলনীয় অপরাধ আমলযোগ্য বা ধর্তব্য (Cognizable) অপরাধ হইবে।

## **2. HEALTH**

The right to have protection against offences to human health have been guaranteed under various laws of the country. A total 45 such laws have been identified which directly contain such provisions while scattered provisions are there in other laws having bearing on health. These laws have been mentioned under 7 different sections basing on their contents.

### **2.1 Health Care Services**

#### **THE PUBLIC HEALTH (EMERGENCY PROVISIONS) ORDINANCE, 1944 (Ordinance No. XXI of 1944)**

*An Ordinance to make special provisions in regard to public health.*

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

- (c) "local authority" in this section an section 7 to 10 and 14 includes, any body, whether incorporated or not, engaged in providing a supply of water;
- (e) "public health service" and "public health establishment" include respectively sanitary, water-supply, vaccination, sewage disposal, drainage and conservancy services and establishment maintained for the purposes of such services, and any other service or establishment of a local authority which the appropriate Government may by notification in the official Gazette declare to be a public health service or public health establishment for any purpose of this Ordinance;
- (f) "purpose of this Ordinance" includes the purposes of ensuring the provision of adequate medical services, of preventing the spread of human disease, of safeguarding the public health and of providing or maintaining services essential to the health of the community.

3.(1) The appropriate Government may by order in writing require any local authority to take within such period as may be specified in the order such measures as may be so specified, being measures which are in the opinion of that Government necessary for any purpose of this Ordinance; and thereupon it shall be the duty of the local authority to comply with the order within the specified period.

(2) If in the opinion of the appropriate Government a local authority has been ordered under sub-section (1) to take any measures has failed to take, or is unlikely to complete, such measures within the period specified in the order, the appropriate Government may, without prejudice to any other action which may be taken under this Ordinance, authorized any person to take or complete, as the case may be, the said measures; and the person authorized may for the purpose exercise all or any of the powers of the local authority or of any committee or officer of the local authority conferred by or under any law for the time being in force, issue such directions as he thinks fit to the officers or servants of the local authority, and if he finds it necessary or expedient so to do, employ any outside agency.

4.(1) The Government may, if it considers it necessary for any purpose of this Ordinance, appoint in any local area additional medical or public health establishment to perform such duties and exercise such functions as the Government may direct.

5.(1) The Government may, if it considers it necessary for any purpose of this Ordinance, by order in writing assume the superintendence of all or any of the medical and public health services of any local authority.

7.(1) A local authority may, with the previous sanction of the Government, supply water to any other local authority or to any authority or person within or without its local area upon such terms as may be agreed, notwithstanding any provisions prohibiting or restricting such supply contained in any other law.

(2) The Government may by order in writing direct any local authority to supply water to any area or to any authority or person within or without its local area at such places and in such qualities as may be specified in the order, subject to such payment being made therefor and to such other conditions as the Government may consider reasonable.

11.(1) The Government may make rules for carrying out the purposes of this Ordinance, and in particular and without prejudice to the generality of the foregoing power, such rules may-

- (a) prescribed any disease against the spread of which special precautions are considered by the Government to be necessary;
- (b) prohibit any act which in the opinion of the Government is likely to lead to or facilitate the spread of any disease prescribed under clause (a);
- (c) provide for the restraint, segregation and restriction of movement of persons suffering or suspected to be suffering from any such disease;

(2) In making rules under this section, the Government may provide that a breach of any of the rules shall be punishable with imprisonment, which may extend to three months or with fine or with both.



## **THE EYE SURGERY (RESTRICTION) ORDINANCE, 1960** (Ordinance No. LI of 1960)

*An Ordinance to prevent surgery on the eye by persons other than registered medical practitioners.*

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

- (1) "complete blindness" means absence of sight through total loss of perception of light in both eyes;
- (3) "partial blindness" means total loss of perception of light in one eye or sub-total loss of perception of light in both eyes resulting in restriction of visual field and acuity; and
- (4) "registered medical practitioner" means a person who is, for the time being, registered under any law relating to the registration of medical practitioners in Bangladesh.

3.(1) Any person, not being a registered medical practitioner, who performs eye surgery upon another, whether with or without the latter's consent, shall be punishable with imprisonment for a term which may extend to one year, and with fine which may extend to one thousand taka.

4. Any person not being a registered medical practitioner who practices, or holds himself out, whether directly or by implication, as practising, or as being prepared to practice, eye surgery shall be punishable with imprisonment for a term which may extend to six months, and with fine which may extend to five hundred taka.

## **THE MEDICAL QUALIFICATIONS (INFORMATION) ORDINANCE, 1960** (Ordinance No. IV of 1960)

*An Ordinance to provide for the furnishing of certain information by person qualified in certain branches of medicine.*

3. **Liability to Furnish Information.-** All persons residing in Bangladesh, of whatever nationality, and falling within any of the categories specified in the First Schedule, whether in the employment of Government or not, shall furnish information to the Director-general in the Form given in the Second Schedule.

**Note:** The Second Schedule, however, requires the professional basic qualification, professional post-graduate qualifications, speciality- if any and the occupational record from the persons mentioned in the First Schedule.

**5. Penalty and Procedure.**-(1) Any person who, without sufficient cause, fails to furnish the information required under this Ordinance, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand taka, or with both.

## **THE FIRST SCHEDULE**

(See section 3)

### **Categories**

- (1) Persons holding qualifications in allopathic medicine;
- (2) Qualified Dentists;
- (3) Nurses, Nursing Orderlies;
- (4) Health Visitors, Midwives and Assistant Midwives;
- (5) Sanitary Inspectors, Malaria Inspectors, Health Assistants;
- (6) Dispensers, Compounders, Pharmacists;
- (7) Physiotherapists, Masseurs, Physio-therapy technicians;
- (8) X-ray and hospital laboratory technicians, and medical instrument repair technicians.

## **THE ALLOPATHIC SYSTEM (PREVENTION OF MISUSE) ORDINANCE, 1962 (Ordinance No. LXV of 1962)**

*An Ordinance to prevent the misuse of the allopathic system of medicine and to provide for matters connected therewith.*

2. In this Ordinance, unless there is anything repugnant in the subject or context, "registered medical practitioner" means a person registered under the Medical and Dental Council's Ordinance, 1980.

3. No person practising the allopathic, homeopathic, ayurvedic, unani or any other system of medicine shall use with his name or address or with the name or address of his business the word "doctor" or any of its grammatical variations, cognate expressions or abbreviations so as to give out that he is entitled to practice medicine unless he is a registered medical practitioner.

4. No person shall use a medical degree or a medical diploma to give out that he is a qualified medical practitioner or for any purpose connected with medical practice, unless such degree or diploma has been conferred or awarded

by a university or institution in or outside Bangladesh recognised under the Medical and Dental Council Ordinance, 1980.

5. No person other than a registered medical practitioner shall perform any surgical operation other than circumcision, incision of boils and administration of injections.

6. No person other than a registered medical practitioner or a person authorized in this behalf by the Government shall prescribe any antibiotic or dangerous drug specified in the rules made under this Ordinance.

7. No person shall sell in the market any patent or proprietary medicine of the unani, ayurvedic, homeopathic or biochemical system of medicine unless there is displayed, in a conspicuous and readily intelligible manner, on the label or container thereof and also on the outer cover of the container (other than ordinary wrapper) the true formula of the medicine contained in it.

9. Whoever contravenes the provisions of section 3 or section 4 or section 5 or section 6 or section 7 shall be punishable with imprisonment which may extend to one year or with fine not exceeding two thousand taka, or with both.

**THE BANGLADESH COLLEGE OF PHYSICIANS AND  
SURGEONS ORDER, 1972**  
(P. O. No. 63 of 1972)

*An Order to establish a College of Physicians and Surgeons in the People's Republic of Bangladesh for maintaining high principles of medical profession, promoting specialists medical practice, arranging post-graduate medical training and for matters ancillary thereto.*

3(1). As soon as may be after the commencement of this Order, there shall be established a college, to be called the Bangladesh College of Physicians and Surgeons.

4. The College shall consist of the following persons who shall be called the Fellows of the College, namely: -

- (a) Subject to the conditions specified in the schedule, persons, who have post-graduate medical qualifications with experience in teaching, research or public health administration, or who have attain dominance in any branch of medical science or public health administration to be appointed as fellows...
- (b) persons elected as fellows under sub-clause (g) of clause (2) of Article 9:

- (c) persons who have passed the Fellowship examination and are admitted by the Council: and
- (d) Persons who immediately before the 25th day of March, 1971, were elected or admitted as fellows of the College of Physicians and Surgeons established under section 3 of the Pakistan College of Physicians and Surgeons Ordinance, 1962 (XX of 1962), and are citizens of Bangladesh.

5. The following shall be the functions of the College, namely: -

- (1) to provide specialist practice of all medical sciences by securing improvement of teaching and training in hospitals and hospital methods;
- (3) to hold and conduct examinations for membership and admission to the Fellowship of the College;
- (4) to provide for research;
- (5) to bring together the physicians, surgeons and other specialists of Bangladesh periodically for scientific discussions and practical demonstrations of various subjects; and
- (6) to do all acts and things as it may consider necessary to carry out the purpose of this order.

10. (1) Where the Council is of the opinion that a Fellow is guilty of misconduct or of any conduct derogatory to the dignity of a fellow and the interest of the College requires his expulsion from the Fellowship of the College the Council may expel such fellow by a resolution at a meeting specially called for the purpose by not less than two-thirds of the total number of members of the Council.

## **THE MEDICAL AND DENTAL COUNCIL ACT, 1980** (Act No. XVI of 1980)

*An Ordinance to provide for the regulation of the qualifications and registration of practitioners of Unani and Ayurvedic systems of medicine.*

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

- (c) "dental institution" means any institution which trains for, or grants or both trains for and grants, degrees, diplomas or licences in dentistry;

- (d) "medical institution" means any institution, which trains for, or grants, or both trains for and grants, degrees, diplomas or licences in medicine.

**3. Constitution and composition of the Council.**-(1) The Council shall consist of the following members, namely:-

- (a) the Director of Health Services (Curative), ex-officio;
- (b) the Director of Health Services (Preventive), ex-officio;
- (c) the Director of Drug Administration, ex-officio;
- (d) the Director of Nursing Services, ex-officio;
- (e) the Director-General of Army Medical Services, ex-officio;
- (f) the Director-General of Family Planning, ex-officio;
- (g) the Director, National Institute of Preventive and Social Medicine, ex-officio;
- (h) the Deans of the Faculty of Medicine of the Universities of Dhaka, Chittagong and Rajshahi ex-officio;
- (i) ten members, at least two from each administrative Division of Bangladesh to be nominated by the Government;
- (j) one member each to be elected by the teaching staff of the Institute of Post-Graduate Medicine and Research and each Medical College and Dental College of Bangladesh from amongst the teachers on its staff;
- (k) one member to be nominated by the Bangladesh Medical Association;
- (l) one member to be nominated by the Bangladesh Private Medical Practitioners Association;
- (m) one member, belonging to the legal profession, to be nominated by the Chief Justice of Bangladesh;
- (n) eight members of Parliament, one from each of the four administrative Divisions and one from each of the four Divisional cities, to be nominated by the Speaker; and
- (o) two women members to be nominated by the Government.

**8. The Executive Committee.**-(1) The Executive Committee shall consist of seven members, of whom five shall be elected by the Council from amongst its members.

(2) The President and Vice-President of the Council shall be members ex-officio of the Executive Committee, and shall be President and Vice-President respectively, of that Committee.

(3) In addition to the powers conferred and duties imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

**9. Recognition of medical qualifications granted by medical institutions in Bangladesh.**-(1) The medical qualifications granted by medical institutions in Bangladesh which are included in the first Schedule shall, subject to such conditions, if any, as specified therein, be recognised medical qualifications for the purposes of this Act.

(2) Any medical institution of Bangladesh which grants a medical qualification not included in the First Schedule may apply to the Council to have such qualification recognised, and the Council may, after due consideration, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein subject to such conditions, if any, as may be specified.

**10. Recognition of medical qualifications granted by institutions outside Bangladesh.**-The medical qualifications granted by medical institutions outside Bangladesh which are included in the Second Schedule shall, subject to such conditions, if any, as specified therein, be recognised medical qualifications for the purposes of this Act.

**12. Additional medical qualifications.**-(1) The Post-graduate medical qualifications granted by medical institutions in or outside Bangladesh which are included in the Third Schedule shall be recognised additional medical qualifications subject to such conditions, if any, as specified therein for the purposes of this Act.

**13. Registrable medical licences and diplomas.**-(1) The medical licences or diplomas granted by medical institutions in or outside Bangladesh which are included in the Fourth Schedule shall, subject to such conditions, if any, as specified therein, be Registrable medical licences or diplomas for the purposes of this Act.

(2) The Council may, by notification in the official Gazette, amend the Fourth Schedule so as to include therein, subject to such conditions, if any, as may be specified, any medical licences or diplomas in respect of which the Council is satisfied that it is of sufficient standing to warrant its being included therein.

**20. Maintenance of medical Register.**-(1) The Council shall maintain a Register of medical practitioners possessing qualifications which are recognised medical qualifications for the purposes of this Act, and may by a regulation direct the necessary particulars to be entered in the Register.

**21. Entry of additional medical qualifications in the Register.**-Any person who is registered as a medical practitioner or provisionally registered, and who

obtains any recognised additional medical qualification included in the Third Schedule, may apply to the Council to enter that qualification as additional qualification and the Council shall, if satisfied that the applicant is entitled to the qualification in respect of which the application is made, direct that the said recognised additional medical qualification be entered in the Register against the name of that applicant.

**22. Maintenance of Register of dentists.**-The Council shall maintain a Register of dentists possessing dental qualifications which are recognised dental qualifications for the purposes of this Act, and may by a regulation direct the necessary particulars to be entered in the Register.

**25. Penalty for fraudulent representation or registration.**-(1) Whoever wilfully procures or attempts to procure himself to be registered under this Act as a medical practitioner or dentist making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing and any person who assists him therein, shall be punishable with fine which may extend to Taka two thousand, or with imprisonment for a term which may extend to one year, or with both.

**26. Privileges of registered medical practitioners and dentists.**-(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no one, other than a registered medical practitioner or a registered dentist, shall be competent to hold any medical or dental appointment in a medical or dental college or its attached hospitals or as a Commissioned Medical or Dental Officer in any Hospital, asylum, infirmary, dispensary or living-in-hospital, maintained or added by the Government, Railway or any local authority.

**27. Prohibition for using false title, etc., by registered medical practitioners and dentists.**-No registered medical practitioner or registered dentist 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 additional or other professional qualification unless the same has been conferred upon him by a legally constituted authority within or outside Bangladesh.

**28. Removal of names from the Register.**-(1) The Council may refuse to permit the registration of any person or direct the removal altogether or for a specified period from the Register of the name of any registered medical practitioner or registered dentist who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after any inquiry at which opportunity has been given to such person to be heard in person or through advocate, has been held by the Council as guilty of infamous conduct in any professional respect or who has shown himself to be unfit to continue in practice on account of mental ill health or other grounds.

30. **Persons not registered under the Act not to practice.**-(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no one, other than a registered medical practitioner or a registered dentist, shall practice, or hold himself out as practising, the allopathic system of medicine or dentistry.

(2) Whoever, after the date fixed by notification in the official Gazette by the Council in this behalf, contravenes the provision of sub-section (1) shall be punishable with fine, which may extend to taka five thousand, or with imprisonment for a term which may extend to one year, or with both.

**Note:** See also the Medical Degrees Act, 1916 mentioned in sector 3.

## **THE MEDICAL PRACTICE AND PRIVATE CLINICS AND LABORATORIES (REGULATION) ORDINANCE, 1982 (Ordinance No. IV of 1982)**

*An Ordinance to regulate medical practice and functioning of private clinics and laboratories.*

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

- (d) "private clinic" means a clinic, hospital or nursing home, by whatever name called, owned by any person, other than the Government, where patients are admitted and kept for treatment;
- (e) "private laboratory" means a laboratory or clinic, by whatever name called, owned by any person, other than the Government, where tests, investigations or examinations, including X-ray and electrocardiogram, are held for diagnosis or clinical purposes;

3. **Charges and fees for medical consultation, etc.**-The maximum charges and fees that may be demanded by a registered medical practitioner or in a private clinic or private laboratory for medical consultations surgical operations, conduction of labour, electrocardiogram, pathological or radiological examination and other medical examinations or services, as the case may be, shall be such as are specified in Schedule A:

Provided that these charges and fees shall not apply in the case of patients who are not Bangladeshis.

4. **Prohibition or private medical practice during office hours.**-No registered medical practitioner in the service of the Republic shall carry on private medical practice during office hours.



**5. Maintenance of Chambers.**-Every registered medical practitioner carrying on private medical practice shall maintain a chamber in a hygienically sound condition with necessary facilities for the examination of patients and room for the waiting of patients and their attendants.

**6. Maintenance of registers, etc.**-(1) Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall maintain a register showing the names and addresses of the patients.

(2) Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall issue receipts in printed form for the charges and fees realised from the patients and preserve the counterfoils of such receipts for inspection.

**7. Display of charges and fees.**-Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall prominently display in the chamber, clinic or laboratory as the case may be, a list of charges and fees that may be demanded under this Ordinance.

**8. Licence to establish private clinic.**-No person shall establish a private clinic without a licence under this Ordinance.

**9. Conditions for licence.**-No licence for establishing a private clinic shall be issued unless the following conditions are fulfilled, namely:-

- (a) there is proper accommodation with hygienic environment for the patients;
- (b) there is at least eighty square feet of floor space for each patient;
- (c) there is an air-conditioned operation theatre;
- (d) there are such essential equipment as are specified in Schedule B;
- (e) there are adequate supply of life-saving and essential medicines;
- (f) there are such number of full-time registered medical practitioners, nurses and other staff as are specified in Schedule C;
- (g) there are specialists for the operation, treatment and supervision of patients.

**11. Inspection, etc.**-(1) The Director-General or any officer authorised by him in this behalf may inspect any chamber of a registered medical practitioner or a private clinic or private laboratory to see if the provisions of this Ordinance are being followed.

(2) If on such inspection it is found that the registered medical practitioner or the owner of the clinic or laboratory has contravened or failed to comply with any provision of this Ordinance, the Director-General may-

- (a) in the case of a registered medical practitioner, recommend to the Government to debar him from carrying on private medical practice;
- (b) in the case of a clinic, by order, cancel the licence in respect thereof

Provided that no such licence shall be cancelled unless the owner of the clinic has been given an opportunity of showing cause against cancellation;

- (c) in the case of a laboratory, recommended to the Government to close down the laboratory.

13. **Penalty.**-(1) If any registered medical practitioner or any owner of a private laboratory contravenes any provision of this Ordinance, he shall be punishable with fine which may extend to five thousand taka, and the Court, while convicting such owner may order forfeiture to the Government of all or any of the movable property in the laboratory.

(2) If any owner of a private clinic contravenes any provision of this Ordinance, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand taka, or with both, and the Court, while convicting such owner, may order forfeiture the Government of all or any of the movable property in the clinic.

## SCHEDULE- A

(See Section 3)

### I. MAXIMUM FEES FOR MEDICAL CONSULTATION

		First Con- sul- ta- tion	Second or sub- sequen- t con- sul- ta- tion for same illness	Con- sul- ta- tion at Patient's residenc- e
		Taka	Taka	Taka
Registered medical practitioners in the service of the Republic	(i) Professor, Association Professors or holders of equivalent rank	40.00	20.00	80.00
	(ii) Assistant	30.00	15.00	60.00

		Professor, Civil Surgeons, or holders of equivalent rank, or holders of recognised additional medical qualification			
	(iii)	Others	20.00	10.00	40.00
Registered medical practitioners not in the service of the Republic	(i)	Holders of recognised additional medical qualification	40.00	20.00	80.00
	(ii)	Others	20.00	10.00	40.00

## II. MAXIMUM CHARGES FOR SURGICAL OPERATIONS

### Taka

1.	Major operations, such as, Cholecystectomy, partial gastrectomy, caesarian section etc.	Operation room charge	600/-
		Anaesthesia charge 1 <sup>st</sup> hour with cost of drugs and gas.	800/-
2.	Intermediate operations, such as, appendisectomy, Supre-public cystotomy, etc.	Operating charge	200/-
		Operation room charge	300/-
		Anaesthesia charge 1 <sup>st</sup> hour with cost of drugs and gas	400/-
3.	Minor operations, such as, hydrocele, Fistulectomy, hernia, D & G, biopa, closed reductio of fractures, etc.	Operating charge	1000/-
		Operation room charge	200/-
		Anaesthesia charge 1 <sup>st</sup> hour with cost of drugs and gas.	250/-
		Operating charge	400/-

### III. MAXIMUM CHARGES FOR DELIVERIES

1.	Normal deliver	Delivery charge including labour room charge	400/-
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### IV. MAXIMUM FEES FOR ELECTROCARDIOGRAM AND RADIOLOGICAL EXAMINATIONS

1.	Electrocardiogram	60.00
<b>Contrast investigation</b>		
2.	Barium meal of stomach and duodenum with flourosopic examination	
3.	Barium meal follow through	25.00
4.	Barium swallow (Oesophagus)	170.00
5.	Barium enema (large bowel)	250.00
6.	Intravenous cholangiogram	250.00
7.	Oral cholocystogram	170.00
8.	Retrograde pyelogram	250.00
10.	Bronchogram	250.00
11.	Encophalogram	250.00
12.	Puripheral arorigograms on film	300.00
13.	Cystogram	170.00
14.	Sinogram	150.00
15.	Mycologram	300.00
16.	Voinogram	190.00

#### **Investigations without contrast**

17.	For each film of size 15" X 12" or 14" X 14"	50.00
18.	For each film of size 10" X 12"	40.00
19.	For each film of size 10" X 8"	40.00
20.	Dental	10.00

### V. MAXIMUM FEES FOR LABORATORY INVESTIGATIONS

1.	Hamemoglobin	8.00
2.	Total count (RBC & WRC)	10.00
3.	Differential count (D.C)	8.00
4.	E.S.R	8.00

5.	Platelet count	10.00
6.	Reticulocyto count	10.00
7.	Circulating eosinophil count	10.00
8.	R.B.C. morphology	10.00
9.	P.C.V	10.00
10.	M.C.V.	15.00
11.	M.C.H.C.	15.00
12.	Blood for Malaria parasite	8.00
13.	Blood for microfilaria	10.00
14.	Osmotic fragility	20.00
15.	Coagulation time	8.00
16.	Bleeding time	5.00
17.	L.D. body	25.00
18.	Marrow for iron pigment	10.00
19.	Stool, routine examination	10.00
20.	Occult blood	10.00
21.	Urine, routine examination	10.00
22.	Urine, single test	5.00
23.	Diacetic acid	5.00
24.	Urobilinogen	10.00
25.	Total protein in urine	10.00
26.	Trypsin	10.00
27.	Pregnancy test, qualitative, with kit	80.00
28.	Pregnancy test, quantitative for each dilution, with kit	175.00
29.	Histopathology (Biopsy)	80.00
30.	Other cytology	40.00
31.	Pap smear	40.00
32.	Culture, routine	40.00
33.	Sensitivity	40.00
34.	A.F.B. Culture	40.00
35.	A.F.B. (on tech.)	80.00
36.	Smear and stain, any	15.00
37.	Throat swab for KLB	20.00
38.	Fungus	20.00
39.	Fungus Culture	50.00
40.	Skin scraping for AFB	25.00
41.	Stool and blood culture	40.00
42.	Gonococcal culture, in ordinary media	60.00
43.	Gonococcal culture in special media (NCV media)	100.00

44.	V.D.R.L. (Qualitative)	25.00
45.	V.D.R.L. (Quantitative)	75.00
46.	STS. (WF.KT. V.D.R.L. etc)	100.00
47.	Fluorescent trapanosomal antibody test	200.00
48.	Dark field microscopy	30.00
49.	Widal test	50.00
50.	Test with febrile antigen set (widal, Brucella, Rickettsia)	100.00
51.	Mone test	40.00
52.	Poul Burnel	40.00
53.	Rose wasler test	50.00
54.	Aldehyde test	10.00
55.	Chopra's test	10.00
56.	R.A. Test (Latex Agg. test for rheumtoid arthritis)	60.00
57.	L.E. coll	30.00
58.	L.E. phenomenon	60.00
59.	A.S.O.	60.00
60.	Alpha feto-protein	200.00
61.	Preparation of sutovaccine	50.00
62.	Wasserman reaction	20.00
63.	Kalam test	30.00
64.	Complement fixation test for anything	50.00
65.	Blood sugar	20.00
66.	Glucose tolerance test	75.00
67.	Blood Urea	25.00
68.	Blood creatinine	30.00
69.	Serum cholesterol	40.00
70.	Serum uric acid	30.00
71.	Serum Alkaline	40.00
72.	Serum acid phosphatase	40.00
73.	Serum thymol turbidity	25.00
74.	Serum Zinc sulphate turbidity	25.00
75.	Serum G.O.T.	40.00
76.	Serum G.P.T.	40.00
77.	Serum L.D.H.	40.00
78.	Serum total protein A/G ratio	60.00
79.	Serum calcium	40.00
80.	Serum Sodium	30.00
81.	Serum potassium	30.00
82.	Serum Chloride	30.00

83.	Serum iron	60.00
84.	Serum iron-binding capacity	60.00
85.	Serum omylase	50.00
86.	Serum inorganic phosphate	30.00
87.	Allapton bodies	20.00
88.	Chyle	20.00
89.	C.S.F.-(a) Sugar, (b) protein, (c) chloride	20.00
90.	Van den berg reaction	10.00
91.	Taka tara test	30.00
92.	Pleural fluid	20.00
93.	Urinary calcium	60.00
94.	17-keto steroid	125.00
95.	Gastric analysis	50.00
96.	Semen analysis	40.00
97.	Prostatic smear (including collection)	40.00
98.	V.M.A.	200.00
99.	Plasma electrophoresis	100.00
100.	Plasma chroma tography	100.00
101.	Prothrombin time	40.00
102.	Blood group and type	30.00
103.	Cross match	30.00
104.	Coonbs direct and indirect	40.00
105.	Antibody titre	80.00

## SCHEDULE B

(See Section 9)

### ESSENTIAL EQUIPMENTS TO BE KEPT IN PRIVATE CLINICS

1. Cot.
2. Bedside locker/table.
3. Operation table, hydraulic or trendelenburg facilities (where applicable).
4. Ceiling Lamp, shadowless (where applicable).
5. Emergency light, battery-operated.
6. Saline stand.
7. General instrument sets.
8. Catheters, Ryles' Stomach tubes, Flatus tubes.
9. Patient trolley.
10. Stretcher.
11. Bed pan.
12. Urinal.
13. Douche can.
14. Oxygen cylinder with flow meter and mask.
15. Endotracheal incubation set with laryngoscope, etc.
16. Ambu bag.
17. Transfusion set.
18. Electric sucker.
19. Autoclave (to be procured, if not available within the country, within months of issuance of Licence).
20. Sterilizer.
21. Anaesthetic machine.
22. Surgical Drums.
23. Scissors, knives and forceps of all types.
24. Ophthalmoscope.
25. Proctoscope.
26. Auroscope.
27. Refrigerator.
28. Labour table (For obstetrics and Gynae only).
29. Entonox machine (For obstetrics and Gynae only) (to be



- procured, available within within the country, within six months of issuance of License)
30. Vacuum Extractor (For obstetrics and Gynae only).
  31. Obstetric forceps (For obstetrics and Gynae only)
  32. Cranioperforator (For obstetrics and Gynae only).
  33. Cranioclasts (For obstetrics and Gynae only).
  34. Curettes (For obstetrics and Gynae only).
  35. Rabin's insufflator sets (For obstetrics and Gynae only).
  36. Cervical pouch biopsy forceps (For obstetrics and Gynae only)..

## SCHEDULE C

[See Section (i)]

### FULL TIME STAFF

- |    |                                |            |                    |                          |
|----|--------------------------------|------------|--------------------|--------------------------|
| 1. | One<br>Medical<br>Practitioner | Registered | For every ten beds | Round the clock          |
| 2. | Two nurses                     |            | For every ten beds | Round the clock          |
| 3. | One Sweeper                    |            | For every ten beds | Round the clock<br>clock |

## THE BANGLADESH UNANI AND AYURVEDIC PRACTITIONERS ORDINANCE, 1983 (Ordinance No. XXXII of 1983)

*An Ordinance to provide for the regulation of the qualifications and registration of practitioners of Unani and Ayurvedic systems of medicine.*

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

- (j) "Tabib" or "Hakim" means a practitioner of Unani system of medicine;

- (k) "Unani and Ayurvedic systems of medicine" means the Unani Tib and Ayurvedic (including the Siddha) systems of medicine whether supplemented or not by such modern advances as the Board may, from time to time, determine;
- (l) "Vaid" or "Kabiraj" means a practitioner of Ayurvedic system of medicine.

**3. Establishment and incorporation of the Board.**-(1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish a Board to be called the Bangladesh Board of Unani and Ayurvedic systems of medicine for carrying out the purposes of this Ordinance.

**4. Composition of the Board.**-(1) The Board shall consist of the following members, namely:-

- (a) a Chairman to be appointed by the Government;
- (b) two members to be nominated by the Government, of whom one each shall be from amongst the practising Hakims and Vaid;
- (c) one member from each administrative division to be elected by the registered practitioners of Unani system of medicine from amongst themselves;
- (d) one member from each administrative division to be elected by the registered practitioners of the Ayurvedic system of medicine from amongst themselves;
- (e) two members to be nominated by the Government from amongst the teachers of recognized teaching institutions of Unani and Ayurvedic systems of medicine.

**12. Control over the Board.**-If, in the opinion of the Government, anything done or intended to be done by or on behalf of the Board is not in conformity with the provisions of this Ordinance, or is in any way against the public interest the Government may, by order,-

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the Board;
- (c) prohibit the doing of anything proposed to be done; and
- (d) require the Board to take such action as may be specified.

**13. Functions of the Board.**-The following shall be functions of the Board, namely:-

- (a) to consider applications for recognition under this Ordinance made by institutions imparting or desiring to impart instruction in the Unani or Ayurvedic systems of medicine.
- (b) to secure the maintenance of an adequate standard of efficiency in recognized institutions;
- (c) to make arrangement for the registrations of duly qualified persons in accordance with the provisions of this Ordinance;
- (d) to appoint committees and sub-committees for carrying out the purposes of this Ordinance.
- (e) to hold examinations and confer certificates, diplomas or degrees in Unani and Ayurvedic systems of medicine.
- (g) to make arrangements for standardization of the Unani and Ayurvedic medicines;
- (h) to prepare and publish text-books to meet the needs of teachers of Unani and Ayurvedic systems of medicine.
- (i) to publish journals, periodicals and bulletins on Unani and Ayurvedic systems of medicine;
- (j) to prepare and publish Unani and Ayurvedic Pharmacopoeia and Code of Ethics for practitioners registered under this Ordinance;
- (n) to make arrangements for establishment of standard Unani and Ayurvedic colleges, hospitals and charitable dispensaries;
- (o) to make arrangements for establishment and operation of a Unani and Ayurvedic medical store for supplying medicines and accessories to the Unani and Ayurvedic hospitals and dispensaries; and
- (p) to do such other acts and things as it may be empowered or required to do by this Ordinance or the rules.

**16. Recognition of institutions.**-(1) Any institution imparting or desiring to impart instruction in Unani or ayurvedic system of medicine may apply for recognition under this Ordinance.

(2) An application for recognition shall be addressed to the Registrar and shall contain full information in respect of all following matters, namely:-

- (a) the constitution and personnel of the managing body of the institution;
- (b) the subject and courses in which it imparts or proposes to impart instruction;

- (c) the equipment possessed by the institution and the number of students for whom accommodation and other provision has been or is proposed to be made;
- (d) the strength and particulars of its staff, their salaries, qualifications and the research work to their credit;
- (e) the fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) The Registrar shall place the application before the Board, and the Board may direct the Registrar to call for any further information which it may consider necessary and may also direct a local enquiry to be made by competent person or persons authorized by it in this behalf.

(4) After considering the report of such local enquiry, if any, and making such further enquiry as may appear to it to be necessary, the Board shall, subject to the approval of the Government, grant or refuse to grant recognition.

(5) When recognition is granted to an institution under this section, the name of the institution shall be published by the Board in the official Gazette.

**17. Maintenance of standard of efficiency.**-(1) It shall be the duty of the Board to secure the maintenance of an adequate standard of efficiency in recognized institutions.

(2) For the purpose of securing such standard, the Board may-

- (a) from time to time call upon the recognized institution to furnish such information and particulars as may be required by the Board to judge the standard of administration, education and the financial position of the institutions; and
- (b) arrange for annual inspection of the recognized institutions through an inspector or inspection term appointed by the Board.

**18. Withdrawal of recognition.**-(1) The Board when it thinks fit may, and when required to do so by the Government shall, make an enquiry whether any recognized institution should cease to be a recognized institution.

(2) If, on making such an enquiry and after considering all such information and reports as are referred to in the preceding section and making such further enquiry as may appear to it to be necessary, the Board is satisfied that the teaching facilities provided or other arrangements made in this connection by a recognized institution are not such as to secure an adequate standard of efficiency for the practice of the system of medicine taught in the institution, it shall make an order withdrawing the recognition:

Provided that no order under this sub-section shall be made unless the institution concerned has been given an opportunity to raise, within a specified

time, the standard of teaching and examination to the satisfaction of the Board and the institution has, in the opinion of the Board, failed to do so.

**20. Qualifications for admission to institutions.**-The minimum qualifications for admission to different courses in a recognized institution shall be as prescribed by regulations.

**22. Registration how made.**-(1) Applications under sub-section (1) of section 23 shall be received annually after the results of the examinations held under section 21 are declared.

(3) The Board shall examine the application received under this section and after making such enquiries as it thinks fit regarding the qualifications and length and nature of practice of the applicants and their professional efficiency direct the entry of the names to be made in the register in accordance with the provisions of this Ordinance.

**25. Removal from register, etc.**-The Board may direct that the name of a practitioner who has been convicted of a cognizable offence or who after due enquiry has been found guilty of misconduct shall be removed from the register, if the offence or misconduct in the opinion of the Board discloses moral turpitude such as to render him unfit to practice his profession:

Provided that no action shall be taken by the Board under this section unless the person convicted of the cognizable offence or found guilty of misconduct has been given a reasonable opportunity to show cause against the punishment proposed to be inflicted on him.

**26. Cancellation or alteration of entries on register, etc.**-The Board may, on its own motion or on information received from any person and after due enquiry and giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register, if in the opinion of the Board the entry was made fraudulently or improperly.

**27. Maintenance of register.**-(1) Subject to any general or special orders of the Board it shall be the duty of the Registrar to keep the register.

(2) The register shall contain the name, residence, age and qualification of every practitioner registered under this Ordinance and the dates on which the qualifications were acquired.

(3) The Registrar shall keep the register correct and up to date and shall, from time to time, enter therein any alteration in the address and qualifications of the practitioners and remove therefrom the names of the practitioners who die or whose names are directed to be removed in accordance with the provisions of this Ordinance.

(4) If the Registrar has reason to believe that any registered practitioner has ceased to practice or changed his permanent address without due intimation to

him, he may write by registered post to such practitioner at the address as entered in the register to enquire whether he has ceased to practice or has changed his residence and if within six months no reply is received, the Registrar may remove the name of such practitioner from the register:

Provided that the Board may, at any time on the application of the practitioner whose name is removed under this sub-section, order that the name of such practitioner be re-entered in the register.

**30. Privileges of registered practitioners.**-(1) Notwithstanding anything contained in any law for the time being in force, every practitioner registered under section 23 shall be entitled-

- (a) to hold any appointment as physician or medical or medical officer in any Unani or, as the case may be, Ayurvedic dispensary, hospital, infirmary or lying-in-hospital, infirmary or lying-in-hospital is supported by or receives a grant from the Government or any local authority and treats patients according to the system of medicine or in any public establishment, body or institution practising such system;

(3) A registered practitioner shall abide by the Code of Ethics for Unani and Ayurvedic practitioners framed by the Board and approved by the Government.

**31. Offence and Penalties.**-Whoever contravenes the provisions of sub-section (3) of section 30 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to taka one thousand, or with both.

**32. Persons not registered under Ordinance not to practice, etc.**-(1) No person other than a practitioner registered under this Ordinance shall practice or hold himself out, whether directly or by implication, as practising the Unani or, or the case may be, Ayurvedic system of medicine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to taka one thousand, or with both.

**33. Colourable imitation of degrees.**-(1) No person other than a body or institution authorized under this Ordinance shall confer, grant or issue or holdout as entitle to confer, grant or issue a degree, diploma or certificate which purports to entitle the holder to practice the Unani or Ayurvedic system of medicine or which is identical with or is a colourable imitation of any degree, diploma or certificate granted by a body or institution so authorized.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to taka one thousand and if the person so

contravening is an association, every member of such association who knowingly or wilfully authorise or permits the contravention shall be punishable with fine which may extend to taka one thousand.

**34. Prohibition against use of title, description, etc.**-(1) No person shall add to his name, title or description any letters or abbreviation which imply or are calculated to lead to the belief that he holds a degree, diploma or certificate as his qualification to practice the Unani or Ayurvedic system of medicine, unless he holds such degree, diploma or certificate and such degree, diploma or certificate-

- (i) is recognized by any law for the time being in force in Bangladesh; or
- (ii) has been conferred, granted or issued by a body or institution authorized under this Ordinance in this behalf; or
- (iii) has been conferred, granted or issued by an authority empowered or recognized as competent by the Government to confer, grant or issue such degree, diploma or certificate.

(2) Notwithstanding anything contained in any other law for the time being in force, no Hakim or Vaid shall describe himself as a Doctor.

(3) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to taka one thousand, or with both.

**35. Savings.**-Nothing in this chapter shall apply to any person-

- (a) who limits his practice to dentistry; or
- (b) who being a nurse, midwife or health visitor and registered as such under any law for the time being in force or a dai, attends on a case of labour; or
- (c) who being a technical assistant like JARRAH or KUHAL attends on a case under the direction and personal guidance of a registered practitioner of the Unani system of medicine.

**37. Suppression of the Board.**-(1) If at any time it appears to the Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Ordinance, the Government may, if it considers such failure, excess or abuse to be of serious character, notify the particulars thereof to the Board and if the Board fails to remedy such default, excess or abuse, within such time as may be fixed in this behalf, the Government may, by notification in the official Gazette, supersede the Board for such period, not exceeding ninety days, as may be specified in the notification.

**THE BANGLADESH HOMEOPATHIC PRACTITIONERS  
ORDINANCE, 1983  
(Ordinance No. XLI of 1983)**

*An Ordinance to provide for the regulation of the qualifications and registration of practitioners of Homeopathic system of medicine.*

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

- (c) "Homeopath" means a practitioner of Homeopathic system medicine and includes a practitioner of Biochemic system of medicine founded by Dr. Schuessler;
- (d) "Homeopathy" means the system of medicine founded by Dr. Samuel Hahnemann;
- (j) "registered practitioner" means a practitioner of Homeopathic biochemic system of medicine whose name is for the time being entered in a register;
- (k) "registrar" means the Registrar of the Board;
- (n) "teacher" means a person appointed, with the approval of the Board, to teach in a recognized Homeopathic institution.

**3. Establishment and incorporation of Board.**-(1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish a Board to be called the Bangladesh Board of Homeopathic system of Medicine for carrying out the purposes of this Ordinance.

**12. Control over the Board.**-(1) If, in the opinion of the Government, anything done or intended to be done by or on behalf of the Board is not in conformity with the provisions of this Ordinance or is in any way against public interest, the Government may, by order,-

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the Board;
- (c) prohibit the doing of anything proposed to be done; or
- (d) require the Board to take such action as may be specified.

**13. Functions of the Board.**-The following shall be the functions of the Board, namely:-



- (a) to consider applications for recognition under this Ordinance made by institutions imparting or desiring to impart instruction in Homeopathy;
- (b) to ensure the maintenance of an adequate standard of efficiency in recognized institutions;
- (c) to appoint committees and sub-committees for carrying out the purposes of this Ordinance;
- (d) to regulate academic and teaching standard of Homeopathy and to upgrade the professional practice thereof;
- (f) to arrange, from time to time, for short courses of study for upgrading the standard of the registered Homeopaths and to grant certificates to those attending the courses on passing the examinations;
- (g) to hold examinations and confer certificates, diplomas and degrees in Homeopathic medicine and surgery;
- (h) to make arrangement for the registration of duly qualified persons in accordance with the provisions of this Ordinance;
- (i) to provide for research in Homeopathy;
- (j) to arrange for the writing of text-books on Homeopathy;
- (k) to publish journals, bulletins and other literature on Homeopathy;
- (m) to supervise the arrangements made by the recognized institutions in respect of residence, health and general welfare of their students;
- (n) to establish, manage and control Homeopathic colleges, hospitals and charitable dispensaries and sanction grants to charitable Homeopathic dispensaries;
- (p) to prepare Bangladesh Homeopathic Pharmacopoeia on the basis of principles of Homeopathy;
- (q) to do such other acts and things as it may be empowered or required to do by this Ordinance or the rules made thereunder.

**16. Recognition of institutions.**-(1) Any institution imparting or desiring to impart instruction in the homeopathic system of medicine may apply for recognition under this Ordinance.

(2) An application for recognition shall be addressed to the Registrar and shall contain full information in respect of the following matters, namely:-

- (a) the constitution and personnel of the managing body of the institution;

- (b) the subjects and courses in which it imparts or proposes to impart instruction as per syllabi and curriculum of the Board;
- (c) the number of beds in the attached hospital;
- (d) the equipment possessed by the institution and the number of students for whom accommodation and other provision have been made or are proposed to be made;
- (e) the facilities provided or proposed to be provided for dissection and study of subjects, such as, Biology, Anatomy, Physiology and Pathology;
- (f) the strength and particulars of the staff, their salaries, qualifications and the research work to their credit;

(3) The Registrar shall place the application before the Board, and the Board may direct the Registrar to call for any further information which it may consider necessary, and may also direct a local inquiry to be made by competent person or persons authorized by it in this behalf.

(4) After considering the report of such local inquiry, if any, and making such further inquiry as may appear to it to be necessary, the Board shall, subject to the approval of the Government, grant or refuse to grant recognition.

**17. Recognized Homeopathic Institutions.**-(1) The Homeopathic institutions specified in the Schedule shall be recognized Homeopathic institutions.

**18. Maintenance of standard of efficiency.**-(1) It shall be the duty of the Board to secure the maintenance of an adequate standard of efficiency in recognized institutions.

(2) For the purpose of securing such standard, the Board may-

- (a) from time to time call upon any recognized institution to furnish such particulars as the Board may require of any course of study provided or examination conducted by such institution; and
- (b) deputy inspectors or teachers of recognized Homeopathic institution to attend and be present at all or any of the examinations conducted by the Board.

**19. Withdrawal of recognition.**-(1) The Board when, it thinks fit may and when required to do so by the Government shall, make an inquiry whether any recognized institution should cease to be a recognized institution.

(2) If, in making such an inquiry, and after considering all such information and reports as are referred to in the preceding section and making such further inquiry as may appear to it to be necessary, the Board is satisfied that the courses of study provided or the examinations conducted by a recognized

institution are not such as to secure an adequate standard of efficiency for the practice of Homeopathy, it shall make an order withdrawing the recognition:

Provided that no order under this sub-section shall be made unless the institution concerned has been given an opportunity to raise, within a specified time, the standard of the courses of study and examination to the satisfaction of the Board, and the institution has, in the opinion of the Board, failed to do so.

**21. Qualification for admission.**—The minimum qualifications required for admission to different courses shall be as prescribed by regulations.

**25. Procedure of registration.**—(1) Application for registration under this Ordinance shall be made in such form and on payment of such fee as may be prescribed by rules.

(2) Application under section 26(1) shall be received annually after the results of the examinations held under section 23 are declared.

(3) The Board shall examine the applications received under this section and after making such inquiries as it thinks fit regarding the qualifications and the length and nature of practice of the applicants and their professional efficiency direct the entry of the names of eligible applicants to be made in the register in accordance with the provisions of this Ordinance.

**26. Registration of practitioners.**—(1) Every person who passes the qualifying examination in the Homeopathic system of medicine form any for the institutions mentioned in the Schedule may apply under section 25.

(2) Every person who is a registered medical practitioner within the meaning of the medical and Dental Council Act, 1980 (XVI of 1980), and passed a written examination on the subjects of Homeopathic Materia Medica, Principles of Homeopathy and practice of medicine and Homeopathic Philosophy to be conducted by the examining body appointed under section 23, may apply under section 25.

**27. Listing of certain Homeopaths**—(1) The Registrar shall prepare and maintain a list of hemopathies who are entitled to have their names to be entered therein under sub-section (2).

(2) Every person who has applied to the Board before the commencement of this Ordinance and proves to the satisfaction of the Board that he has not less than five years practice to his credit and has the requisite knowledge and skill for the efficient practice of Homeopathy, shall no payment of such fees as may be prescribed by rules be entitled to have his name entered in the list maintained under sub-section (1):

Provided that a person who has applied under this sub-section shall entitled to practice Homeopathy until his application is disposed of.

(3) Every person whose name has been entered in the list maintained under this section shall be entitled to the privilege specified in section 33(b).

**28. Removal from register, etc.**-The board may direct that the name any practitioner who has been convicted of a cognizable offence or who after the enquiry has been found guilty of misconduct shall be removed from the register or the list, as the case may be, if the offence or misconduct, in the opinion of the Board, discloses moral turpitude such as to render him unfit to practice his profession:

Provided that no action shall be taken by the Board under this section unless the person convicted of the cognizable offence or found guilty of misconduct has been given a reasonable opportunity to show cause against the punishment proposed to be inflicted on him.

**29. Cancellation or alteration of entries in register, etc.**-The Board may on its own motion or on information received from any person and after due enquiry and giving the person concerned an opportunity of being heard, cancel or alter any entry in the register or the list, as the case may be, if in the opinion of the Board the entry was made fraudulently or improperly.

**30. Maintenance of register, etc.**-(1) Subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the register and the list and to attend the meetings of the Board.

(2) The register and the list shall contain the name, present and permanent addresses and qualifications of every practitioner registered or listed under this Ordinance and the date on which the qualifications were acquired.

(3) The Registrar shall keep the register and the list correct and up to date and shall, from time to time, enter therein any alteration in the present and permanent addresses and qualifications of the practitioners, and remove therefrom the names of the practitioners who die or whose names are directed to be removed in accordance with the provisions of this Ordinance.

**34. Code of Ethics.**-A registered practitioner and listed Homeopath shall abide by the Code of Ethics for Homeopathic practitioners framed by the Board and approved by the Government.

**35. Restrictions.**-No practitioner registered under section 26 or, as the case may be, entered in the list under section 27 shall stock, prescribe or sell any drugs or medicines except such as are included in the Homeopathic Pharmacopoeia approved by the Board.

**36. Penalties.**-Whoever contravenes the provisions of section 34 or 35 shall be punishable with imprisonment for a term which may extend to one year, or with fine which extend to taka one thousand, or with both.

**37. Persons not registered under this Ordinance not to practice, etc.-(1)** No person other than a practitioner registered or listed under this Ordinance shall practice or hold himself out, whether directly or by implication as practising the Homeopathic system of medicine.

(2) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to taka one thousand, or with both.

**38. Colourable imitation of degree.-(1)** No person other than a body or institution authorized under this Ordinance shall confer, grant or issue a degree, diploma or certificate which purports to entitle the holder to practice homeopathic system of medicine, or which is identical with or is a colourable imitation of any degree, diploma or certificate granted by a body or institution as authorized.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to taka one thousand, and if the person so contravening is an association, every member of such association, who knowingly or wilfully authorises or permits the contravention, shall be punishable with fine which may extend to taka one thousand.

**39. Prohibition against use of title, description, etc.-(1)** No person shall add to his name, title or description any letters or abbreviation which imply or are calculated to lead to the belief that he holds a degree, diploma or certificate as his qualification to practice the Homeopathic system of medicine unless he holds such degree, diploma or certificate and such degree, diploma or certificate-

- (a) is recognized by any law for the time being in force in Bangladesh; or
- (b) has been conferred, granted or issued by a body or institution authorized under this Ordinance in this behalf; or
- (c) has been conferred, granted or issued by an authority recognized as competent by the Government to confer, grant or issue such degree, diploma or certificate.

(2) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to taka one thousand, or with both.

শিশু-মাতৃ স্বাস্থ্য ইনস্টিটিউট আইন, ২০০২  
(২০০২ সনের ১৬ নং আইন)

শিশু-মাতৃ স্বাস্থ্য ইনস্টিটিউট প্রতিষ্ঠাকল্পে প্রণীত আইন।

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

(ছ) “মাতৃ” বা “মা” অর্থ শিশু নহে এমন যে কোন বয়সের নারী;

(ঝ) “শিশু” অর্থ অনধিক আঠার (১৮) বৎসর বয়সের কোন ব্যক্তি;

৩। ইনস্টিটিউট প্রতিষ্ঠা।-(১) এই আইন বলবৎ হইবার পর সরকার, যথাশীঘ্র সম্ভব, এই আইনের উদ্দেশ্য পূরণকল্পে, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, শিশু-মাতৃ স্বাস্থ্য ইনস্টিটিউট নামে একটি ইনস্টিটিউট প্রতিষ্ঠা করিবে।

৭। ইনস্টিটিউট দায়িত্ব ও কার্যাবলী।- ইনস্টিটিউটের দায়িত্ব ও কার্যাবলী হইবে নিম্নরূপ, যথা :-

- (১) শিশু ও মায়ের স্বাস্থ্য ও পুষ্টি বিষয়ে শিক্ষা, প্রশিক্ষণ ও গবেষণামূলক কার্যক্রম গ্রহণ করা;
- (২) শিশু ও মায়ের স্বাস্থ্য, পুষ্টি এবং চিকিৎসাবিজ্ঞান শাখার অনুরূপ বিষয়ের উপর জাতীয় ও আন্তর্জাতিক প্রতিষ্ঠান বা সংস্থার সংগে যৌথ গবেষণা কর্মসূচী গ্রহণ ও বাস্তবায়ন করা;
- (৩) শিশু ও মায়ের স্বাস্থ্য ও পুষ্টির ক্ষেত্রে গবেষণা, পুস্তক, জার্নাল, সাময়িকী ইত্যাদি প্রকাশ করা;
- (৪) শিশু ও মায়ের স্বাস্থ্য সেবার উন্নয়নের জন্য কমিউনিটি ভিত্তিক প্রশিক্ষণ প্রদান ও এতদসংশ্লিষ্ট একাডেমিক কর্মসূচী প্রণয়ন ও বাস্তবায়ন করার নিমিত্ত কমিউনিটি স্বাস্থ্য কেন্দ্র স্থাপন, রক্ষণাবেক্ষণ ও পরিচালনা করা;
- (৫) শিশু ও মায়ের স্বাস্থ্য ও পুষ্টি সম্পর্কিত বিষয়ে স্নাতক এবং স্নাতকোত্তর পর্যায়ের শিক্ষাদানের উদ্দেশ্যে কোর্স চালু ও পরিচালনা করা;
- (৬) শিশু ও মায়ের স্বাস্থ্য, পুষ্টি ও চিকিৎসা সংক্রান্ত বিষয়ের উপর গণচেতনতা বৃদ্ধির লক্ষ্যে প্রয়োজনীয় কার্যক্রম গ্রহণ করা;
- (৭) শিশু ও মায়ের শারিরিক ও মানসিক উন্নয়নের লক্ষ্যে বিভিন্ন ধরনের পরীক্ষাগার ও ব্যায়ামাগার প্রতিষ্ঠা ও পরিচালনা করা;
- (৮) উপরোক্ত দায়িত্ব ও কার্যাবলী সম্পাদনের জন্য প্রয়োজনীয় যে কোন পদক্ষেপ গ্রহণ করা।

১৮। প্রতিবেদন, ইত্যাদি।-

...

(৩) সরকার যে কোন সময় ইনস্টিটিউটের কর্মকাল বা যে কোন প্রকার অভিযোগের বিষয়ে তদন্ত অনুষ্ঠানের নির্দেশ দিতে পারিবে।

নিরাপদ রক্ত পরিসঞ্চালন আইন, ২০০২  
(২০০২ সনের ১২ নং আইন)

নিরাপদ রক্ত সংগ্রহ, সংরক্ষণ এবং রোগীর দেহে পরিসংসঞ্চালন ব্যবস্থা নিয়ন্ত্রণকল্পে প্রণীত  
আইন।

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

- (খ) “অনিরীক্ষিত রক্ত (unscreened blood)” অর্থ কোন রক্ত, রক্তের উপাদান বা রক্তজাত সামগ্রীতে এইডস (AIDS), হেপাটাইটিস বি (hepatitis B), হেপাটাইটিস সি (hepatitis C), সিফিলিস (syphilis), ম্যালেরিয়া (malaria), ইত্যাদি রক্তবাহিত রোগের জীবাণুযুক্ত হওয়া সম্পর্কে পরীক্ষা বা যাচাই করা হয় নাই এমন রক্ত, রক্তের উপাদান বা রক্তজাত সামগ্রী;
- (গ) “অননুমোদিত পদ্ধতিতে রক্ত সংগ্রহ ও পরিসঞ্চালন (bad ordering blood collection and transfusion)” বলিতে ভুল পদ্ধতিতে রক্ত সংগ্রহ করা, সঠিকভাবে রক্ত সংরক্ষণ না করা, সময় উত্তীর্ণ রক্ত পরিসঞ্চালন করা, কোড চেইন অনুসরণ না করা, ভুল পদ্ধতিতে রক্ত পরিসঞ্চালন করা বা রক্ত পরিসঞ্চালনের হস্য বিধি দ্বারা নির্ধারিত অন্যান্য পদ্ধতি বা নিয়ম অনুসরণ করিয়া রক্ত সংগ্রহ ও পরিসঞ্চালন বুঝাইবে;
- (এ৩) “ব্যবস্থাপত্র” অর্থ রোগীর জন্য ডাক্তার কর্তৃক প্রদেয় পরামর্শ পত্র;
- (ঠ) “ব্লাডব্যাগ” অর্থ রক্তদাতা হইতে রক্ত, রক্তের উপাদান ও রক্তজাত সামগ্রী সংগ্রহ, সংরক্ষণ ও বিতরণের জন্য ব্যবহৃত এন্টিকোয়াগুলেন্ট সম্বলিত সরকার কর্তৃক স্বীকৃত ব্যাগ;
- (ণ) “ভুল ব্যবস্থাপত্র” অর্থ ডাক্তার কর্তৃক রক্ত পরিসঞ্চালন চিকিৎসা প্রদানকালে প্রদেহ রোগীর বা রক্ত গ্রহীতার রক্তের সঠিক চাহিদা, রক্তের উপাদানের প্রকৃতি, রোগী বা রক্ত গ্রহীতার বিদ্যমান শারীরিক অবস্থা এবং রক্ত পরিসঞ্চালনের ধরণ বা পদ্ধতির উল্লেখবিহীন ব্যবস্থাপত্র;
- (ম) “বিনষ্টযোগ্য উপকরণ (disposable items)” অর্থ রক্ত পরিসঞ্চালনের জন্য রক্ত সংগ্রহ, সংরক্ষণ ও বিভিন্ন পরীক্ষা-নিরীক্ষায় ব্যবহৃত সিরিঞ্জ, নিডল, লেনসেট, ব্লাড ব্যাগ, রক্ত পরিসঞ্চালন নেট, ট্রাইড, টেস্টটিউব এবং একবার ব্যবহাযোগ্য অন্যান্য উপকরণ;

৪। জাতীয় নিরাপদ রক্ত পরিসঞ্চালন কাউন্সিল।- (১) এই আইনের উদ্দেশ্য পূরণকল্পে জাতীয় নিরাপদ রক্ত পরিসঞ্চালন কাউন্সিল নামে একটি কাউন্সিল থাকিবে।

৫। কাউন্সিলের দায়িত্ব ও কর্তব্য।- কাউন্সিলের দায়িত্ব ও কর্তব্য হইবে নিম্নরূপ, যথা :

- (ক) Human Immune Deficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Malaria এবং Syphilis সহ সর্বপ্রকার রক্তবাহিত রোগ হইতে মানব দেহকে রক্ষার জন্য নীতিমালা প্রণয়ন;
- (খ) নিরাপদ রক্ত সংগ্রহ, সংরক্ষণ ও পরিসঞ্চালনের পদ্ধতি নির্ধারণ;
- (গ) স্বচ্ছায় রক্তদান, স্বজনকে রক্তদান এবং রক্তের বিনিময়ে রক্তদানে রক্তদাতাদের উৎসাহিতকরণ সম্পর্কিত নীতিমালা প্রণয়ন;
- (ঘ) বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র নিয়ন্ত্রণের উদ্দেশ্যে নীতিমালা প্রণয়ন;
- (ঙ) রক্তদাতাদের পরিসংখ্যান সংরক্ষণের পদ্ধতি নির্ধারণ;
- (চ) পেশাদার রক্তদাতাদের রক্তদানে পর্যায়ক্রমে নিরুৎসাহিতকরণ সম্পর্কিত নীতিমালা প্রণয়ন;
- (ছ) বিভিন্ন সরকারী হাসপাতালের রক্ত পরিসঞ্চালন কেন্দ্রসমূহ পরিচালনার নীতিমালা প্রণয়ন; এবং
- (জ) উপ-ধারা (ক) হইতে (ছ) পর্যন্ত বর্ণিত বিষয়াবলী হইতে উদ্ভূত অন্যান্য আনুষঙ্গিক বিষয়ে সরকারকে পরামর্শ প্রদান।

৭। বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র স্থাপন ও পরিচালনা।-কোন ব্যক্তি এই আইনের ধারা ৯ এর অধীন লাইসেন্স গ্রহণ করিয়া বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র স্থাপন ও পরিচালনা করিতে পারিবে।

৮। বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র স্থাপন ও পরিচালনার শর্তাবলী।- বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র স্থাপন ও পরিচালনার শর্তাবলী বিধি দ্বারা নির্ধারিত হইবে।

১৪। রক্ত পরিসঞ্চালন সেবা ফিস।- (১) রক্ত পরিসঞ্চালন সেবা প্রদানের জন্য রোগীর নিকট হইতে আদায়যোগ্য ফিসের হার বিধি দ্বারা নির্ধারিত হইবে।

(২) প্রত্যেক বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র--

- (ক) রক্তের বিভিন্ন প্রকার পরীক্ষা ও রক্ত পরিসঞ্চালন সেবার জন্য নির্ধারিত ফিসের তালিকা সহজে দৃষ্টিগোচর হয় এইরূপ স্থানে এবং অভ্যর্থনা কক্ষের, দেওয়ালে লটকাইয়া রাখিবে; এবং



(খ) রক্ত পরীক্ষা বা রক্ত পরিসঞ্চালন সেবা বাবদ গৃহীত ফিসের একটি রশিদ সংশ্লিষ্ট রোগী বা তাহার প্রতিনিধিকে প্রদান করিবে এবং উহার একটি অনুলিপি সংরক্ষণ করিবে।

১৮। লাইসেন্স ব্যতীত বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র স্থাপন ও পরিচালনার দন্ড।

(১) এই আইনের অধীন লাইসেন্স গ্রহণ ব্যতীত কোন ব্যক্তি কোন বেসরকারী রক্ত পরিসঞ্চালন কেন্দ্র স্থাপন ও পরিচালনা করিতে পারিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দণ্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি উক্ত অপরাধের জন্য অনধিক দুই বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব এক লক্ষ টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দণ্ডিত হইবেন।

১৯। ভুল ব্যবস্থাপত্র প্রদানের দন্ড।- (১) কোন ব্যক্তি রক্ত পরিসঞ্চালন সংক্রান্ত চিকিৎসার উদ্দেশ্যে কোন রোগী বা রক্ত গ্রহীতার মারাত্মক শারীরিক ক্ষতি, অংগহানী, পঙ্গুত্ব বা মৃত্যুর কারণ হয় কিংবা রক্তবাহিত সংক্রামক রোগে আক্রান্ত হন এইরূপ ভুল ব্যবস্থাপত্র প্রদান করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দণ্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি উক্ত অপরাধের জন্য অনধিক পাঁচ বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব পাঁচ লক্ষ টাকা অর্থদন্ড অথবা উভয় দন্ডে দণ্ডিত হইবেন।

২০। অননুমোদিত পদ্ধতিতে রক্ত পরিসঞ্চালনের দন্ড।- (১) কোন ব্যক্তি রক্ত পরিসঞ্চালন সংক্রান্ত চিকিৎসার উদ্দেশ্যে কোন রোগী বা রক্ত গ্রহীতার মারাত্মক শারীরিক ক্ষতি, অংগহানী, পঙ্গুত্ব বা মৃত্যুর কারণ হয় কিংবা রক্তবাহিত সংক্রামক রোগে আক্রান্ত হন এইরূপ পদ্ধতিতে রক্ত পরিসঞ্চালন করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দণ্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি উক্ত অপরাধের জন্য অনধিক পাঁচ বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব পাঁচ লক্ষ টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দণ্ডিত হইবেন।

২১। বিনষ্টযোগ্য উপকরণ বিনষ্ট না করার দন্ড।- (১) রক্ত পরিসঞ্চালনের দায়িত্বপ্রাপ্ত কোন ব্যক্তি রক্তপরিসঞ্চালন করিবার পর উহাতে ব্যবহৃত বিনষ্টযোগ্য উপকরণ বিনষ্টকরণ নিশ্চিত করিবেন।

(২) রক্ত পরিসঞ্চালনের দায়িত্বপ্রাপ্ত কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দণ্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি উক্ত অপরাধের জন্য অনধিক ছয়

মাস সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব পাঁচ হাজার টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দন্ডিত হইবেন।

২২। বিনষ্টযোগ্য উপকরণ পুনরায় ব্যবহার করার দন্ড।-(১) কোন ব্যক্তি রক্ত পরিসঞ্চালনে ব্যবহৃত বিনষ্টযোগ্য উপকরণ পুনরায় ব্যবহার করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে তিনি দন্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং-

(ক) উক্ত অপরাধের জন্য অনধিক এক বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব দশ হাজার টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দন্ডিত হইবেন; বা

(খ) যেই ক্ষেত্রে উক্ত অপরাধের ফলে সংশ্লিষ্ট রোগী বা রক্ত গ্রহীতার মারাত্মক শারীরিক ক্ষতি, অংগহানী, পঙ্গুত্ব বা মৃত্যুর কারণ হয় কিংবা রক্তবাহিত সংক্রামক রোগে আক্রান্ত হন সেই ক্ষেত্রে উক্ত ব্যক্তি অনধিক পাঁচ বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব পাঁচ লক্ষ টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দন্ডিত হইবেন।

২৩। অনিরীক্ষিত রক্ত পরিসঞ্চালনের দন্ড। (১) কোন ব্যক্তি কোন অনিরীক্ষিত রক্ত রক্তের উপাদান কিংবা রক্তজাত সামগ্রী কোন রোগী বা রক্ত গ্রহীতার দেহে পরিসঞ্চালন করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দন্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি-

(ক) উক্ত অপরাধের জন্য অনধিক এক বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব দশ হাজার টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দন্ডিত হইবেন; বা

(খ) সেই ক্ষেত্রে উক্ত অপরাধের ফলে সংশ্লিষ্ট রোগী বা রক্ত গ্রহীতার মারাত্মক শারীরিক ক্ষতি, অংগহানী, পঙ্গুত্ব বা মৃত্যুর কারণ হয় কিংবা রক্তবাহিত সংক্রামক রোগে আক্রান্ত হন সেই ক্ষেত্রে উক্ত ব্যক্তি অনধিক পাঁচ বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব পাঁচ লক্ষ টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দন্ডিত হইবেন।

২৪। অননুমোদিত উপায়ে রক্ত, রক্তের উপাদান ও রক্তজাত সামগ্রী সংগ্রহ, উৎপাদন বিতরণের দন্ড।-(১) কোন ব্যক্তি এই আইন দ্বারা নির্ধারিত পদ্ধতি ব্যতীত অন্য কোন পদ্ধতি বা উপায়ে রক্ত, রক্তের উপাদান বা রক্তজাত সামগ্রী সংগ্রহ, উৎপাদন ও বিতরণ করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দন্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি উক্ত অপরাধের জন্য অনধিক দুই বৎসর সশ্রম কারাদন্ড, অথবা অনূর্ধ্ব পঞ্চাশ হাজার টাকা অর্থ দন্ড, অথবা উভয় দন্ডে দন্ডিত হইবেন।

২৫। অননুমোদিত ব্যক্তি কর্তৃক রক্ত পরিসঞ্চালনের দন্ড।-(১) কোন অননুমোদিত ব্যক্তি অন্য কোন ব্যক্তির দেহ হইতে রক্ত সংগ্রহ করিতে এবং কোন ব্যক্তির দেহে রক্ত পরিসঞ্চালন করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দণ্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি-

- (ক) উক্ত অপরাধের জন্য অনধিক এক বৎসর সশ্রম কারাদণ্ড, অথবা অনূর্ধ্ব দশ হাজার টাকা অর্থ দণ্ড, অথবা উভয় দণ্ডে দণ্ডিত হইবেন; বা
- (খ) যেই ক্ষেত্রে উক্ত অপরাধের ফলে সংশ্লিষ্ট রোগী বা রক্ত গ্রহীতার মারাত্মক শারীরিক ক্ষতি, অংগহানী, পঙ্গুতা বা মৃত্যুর কারণ হয় কিংবা রক্তবাহিত সংক্রামক রোগে আক্রান্ত হন সেই ক্ষেত্রে উক্ত ব্যক্তি অনধিক পাঁচ বৎসর সশ্রম কারাদণ্ড, অথবা অনূর্ধ্ব পাঁচ লক্ষ টাকা অর্থ দণ্ড, অথবা উভয় দণ্ডে দণ্ডিত হইবেন।

২৭। অতিরিক্ত সেবা ফিস আদায়ের দণ্ড।-(১) কোন ব্যক্তি বিধি দ্বারা নির্ধারিত হারের অতিরিক্ত রক্ত পরিসঞ্চালনসেবা ফিস আদায় করিবেন না।

(২) কোন ব্যক্তি উপ-ধারা (১) এর বিধান লংঘন করিলে দণ্ডনীয় অপরাধ করিয়াছেন বলিয়া গণ্য হইবেন এবং তিনি উক্ত অপরাধের জন্য অনধিক ছয় মাস পর্যন্ত বিনাশ্রম কারাদণ্ড অথবা অনূর্ধ্ব দশ হাজার টাকা অর্থ দণ্ড, অথবা উভয় দণ্ডে দণ্ডিত হইবেন।

## 2.2 Dental Care

### THE BENGAL DENTISTS ACT, 1939 (Bengal Act XII of 1939)

*An Act to provide for the registration of dental practitioners in Bangladesh.*

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

- (c) "Medical Council" means the Bangladesh Council of Medical Registration constituted under the Bengal Medical Act, 1914;
- (i) "registered medical practitioner" means any person registered under the provisions of the Bengal Medical Act, 1914.

3. The Government shall, as soon as possible after the commencement of this Act, by notification, establish a Board, to be called the Bangladesh Dental Board for the purpose of carrying out the provisions of this Act; such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

11.(1) The Registrar shall under order of the Board, keep a register of registered dental practitioners in accordance with the provisions of this Act in such manner and in such form as may be prescribed. The name, residence and

qualifications (with the dates thereof) of every person who is registered under this Act shall be entered in the register.

(2) It shall be the duty of the Registrar under the orders of the Board to keep the register correct and from time to time to make all necessary alterations in the addresses of persons registered, to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the name of any registered person who has died. The Government may prescribe a fee for the entry of any additional qualification.

12.(1) Every person who possesses any of the qualifications specified in the Schedule shall be entitled to be registered under this Act on such terms and conditions and for such period and on payment of such fee as may be prescribed by the Government.

(3) The Board may permit the registration under this Act of any person who does not possess any of the qualification specified in the Schedule and who has been bona fide engaged in the practice of dentistry since before the commencement of this Act, if such person, not later than the 31st day of May, 1950 passes a special examination to be held by the State Medical Faculty of Bangladesh for this purpose. The conduct of and all matters connected with such examinations and the fees to be paid for the same shall be regulated by rules made in this behalf by the Government.

13. The Board may refuse to permit the registration under this Act of any person who is or has been convicted by a Criminal Court of any such offence as in the opinion of the Board involves moral turpitude or who after due inquiry has been held guilty by the Board of infamous conduct in any professional respect.

14. Any entry in the register which is proved to the satisfaction of the Board to have been fraudulently or incorrectly made, may be erased from the register under an order in writing of the Board.

15. A person registered under this Act-

- (a) shall, by virtue of being so registered, be entitled to take and use the description of dentist, dental practitioner, dental surgeon or surgeon dentist;
- (b) shall not take or use, or affix to or use in connection with his premises, any other title or description which is calculated to suggest that he possesses any professional status or qualifications which he in fact does not possess.

16.(1) The Board may direct that the name of any dental practitioner who is or has been convicted by a criminal Court of any such offence as in the opinion of

the Board involves moral turpitude, such conviction not having been subsequently quashed, or who after due inquiry has been held guilty by the Board of infamous conduct in any professional respect shall be removed from the register, and may direct that any name so removed shall be re-entered.

(2) The Board may, on receiving a complaint or information of unprofessional conduct on the part of a registered dental practitioner or, when it has reason to believe that any such practitioner is guilty of unprofessional conduct, on its own motion, after due inquiry (at which an opportunity has been given to such dental practitioner to be heard in his defence), made an order directing the Registrar to erase from the register the name of the said practitioner.

19. No person who is not registered under this Act and who does not hold either a dental qualification specified in the Schedule or a medical qualification Registrable under the Bengal Medical Act, 1914, shall, except with the special sanction of the Government, hold any appointment as a dental surgeon in any dispensary, hospital, infirmary or lying-in hospital which is supported partially or entirely by public or local funds.

23.(1) Whoever falsely pretends to be registered under this Act, or on being registered under this Act, uses in connection with his names or title any words or letters representing that he is so registered, shall, whether any person is actually deceived by such pretence or representation or not, be punished on conviction with fine which may extend to three hundred taka.

(2) Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate, or any qualification in relation to dentistry or dental surgery, shall be punishable with a fine which extend to two hundred and fifty taka.

## THE SCHEDULE

### **Persons who are entitled to have their names entered in the Register of Registered Practitioners**

(see section 12 to 20)

#### **I.-Bangladesh List.**

1. Licentiates in Dental Surgery of the State Medical Faculty of Bangladesh and until the said Faculty commences to hold examinations for the purpose of granting such qualification, persons holding a licence, diploma or certificate in Dental Surgery granted by the Calcutta Dental College and Hospital.

2. Graduates and Licentiates in Dental Surgery of and University or Dental Board established by an Act of the Central or of a Legislature.

3. Person holding qualification Registrable under the Bengal Medical Act, 1914, and possessing the additional qualification of having passed a special examination for the practice of dentistry or dental surgery to be held from time to time by the State Medical Faculty of Bangladesh in accordance with the standard prescribed by the Board for the purpose of conferring such qualification:

Provided that such additional qualification will not be required in the case of persons who at the Commencement of this Act are bona fide engaged in the practice of dentistry or dental surgery either separately or in conjunction with the practice of medicine or surgery.

## **II.-Foreign List.**

1. Persons holding qualifications Registrable under the British Dentists Acts, 1878 and 1921.

2. British Indian subjects holding foreign dental qualifications, which entitle them to practice in the country where the qualification was obtained :

Provided that such qualifications are recognized by the Government after consultation with the Board.

## **2.3 Drug Control**

### **THE DRUGS ACT, 1940** **(Act No. XXIII of 1940)**

*An Act to regulate the import, export, manufacture, distribution and sale of drugs.*

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

(b) "drug" includes-

- (i) all medicines for internal or external use of human beings or animals, and all substances intended to be used for or in the treatment, mitigation or prevention of diseases in human beings or animals, not being medicines and substances exclusively used or prepared for use in accordance with the ayurvedic, unani, homeopathic or biochemic system of medicine,

- (ii) diagnostic, abortive and contraceptive substances, surgical ligatures, sutures, bandages, absorbent cotton, bacteriophages, adhesive plasters, gelatine capsules and antiseptic solutions,
  - (iii) such substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause disease in human beings or animals,
  - (iv) any substance, mentioned as monograph in any of the editions of the British Pharmacopoeia or the British Pharmaceutical Codex or the United States Pharmacopoeia or the National Formulary of the United States or the International Pharmacopoeia, whether alone or in combination with any substance exclusively used in the unani, ayurvedic, homeopathic or biochemic system of medicine and intended to be used for any of the purposes mentioned in sub-clauses (i), (ii) and (iii), and
  - (v) any other substance which the Government may, by notification in the official Gazette, declare to be a "drug" for the purposes of this Act;
- (bc) "manufacture" in relation to any drug includes any process or part or stage of process for making, altering, ornamenting, finishing, packing, labelling, breaking up or otherwise treating or adopting any drug with a view to its sale and distribution, but does not include the compounding and dispensing or the packing of any drug in the ordinary course of retail business or on a prescription of a registered medical practitioner or dentist or of a veterinarian, and 'to manufacture' shall be construed accordingly;
- (d) "patent or proprietary medicine" means a drug which is a remedy or prescription prepared for internal or external use of human beings or animals, and which is not for the time being recognised by the Permanent Commission on Biological Standardization of the World Health Organisation or in the latest edition of the British Pharmacopoeia or the British Pharmaceutical Codex or any other pharmacopoeia authorised in this behalf by the Government, or under Chapter IV by the Government.

5.(1) The Government shall, as soon as may be, constitute a Board (to be called the Drugs Technical Advisory Board) to advise the Government on technical matters arising out of the administration of this Act and to carry out the other functions assigned to it by this Act.

6.(1) The Government shall, as soon as may be establish a Drugs Laboratory under the control of a Director to be appointed by the Government, to carry out the functions entrusted to it by this Act or any rules made under this Chapter.

7.(1) The Government may constitute an advisory committee to be called "the Drugs Consultative Committee" to advise the Government, and the Drugs Technical Advisory Board on any matter tending to secure uniformity throughout Bangladesh in the administration of this Act.

### **CHAPTER III**

#### **IMPORT OF DRUGS**

8. (1) For the purposes of this Chapter the expression "standard quality" when applied to a drug means that the drug complies with the standard set out in the Schedule.

9. For the purposes of this Chapter a drug shall be deemed to be misbranded-

- (a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identify with such other drug, or
- (b) if it purports to be the product of a place or country of which it is not truly a product; or
- (c) if it is imported under a name which belongs to another drug; or
- (d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or
- (e) if it is not labelled in the prescribed manner; or
- (f) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular; or
- (g) if the label or container bears the name of an individual or company purporting to be the manufacturer or producer of the drug, which individual or company is fictitious or does not exist.

18. From such date as may be fixed by the Government by notification in the official Gazette in this behalf, no person shall import-

- (a) any drug which is not of standard quality;
- (b) any misbranded drug;



- (c) any drug for the import of which a licence is prescribed, otherwise than under, and in accordance with, such licence;
- (d) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof either the true formula or list of ingredients contained in it in a manner readily intelligible to members of the medical profession;
- (e) any drug which by means of any statement, design or device accompanying it or by any other means, purports or claims to cure or mitigate any such disease or ailment, or to have any such other effect, as may be prescribed;
- (f) any drug the import of which is prohibited by rule made under this Chapter.

13.(1) Whoever contravenes any of the provisions of this Chapter or of any rule made thereunder shall, in addition to any penalty to which he may be liable under the provision of section 11, be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred taka, or with both.

(2) Whoever, having been convicted under sub-section (1), is again convicted under that sub-section shall, in addition to any penalty as aforesaid, be punishable with imprisonment, which may extend to two years, or with fine which may extend to one thousand taka, or with both.

## CHAPTER IV

### MANUFACTURE, SALE AND DISTRIBUTION OF DRUGS

17. For the purposes of this Chapter a drug shall be deemed to be misbranded-
- (a) if it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identify with such other drug; or
  - (b) if it purports to be the product of a place or country of which it is not truly a product; or
  - (c) if it is sold, or offered or exposed for sale, under a name which belongs to another drug; or
  - (d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or
  - (e) if it is not labelled in the prescribed manner; or

- (f) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular; or
- (g) if the label or container bears the name of an individual or company purporting to be the manufacturer or producer of the drug, which individual or company is fictitious or does not exist.

18. From such date as may be fixed by the Government by notification in the official Gazette in this behalf, no person shall by himself or by any other person on his behalf-

- (a) manufacture for sale, or sell, or stock or exhibit for sale, or distribute-
  - (i) any drug which is not of standard quality;
  - (ii) any misbranded drug;
  - (iii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof either the true formula or list of ingredients contained in it in a manner readily intelligible to members of the medical profession;
  - (iv) any drug which by means of any statement, design or device accompanying it or by any other means, purports or claims to cure or mitigate any such disease or ailment, or to have any such other effect, as may be prescribed;
  - (v) any drug in contravention of the provisions of this Chapter or the rules made thereunder;
- (b) sell, or stock, or exhibit for sale, or distribute any drug which has been imported or manufactured in contravention of the provisions of this Chapter or the rules made thereunder;
- (c) manufacture for sale, or sell, or stock or exhibit for sale, or distribute any drug, except under, and in accordance with the conditions of, a licence issued for such purpose under this Chapter.

27. Whoever himself or by any other person by his behalf manufactures for sale, sells, stocks or exhibits for sale, or distributes any drug in contravention of any of the provisions of this Chapter or any rules made thereunder shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

29. Whoever uses any report of a test or analysis made by a Government Analyst, or any extract from such report for purpose of advertising any drug, shall be punishable with fine, which may extend to five hundred taka.

30.(1) Whoever, having been convicted of an offence under section 27, is again convicted under that section shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

## **THE PHARMACY ORDINANCE, 1976** (Ordinance No. XIII of 1976)

*An Ordinance to establish a Pharmacy Council to regulate the practice of pharmacy.*

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

- (c) "medical institution" means an institution whose medical qualifications are recognized under the Medical Council Act, 1973 (XXX of 1973);
- (d) "pharmacist" means a person who, for a fee, salary or other consideration paid to him or to another person on his behalf, manufactures, prepares, distributes, sells, or serves any prescription for, any medicine, drug or pharmaceutical preparation.

**3. Establishment of the Council.**-(1) As soon as may be after the coming into force of this Ordinance, the Government shall, by notification in the official Gazette, establish a Council to be known as the Pharmacy Council of Bangladesh;

**26. Certificate of registration.**-(1) The Council shall issue a certificate of registration to a person who has been registered under section 25.

**27. Revocation of certificate.**-(1) The Council may, after giving the person concerned an opportunity to make representation and of being heard, revoke the certificate of registration issued to him, if such person-

- (a) incurs any disqualification specified in sub-section (3) of section 24; or
- (b) contravenes any of the provisions of the Poisons Act, 1919 (XII of 1919), the Dangerous Drugs Act, 1930 (II of 1930), the Drugs Act, 1940 (XXIII of 1940), or this Ordinance or of the rules made under any of these Acts; or
- (c) fails or neglects to comply with any directive in respect of the profession of a pharmacist which the Government may, from time to time, issue; or
- (d) is guilty of such professional misconduct as may be laid down by the Council in this behalf.

(2) Where any certificate or registration is revoked under sub-section (1), the name of the person whose certificate has been so revoked shall, after he has been given a notice in writing of such revocation, be struck off the Registrar in which his name was entered and his registration shall thereupon stand cancelled.

(3) The Council may, of its own motion, and shall, upon an application made in this behalf within thirty days of the receipt of the notice under sub-section (2) by the person concerned, review its decision regarding revocation of the certificate of registration; and the decision of the Council upon such review shall be final.

**30. Prohibition of practice without registration.**—(1) Subject to the provision of sub-section (4), no person shall, after the expiry of two years from the coming into force of this Ordinance, or such later date as the Government may, by notification in the official Gazette, specify in this behalf, practice as a pharmacist unless he is a registered pharmacist and displays his certificate of registration in a conspicuous place within the premises in which he so practices.

(2) Whoever employs any pharmacist for the purpose of any business in pharmacy shall cause the certificate of registration of the pharmacist so employed to be displayed in a conspicuous place within the premises in which such business is carried on.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable, on first conviction, with fine which may extend to Taka five hundred, and, on each subsequent conviction with imprisonment for a term which may extend to three months, or with fine which may extend to Taka five hundred, or with both.

(4) Nothing in sub-section (1) shall apply to—

- (a) a registered medical practitioner as defined in the Medical Council Act, 1973 (XXX of 1973), or a person authorized to prescribe antibiotic and dangerous drugs under the Allopathic System (Prevention of Misuse) Ordinance, 1962 (LXV of 1962), who dispenses medicine to his own patients or serves his own prescriptions;
- (b) a person who deals in non-poisonous household remedies in original and unopened container at any store or place or prepares non-poisonous household remedies in accordance with the rules made under the Drugs Act, 1940 (XXIII of 1940);
- (c) a person who manufactures' sells or distributes drugs and medicines which fall exclusively under the unani, ayurvedic, biochemic or homeopathic system of medicine;

- (d) a person engaged as a health or veterinary technician in a Government Hospital or institution; and
- (e) a foreign pharmacist who is engaged, with the approval of the Council, for the purposes of consultation, advice or instruction.

## **THE DRUGS (CONTROL) ORDINANCE, 1982** (Ordinance No. VIII of 1982)

*An Ordinance to control manufacture, import, distribution and sale of drugs.*

**2. Definitions.**-(1) In this Ordinance, unless there is anything repugnant to the subject or context,-

- (d) "Drug" shall have the same meaning as in the Act and shall include any substance exclusively used or prepared for use in accordance with the ayurvedic, unani and homeopathic or biochemic system of medicine.

**4. Drug Control Committee.**-(1) The Government shall constitute a Drug Control Committee consisting of a Chairman and such other members as it may appoint from time to time.

**5. Registration of Medicines.**-(1) No medicine of any kind shall be manufactured for sale or be imported, distributed or sold unless it is registered with the licensing authority.

(2) The licensing authority shall not register a medicine unless such registration is recommended by the Committee.

**6. Cancellation or suspension of registration.**-(2) The Committee shall evaluate ... every medicine that may be manufactured or imported ... in order to determine its safety, efficacy.

(3) If on such evaluation the Committee finds that any such medicine is not safe, efficacious or useful it may recommend to the licensing authority cancellation of registration of the medicine.

(4) The licensing authority may, if it is satisfied that a medicine is substandard, suspend the registration of such medicine till he is satisfied that the medicine has attained its standard.

**11. Fixation of price of drugs.**-The Government may, by notification in the *official Gazette*, fix the maximum price at which any medicine may be sold.

**13. Employment of pharmacists.**-No person shall manufacture any drug except under the personal supervision of a pharmacist registered in Register "A" of the Pharmacy Council of Bangladesh.

**14. Control of advertisement and claims in respect of drugs.**-No person shall publish or take any part in the publication of any advertisement which relates to the use of any drug or contains any claim in respect of therapies or treatment without the prior approval of the licensing authority.

**15. Good practices in the manufacture and quality control of drugs.**-(1) Every manufacturer of drug shall follow the good practices in the manufacture and quality control of drugs recommended by the World Health Organisation.

(2) If any manufacturer does not follow such good practices his manufactured licence may be cancelled or suspended.

**16. Penalty for manufacture etc., of certain drugs.**-Whoever manufactures, imports, distributes or sells-

- (a) any medicine which is not registered under this Ordinance; or
- (c) any drug which is adulterated or spurious.

shall be punishable with rigorous imprisonment for a term which may extend to ten years, or with fine which may extend to two lakh taka, or with both, and any implements used in the manufacture or sale of such medicine or drug may, by order of the Drug Court, be forfeited to the Government.

**17. Penalty for manufacture or sale of sub-standard drugs.**-Whoever manufactures or sells any sub-standard drug shall be punishable with rigorous imprisonment for a term which may extend to five years, or with fine which may extend to one lakh taka, or with both.

**18. Penalty for unauthorised import of drugs.**-Whoever imports any drug or pharmaceutical raw material without the prior approval of the licensing authority shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand taka, or with both and such drug or raw material may by order of the Drug Court, be forfeited to the Government.

**21. Penalty for illegal advertisement and claims.**-Whoever contravenes the provision of section 14 shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to two lakh taka, or with both.

**23. Drug Courts.**-(1) The Government may, by notification in the *official Gazette* establish as many Drug Courts as it considers necessary and, where it establishes more than one Drug Court shall specify in the notification the territorial limits within which each one of them shall exercise jurisdiction under this Ordinance.

(4) A Drug Court may pass any sentence authorized by this Ordinance and shall have all the powers conferred by this code of Criminal Procedure, 1898 (V of 1898) on a Court of Session exercising original jurisdiction.

**24. National Drug Advisory Council.**-(1) The Government shall constitute a National Drug Advisory Council consisting of a Chairman and such other members as it may appoint from time to time.

(2) The Council shall advise the Government on-

- (a) measures to be adopted for the implementation of the national drug policy that may be adopted by the Government from time to time.

**Note:** This Ordinance contains Schedules barring the manufacture, importation, sale, distribution of certain drugs and raw materials thereof. Provisions were incorporated in the Drugs (Supplementary Provisions) Ordinance, 1986 providing for penal provisions for non-observance with some of the provisions of the Ordinance of 1982.

## **2.4 Laws on Specific Diseases**

### **THE VACCINATION ACT, 1880**

**(Bengal Act V of 1880)**

*An Act to make vaccination compulsory*

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

"unprotected child" means a child who has not been protected from small-pox by having had that disease naturally or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible of vaccination;

"unprotected person" includes a child who has no parent or guardian and means a person who has not been protected from small-pox by having had that disease naturally or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible of vaccination;

3. The parent or guardian of every child born in any place to which this Act applies, as above provided, or may hereafter be extended shall, within six months after the birth of such child, and

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in such place aforesaid,

shall within six months after such child's arrival in such place,

take it, or cause it to be taken, to a public vaccine-station to be vaccinated or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner or public vaccinator;

and the parent or guardian of every unprotected child may, whenever the Superintendent of Vaccination, as hereinafter appointed, shall deem it expedient, be served with a notice, in the form prescribed in the first schedule of this Act, requiring the parent or guardian, within fifteen days after the service of the same, to take such child, or cause such child to be taken, to a public vaccine-station to be vaccinated, or within such period as aforesaid to cause it to be vaccinated by some medical practitioner or public vaccinator;

and every such parent or guardian shall, within the said period, comply with the requisition;

and any public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination at such vaccine-station, or is requested to vaccinate such child elsewhere than at a public vaccine-station, is hereby required, with all reasonable dispatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

11. Every unprotected person may, whenever the said Superintendent of vaccination shall deem it advisable, be served with a notice... requiring him, within fifteen days after service of the same, to submit himself to a public vaccinator or medical practitioner to be vaccinated; and every such person shall, within the said period, submit himself to a public vaccinator or medical practitioner for vaccination.

12. The provisions of section 3... shall apply, with necessary alterations to the case of unprotected persons.

13. The powers conferred by sections 11 and 30 upon the said Superintendent of Vaccination may, in the case of unprotected persons arriving in the port of Chittagong, be exercised by the Health Officer of the said port immediately upon arrival.

If a vessel arrives in the said port of Chittagong having on board any person suffering from the disease of small-pox, the said Health Officer may, if he deem it expedient in order to prevent the risk of the contagion of small-pox being conveyed into the town or suburbs of Chittagong, require any unprotected person on board such vessel to submit himself forthwith to be vaccinated; and every such person shall, before leaving the vessel submit himself to the said Health Officer, or any person duly authorized to act in this behalf, for vaccination.

28. Whoever, in contravention of this Act,-



- (a) neglects without reasonable excuse to submit himself, within fifteen days after the service on him of the notice prescribed by section 11, to a public vaccinator or medical practitioner to be vaccinated, or to the operator (if a medical practitioner) or to an Inspector after vaccination to be inspected, or
- (b) neglects without reasonable excuse to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or
- (c) neglects to fill up and sign and give to any person or to parent or guardian of any child a certificate which such person, parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births, or
- (d) refuses without reasonable excuse to submit himself to be vaccinated when required so to do by the Health Officer exercising the powers conferred upon him by section 13

shall be punishable for each offence with fine which may extend to fifty taka.

## **THE EPIDEMIC DISEASES ACT, 1897** (Act No. III of 1897)

*An Act to provide for the better prevention of the spread of Dangerous Epidemic Disease.*

2.(1) When at any time the Government is satisfied that Bangladesh or any part thereof is visited by, or threatened with an, outbreak of any dangerous epidemic disease, the Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulation to be observed by the public or by any person or class regulations to be observed by the public or by any person or class of person as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and prescribe regulations for-

- (b) the inspection of persons travelling by railway or otherwise, and the segregation, in hospital temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease;

- (c) inspection of any ship or vessel leaving or arriving at any port in Bangladesh and for such detention there of, or of any person to sail therein, or arriving thereby, as may be necessary.

3. Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Penal Code.

## **LEPERS ACT, 1898** **(Act No. III of 1898)**

*An Act to provide for the segregation and medical treatment of pauper lepers and the control of lepers following certain callings.*

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

- (1) "leper" means any person suffering from any variety of leprosy;
- (2) "pauper leper" means a leper-
  - (a) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms; or
  - (b) who is at large without any ostensible means of subsistence.
- (3) "leper asylum" means a leper asylum appointed under section 3.

3. The Government may, by notification in the official Gazette, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made for the accommodation and medical treatment of lepers therein, and may, by a like notification, specify the local areas from which lepers may be sent to such asylum.

4. Subject to any rules which may be made under section 16, the Government may appoint any Medical Officer of the Government or other qualified medical man to be an Inspector of Lepers and any person to be a Superintendent of a Leper Asylum, with such establishment as may in its opinion be necessary----

5. The Government shall constitute for every leper asylum appointed under section 3 a Board consisting of not less than three members, one of whom at least shall be a Medical Officer of the Government.

6.(1) Within any local area which has been specified under section 3 any police-officer or any other person specially empowered by the Government by order in writing in this behalf may arrest without a warrant any person who appears to him to be a pauper leper.

(2) Such police-officer or other person shall forthwith take or send the person so arrested to the nearest convenient police station.

7. Every person brought to a police-station under the last foregoing section shall, without unnecessary delay, be taken before an Inspector of Lepers, who,-

- (a) if he finds that such person is not a leper within the meaning of section 2, shall give him a certificate in form A set forth in the schedule whereupon such person shall be forthwith released from arrest;
- (b) if he finds that such person is a leper within the meaning of section 2, shall give to the police-officer, in whose custody the leper is, a certificate in Form B' set forth in the schedule, whereupon the leper shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Act.

8.(1) If it appears to any Magistrate of the first class or to any other Magistrate authorized in this behalf by the Government, upon the certificate in Form B set forth in the schedule, that any person is a leper, and if it further appears to the Magistrate that the person is a pauper leper, he may, after recording the evidence on the above-mentioned points, and his order thereon, send the pauper leper in charge of a police-officer, together with an order in Form C set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board or the District Magistrate:

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Inspector of Lepers, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leper, and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail:

Provided also that if any friend or relative of any person found to be a pauper leper shall undertake in writing to the satisfaction of the Magistrate that such pauper leper shall be properly taken care of and shall be prevented from publicly begging in any area specified under section 3, the Magistrate, instead of sending the leper to an asylum, may make the leper over to the care of such friend or relative, requiring him, if he thinks fit, to enter into a bond with one or more sureties, to which the provisions of section 541 of the Code of Criminal Procedure, 1898, shall be applicable.

(2) If the Magistrate finds that such person is not a leper, or that, if a leper, he is not a pauper leper, he shall forthwith discharge him.

9.(1) The Government may, by notification in the official Gazette, order that no leper shall, within any area specified under section 3,-

- (a) personally prepare for sale or sell any article of food or drink or any drugs or clothing intended for human use; or
- (b) bathe, wash clothes or take water from any public well or tank debarred by any municipal or local bye-law from use by lepers; or
- (c) drive, conduct or ride in any public carriage plying for hire other than a railway carriage; or
- (d) exercise any trade or calling which may be such notification be prohibited to lepers.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with fine which may extend to twenty taka:

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnishes a certificate, in Form B set forth in the schedule, in respect of such person.

10.(1) Whenever any leper who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate may, in addition to, or in lieu of, any punishment to which such leper may be liable, require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area specified under section 3 in which he is, and not to enter that or any other local area so specified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(2) If any such leper fails to furnish any security required under sub-section (1), the Magistrate may send him in charge of a police-officer, with an order in Form D set forth in the Schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board or the District Magistrate.

(3) The powers conferred by this section shall only be exercised by a Magistrate of the first class.

11. Any person who, within any are specified under section 3, knowingly employs a leper in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to fifty taka:

Provided that the alleged leper shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnished a certificate in Form B set forth in the schedule in respect of such alleged leper.

12. Whoever, having been sent to a leper asylum under an order of a Magistrate in Form C or Form D set forth in the schedule, escapes from, or leaves, the asylum without the permission in writing of the Superintendent thereof, may be arrested without a warrant by any police-officer or by any other person especially empowered by the Government by order in writing in this behalf, and upon arrest shall be forthwith taken back to the leper asylum.

13. Two or more members of the Boards, one of whom shall be the Medical Officer, shall, once at least in every three months, together inspect the leper asylum for which they are constituted, and see and examine (a) every leper therein admitted since the last inspection, together with the order for this admission, and (b) as far as circumstances will permit, every other leper therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the lepers therein.

14. Any two members of the Board, one of whom shall be the Medical Officer, may at time, by an order in writing in Form E set forth in the schedule and signed by them, direct the discharge from the leper asylum of any leper detained therein under the provisions of this Act.

15. Any person, other than a pauper leper, in respect of whom an Inspector of Lepers has issued a certificate, in Form B set forth in the schedule, declaring him to be a leper, or has refused to issue a certificate in Form A set forth in the schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the Government in this behalf, and the decision of such officer shall be final.

## **LUNACY ACT, 1912** (Act No. IV of 1912)

*An Act to consolidate and amend the law relating Lunacy.*

2. Nothing contained in Part II shall be deemed to affect the powers of the High Court Division, over any person found to be a lunatic by inquisition or over the property of such lunatic, or the right of any person appointed by such Court as guardian of the person or manager of the estate of such lunatic.

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

(1) "asylum" means an asylum or mental hospital for lunatics or licensed by the Government;

(4) "criminal lunatic" means any person for whose detention in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or

section 471 of the Code of Criminal Procedure, 1898 or of section 30 of the Prisoners Act, 1900, or of section 130 of the Army Act, 1952;

(5) "lunatic" means an idiot or person of unsound mind.

4.(1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by sections 4A, 8, 16 and 98 :

(2) A boarder received in an asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four after he has given to the person in charge of the asylum notice in writing of his desire to leave such asylum.

4A.(1) Subject to the provisions of this section, a person who is suffering from mental illness and is likely to benefit by temporary treatment but is for the time being incapable of expressing himself as willing or unwilling to receive such treatment, may on a written application duly made in accordance with the provisions of this sections but without a reception order, be received as a temporary patient for the purpose of treatment in an asylum.

(2) An application under this section must be in the form prescribed, must be made to the person in charge of an asylum and must be made by the husband or wife or by a relative of the person to whom it relates and shall contain a statement of the connection of the applicant with the person to whom it relates and of the circumstances in which he makes the application.

(3) The application shall be accompanied by a recommendation in the form prescribed, signed by two medical practitioners, one of whom shall be a medical practitioner who is not the usual medical attendant of the person to whom the application relates.

(6) Where a person is received as a temporary patient under this section, notice of his reception together with a copy of the application of which he was received and of the recommendation accompanying the application shall, before the expiration of the second day on which he was received, be sent by the person in charge of the asylum to the visitors appointed under section 28.

(8) Within one month of the reception of any person received as a temporary patient under this section he shall be visited by two or more of the visitors, one of whom shall be a medical officer.

(10) Subject to the provisions of this section a person received as a temporary patient may be detained for a period not exceeding six months but shall not be detained as such for any longer period.

(11) If a person who has been received as a temporary patient becomes capable of expressing himself as willing or unwilling to continue to receive treatment

he shall not thereafter be detained for more than twenty-eight days unless in the meantime he has again become incapable of so expressing himself.

5.(1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

6.(1) Subject to the provisions of sub-section (3) the petition shall be presented by the husband or wife of the alleged lunatic, or, if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from Bangladesh or otherwise from making the presentation, by the nearest relative of the alleged lunatic who is not so prevented.

(2) If petition is not presented by the husband or wife, or, where there is no husband or wife, by the nearest relative of the alleged lunatic, the petition shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

7.(1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considered that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reason to be recorded in writing he thinks it unnecessary or inexpedient so to do.

8. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

10.(1) At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

13.(1) Every officer in charge of a police-station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police-station who has reason to believe that any person within the limits of his station is deemed

to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having charge of him, shall immediately report the fact to the Magistrate.

14. Whenever any person is brought before a Magistrate under the provisions of the sub-section (1) of section 13, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into an asylum :

Provided that, if any friend or relative desires that the lunatic be sent to a licensed asylum and engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic in such asylum, the Magistrate shall, if the person in charge of such asylum consents, make a reception order for the admission of the lunatic into the licensed asylum mention in the engagement :

Provided further that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

15.(1) If it appears to the Magistrate, on the report of a police-officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.



(3) If there is no person legally bound to maintain the alleged lunatic, or if the magistrate thinks fit so to do, he may proceed as prescribed in section 14, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic an asylum.

18.(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by other; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

19.(1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or where two certificates are required, each person who signs a certificate has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and in all other cases not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

33. When any relative or friend of a lunatic detained in any asylum under the provisions of sections 14, 15 or 17 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to him self or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

62. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court, within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself an his affairs.

84. The Government may establish or license the establishment of asylums at such places as it thinks fit if it is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases.

93. Any person who-

- (a) otherwise than in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum, or
- (b) for gain detains two or more lunatics in any place not being an asylum,

shall be punishable with imprisonment which may extend to two years or with fine or with both.

**THE BANGLADESH MALARIA ERADICATION BOARD  
ORDER, 1972  
(P. O. No. 99 of 1972)**

*An Order to provide for the establishment of a Board for eradication of malaria from Bangladesh and prevention of its reappearance therein and matters connected therewith or incidental thereto.*

3.(1) As soon as may be on the commencement of this Order, there shall be constituted a Board to be called the Malaria Eradication Board in accordance with the provision of this Order.

5.(1) The Board shall-

- (a) formulate schemes and adopt co-ordinate measures for eradication of malaria from Bangladesh and prevention of its re-appearance therein;
- (b) lay down the policy in accordance with which Project Director shall execute any such schemes or measures;
- (c) evaluate, and assess the execution of the schemes and measures; and
- (d) have overall responsibility for the success of any such schemes or measures.

(2) Without prejudice to the generality of the provisions of clause (1) a scheme or measure formulated or adopted by the Board may relate to-

- (a) the spraying of buildings and other premises with insecticide;
- (b) the survey of the country;
- (c) the medical examination of the people;

- (d) the treatment of persons suffering or suspected to be suffering from malaria;
- (e) the delimitation of malarious areas and the areas free from malaria and measures to prevent appearance or re-appearance of malaria in the latter areas; and
- (f) such other measures considered necessary for carrying out the purposes of this Order.

12.(1) The Board or any person authorized by such Board may, by Order,-

- (a) require any person to undergo medical examination and treatment;
- (b) require every person having knowledge or information of any case of malaria or suspected malaria to report the case to the specified authority;
- (c) require every person coming from a malarious area and entering into a malaria-free area to report for examination at the nearest malaria detection post on arrival at the destination;
- (d) prohibit from washing, white-washing, plastering, painting or applying any other surface treatment with respect to any building or other premises sprayed with insecticide during a period of five months from such spraying; and
- (e) prohibit doing of anything with respect to any engineering, agricultural or industrial projects, which may increase the extent and spread of malaria.

(2) Any person authorized by the board may apply insecticide, collect mosquitoes, check insecticide deposits, take blood films and do such other acts as are considered necessary to eradicate or prevent malaria or to collect information relating to malaria and for any such purpose enter into any premises.

(3) Whoever, contravenes an order under clause (1) or obstructs or resists any person acting under clause (2), shall be punishable with imprisonment for a term which may extent to three months or with fine which may extend to five hundred Taka or with both.

**INTERNATIONAL CENTRE FOR DIARRHOEAL DISEASE  
RESEARCH, BANGLADESH ORDINANCE, 1978  
(Ordinance No. LI of 1978)**

*An Ordinance to provide for the establishment of an International Centre for the Diarrhoeal Disease Research, Bangladesh.*

**3. Establishment and Incorporation of the Centre.**-(1) There shall be an international centre to be called the "International Centre for Diarrhoeal Disease Research, Bangladesh" for carrying out the purposes of this Ordinance.

**6. Aims and objectives of the Centre.**-(1) The aims and objectives of the Centre shall be:

(a) To function as an institution to undertake and promote study, research and dissemination of knowledge in diarrhoeal diseases and directly related subjects of nutrition and fertility with a view to developing improved methods of health care and for the prevention and control of diarrhoeal diseases and improvement of public health programmes with special relevance to developing countries.

(2) In fulfilling the above aims and objectives, the Centre shall have responsibilities:

(c) To conduct clinical research, laboratory and animal experiments, epidemiological and survey research, field investigations, demonstration projects, within the applicable laws and regulations, or concurrence where necessary, of the Government and other countries where it may be appropriate; to hold meetings and to arrange lectures, seminars, discussions and conferences, both international and national, on clinical medicine, epidemiology, basic medical sciences, bio-statistics demography, fertility and other social sciences relating to the studies of diarrhoeal disease control and public health, in this section referred to as the studies;

(e) To maintain hospitals, clinics, laboratories, animal research facilities, libraries, reading rooms, scientific equipment and instruments..

**THE PREVENTION OF MALARIA (SPECIAL  
PROVISIONS) ORDINANCE, 1978**  
(Ordinance No. IV of 1978)

*An Ordinance to make for the prevention of malaria and for matters connected therewith.*

**2. Formulation of measures, etc.**-(1) For the purposes of prevention of malaria, the Government or any person authorized by it in this behalf may-

- (a) formulate schemes and adopt co-ordinated measures for prevention of malaria;
- (b) lay down the policies in accordance with which the Directorate of Health Services shall execute any such schemes or measures;

(2) A scheme or measure formulated or adopted under sub-section (1) may relate to-

- (a) the spraying of buildings and other premises with insecticides;
- (c) the medical examination of the people;
- (d) the treatment of persons suffering or suspected to be suffering from malaria;
- (e) the delimitation of malarious areas free from malaria and measures to prevent appearance or re-appearance of malaria in the latter area.

**3. Power to require and prohibit doing of certain things.**-(1) The Government or any person authorized by it in this behalf may, by order,-

- (a) require any person to undergo medical examination and treatment;
- (b) require every person having knowledge or information of any case of malaria or suspected malaria to report the case to any specified authority;
- (c) require every person coming from a malarious area and entering into a malaria free area to report for examination to the nearest malaria detection post on arriving at the destination;
- (d) require any employer in the district of Chittagong Hill Tracts to furnish to the nearest malaria detection post particulars of his employees coming from any other Districts so that necessary measures for their protection against malaria may be adopted;
- (e) prohibit from washing, white-washing, plastering, painting or applying any other surface treatment with respect to any building or other premises sprayed with insecticide during a period of five months from such spraying; and

(f) prohibit doing of anything with respect to any engineering, agricultural and industrial projects which may increase the extent and spread malaria.

(2) Any person authorized in this behalf by the Government may apply insecticide, collect mosquitoes, check insecticide deposits, take blood films and do such other acts as are considered necessary to control or prevent malaria to collect information relating to malaria and for any such purpose enter into any premises.

4. **Penalty.**- Whoever contravenes an order under sub-section (1) obstructs or resists any person acting under sub-section (2) of section 3 shall be punishable with imprisonment for a term which may extend to three months or with fine may extend to five hundred, or with both.

### আয়োডিন অভাবজনিত রোগ প্রতিরোধ আইন, ১৯৮৯ (১৯৮৯ সনের ১০ নং আইন)

আয়োডিন অভাবজনিত রোগ প্রতিরোধের বিধান প্রণয়নকল্পে প্রণীত আইন।

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

(ক) “আয়োডিন মিশ্রিত লবণ” বলিতে ঐ লবণকে বুঝাইবে যাহার মধ্যে জলীয় অংশের পরিমাণ উহার অন্তর্ক নমুনার ওজনের ৬.০ শতাংশের বেশী হইবে না এবং নিম্নবর্ণিত উপাদান শুদ্ধ ওজনের ভিত্তিতে উল্লেখিত পরিমাণে থাকিবে, যথা-

(অ) অন্যান্য ৯৬.০ শতাংশ ওজনের সোডিয়াম ক্লোরাইড;

(আ) অনধিক ০.১ শতাংশ ওজনের পানিতে অদ্রবণীয় পদার্থ;

(ই) অনধিক ৩.০ শতাংশ ওজনের সোডিয়াম ক্লোরাইড ব্যতীত, পানিতে দ্রবণীয় পদার্থ;

(ঈ) ৪.৫ হইতে ৫.০ লক্ষাংশ পরিমাণ আয়োডিন (উৎপাদনের সময়), এবং অন্যান্য ২.০০ লক্ষাংশ আয়োডিন (খুচরা বিক্রয়ের সময়)।

৩। লবণ কমিটি।-(১) এই আইনের উদ্দেশ্য পূরণকল্পে একটি লবণ কমিটি থাকিবে।

(২) একজন চেয়ারম্যান এবং অন্যান্য পাঁচজন অন্যান্য সদস্য সমন্বয়ে লবণ কমিটি গঠিত হইবে।

৪। ভোজ্য লবণ আমদানী ইত্যাদি নিয়ন্ত্রণ।-(১) কোন ব্যক্তি আয়োডিন মিশ্রিত লবণ ব্যতীত অন্য কোন ভোজ্য লবণ বাংলাদেশে আমদানী করিতে পারিবেন না :

তবে শর্ত থাকে যে, ভোজ্য লবণ উৎপাদনের জন্য অথবা রাসায়নিক কারখানা ব্যবহারের জন্য কাঁচা লবণ আমদানীর ক্ষেত্রে এই উপধারার কোন কিছুই প্রযোজ্য হইবে না।

(২) কোন ব্যক্তি আয়োডিন মিশ্রিত ভোজ্য লবণ ব্যতীত অন্য কোন ভোজ্য লবণ উৎপাদন করিতে, গুদামজাত করিতে, বিতরণ করিতে বা প্রদর্শন করিতে পারিবেন না :

তবে শর্ত থাকে যে, কোন খাদ্য বা পানীয় দ্রব্য তৈরী বা উৎপাদনের জন্য অথবা রাসায়নিক কারখানায় ব্যবহারের জন্য প্রয়োজনীয় ভোজ্য লবণ উৎপাদন, গুদামজাতকরণ, বিতরণ বা প্রদর্শন করার ক্ষেত্রে এই উপ-ধারার কোন কিছুই প্রযোজ্য হইবে না।

৫। লবণ গবেষণাগার।-এই আইনের উদ্দেশ্য পূরণকল্পে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, যে কোন গবেষণাগার বা প্রতিষ্ঠানকে লবণ গবেষণাগার হিসাবে ঘোষণা করিতে পারিবে।

৬। ভোজ্য লবণ বিক্রয় সংক্রান্ত বিধিনিষেধ।-(১) কোন ব্যক্তি এই আইন বা তদধীন প্রণীত বিধি মোতাবেক তৈরী প্যাকেট ব্যতীত অন্য কোন প্রকারে কোন ভোজ্য লবণ বিক্রয় করিতে, গুদামজাত করিতে, বিতরণ করিতে বা প্রদর্শন করিতে পারিবেন না।

(২) ভোজ্য লবণের প্রত্যেক প্যাকেটের উপরে নিম্নলিখিত বিষয়গুলি সুস্পষ্টভাবে লিপিবদ্ধ থাকিবে, যথা-

- (ক) উৎপাদনকারীর নাম ও ঠিকানা;
- (খ) লবণের পরিমাণ এবং উহার উৎপাদন ও প্যাকেটস্থ করার তারিখ;
- (গ) প্যাকেটের নম্বর;
- (ঙ) লবণে আয়োডিন মিশ্রিত হওয়া সম্পর্কে একটি ঘোষণা।

৭। ভোজ্য লবণ উৎপাদনকারীর নিবন্ধীকরণ।-(১) এই আইনের অধীন নিবন্ধীকৃত কোন ব্যক্তি ব্যতীত অন্য কোন ব্যক্তি ভোজ্য লবণ উৎপাদন করিতে পারিবেন না।

(২) ভোজ্য লবণ উৎপাদনে ইচ্ছুক প্রত্যেক ব্যক্তিকে ভোজ্য লবণ উৎপাদনকারী ব্যক্তি হিসাবে নিবন্ধীকৃত হইতে হইবে।

৮। পরিদর্শন।-সরকারের নিকট হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোন ব্যক্তি যে কোন ভোজ্য লবণ তৈরীর কারখানা বা যে কোন ব্যবসা প্রতিষ্ঠান, দোকান, গুদাম বা স্থানে রক্ষিত ভোজ্য লবণ পরিদর্শন করিতে পারিবেন এবং উহা পরীক্ষার জন্য যে কোন লবণ গবেষণাগারে পাঠাইতে পারিবেন।

৯। শাস্তি।-কোন ব্যক্তি এই আইনের কোন বিধান লঙ্ঘন করিলে তিনি অনধিক তিন বৎসরের কারাদণ্ডে বা অনধিক পাঁচ হাজার টাকা জরিমানায় বা উভয় প্রকার দণ্ডে দণ্ডণীয় হইবেন।

**মানবদেহ অঙ্গ-প্রত্যঙ্গ সংযোজন আইন, ১৯৯৯**  
**(১৯৯৯ সনের ৫নং আইন)**

মানবদেহে অঙ্গ-প্রত্যঙ্গ সংযোজনের বিধান করার উদ্দেশ্যে প্রণীত আইন।

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

- (ক) “অঙ্গ-প্রত্যঙ্গ” অর্থ মানবদেহের কিডনী, হৃৎপিণ্ড, যকৃত, অগ্নাশয়, অস্থি, অস্থিমজ্জা, চক্ষু, চর্ম ও টিস্যুসহ মানবদেহে সংযোজনযোগ্য যে কোন অঙ্গ বা প্রত্যঙ্গ;
- (খ) “আইনানুগ উত্তরাধিকারী” অর্থ স্বামী, স্ত্রী, প্রাপ্ত বয়স্ক পুত্র ও কন্যা, পিতা, মাতা, প্রাপ্ত বয়স্ক ভাই ও বোন এবং রক্ত সম্পর্কের অন্যান্য প্রাপ্ত বয়স্ক আত্মীয়, তবে এই আইনের অধীন আইনানুগ উত্তরাধিকারীর ক্ষমতা প্রয়োগের ক্ষেত্রে, প্রথমোল্লিখিত ব্যক্তিগণ ক্রমানুসারে তৎপরবর্তীতে উল্লিখিত ব্যক্তিগণের ভুলনায় অগ্রাধিকার লাভ করিবেন;
- (ঘ) “ব্রেইন ডেথ” অর্থ ধারা ৫ এর অধীন ঘোষিত ব্রেইন ডেথ;
- (ঙ) “মেডিকেল বোর্ড” অর্থ ধারা ৭ এর অধীন গঠিত মেডিকেল বোর্ড।

৩। জীবিত ব্যক্তির অঙ্গ-প্রত্যঙ্গ দান।-সুস্থ ও সাধারণ জ্ঞানসম্পন্ন যে কোন ব্যক্তি তাহার দেহের এমন কোন অঙ্গ-প্রত্যঙ্গ যাহা বিযুক্তির কারণে তাহার স্বাভাবিক জীবন-যাপনে ব্যাঘাত সৃষ্টির আশংকা নাই তাহা তাহার কোন নিকট আত্মীয়ের দেহে সংযোজনের জন্য দান করিতে পারিবেন :

তবে শর্ত থাকে যে, নিম্নবর্ণিত ব্যক্তিগণ তাহাদের দেহের কোন অঙ্গ-প্রত্যঙ্গ দান করিতে পারিবেন না, যথা :-

- (ক) আঠার বৎসরের কম বয়স্ক ব্যক্তি, তবে রিজেনারেশন টিস্যুর ক্ষেত্রে যদি দাতা ও গ্রহীতা ভাই-বোন সম্পর্কের হন তাহা হইলে এই শর্ত কার্যকর হইবে না;
- (খ) এইরূপ ব্যক্তি যাহার টিস্যু এইচবিএসএজি, এন্টিএইচ, সিডি, অথবা এইচআইভি পজিটিভ; এবং
- (গ) মেডিকেল বোর্ড কর্তৃক এই ধারার উদ্দেশ্যে অঙ্গ-প্রত্যঙ্গ দান করার অযোগ্য বলিয়া ঘোষিত অন্য যে কোন ব্যক্তি।

৪। মৃত ব্যক্তির অঙ্গ-প্রত্যঙ্গ বিযুক্তকরণ।- ধারা ৫ অনুসারে কোন ব্যক্তির ব্রেইন ডেথ ঘোষণার পর নিম্নবর্ণিত ক্ষেত্রসমূহে তাহার দেহ হইতে অঙ্গ-প্রত্যঙ্গ অন্য কোন ব্যক্তির দেহে সংযোজনের উদ্দেশ্যে বিযুক্ত করা যাইবে, যথা :-

- (ক) উক্ত ব্যক্তি যদি তাহার অঙ্গ-প্রত্যঙ্গ কাহারও দেহে সংযোজনের উদ্দেশ্যে উইল করিয়া থাকেন; অথবা



- (খ) উক্তরূপ উইলের অবর্তমানে উক্ত ব্যক্তির ব্রেইন ডেথ ঘোষণার পর তাহার কোন আইনানুগ উত্তরাধিকারী যদি উক্ত ব্যক্তির দেহ হইতে অঙ্গ-প্রত্যঙ্গ বিযুক্ত করিবার জন্য লিখিত অনুমতি প্রদান করেন; অথবা
- (গ) উক্ত ব্যক্তির মৃত্যুর চক্রিশ ঘন্টার মধ্যে যদি কেহ মৃতদেহ দাবী না করেন, তাহা হইলে-
  - (অ) মৃতদেহ কোন হাসপাতাল, ক্লিনিক বা অন্যবিধ চিকিৎসালয়ে থাকিলে উহার প্রশাসনিক কর্তৃত্ব পালনকারী ব্যক্তি; অথবা
  - (আ) মৃতদেহ অন্য কোন ব্যক্তি বা প্রতিষ্ঠান বা স্থানে থাকিলে উক্ত ব্যক্তি, প্রতিষ্ঠান বা স্থান যে জেলা প্রশাসকের প্রশাসনিক এখতিয়ারাধীন তিনি বা, ক্ষেত্রমত, তাহার নিকট হইতে এতদুদ্দেশ্যে লিখিতভাবে ক্ষমতাপ্রাপ্ত ব্যক্তি যদি অনুরূপ বিযুক্তির জন্য লিখিত অনুমতি প্রদান করেন।

৬। অঙ্গ-প্রত্যঙ্গ দাতা ও গ্রহীতার যোগ্যতা।-(১) কোন ব্যক্তির অঙ্গ-প্রত্যঙ্গ অন্য কোন ব্যক্তির দেহে সংযোজনযোগ্য হইবে না, যদি অঙ্গ-প্রত্যঙ্গ দাতার-

- (ক) বয়স, মৃত ব্যক্তির ক্ষেত্রে, দুই বৎসরের কম অথবা পয়ষষ্টি বৎসরের উর্ধ্বে হয় এবং জীবিত ব্যক্তির ক্ষেত্রে, আঠারো বৎসরের কম অথবা পয়ষষ্টি বৎসরের উর্ধ্বে হয়;
  - (খ) সংশ্লিষ্ট অঙ্গ-প্রত্যঙ্গের কার্যকারীতা কোন কারণে নষ্ট হওয়ার সম্ভাবনা থাকে;
  - (গ) দেহ নিম্নবর্ণিত যে কোন রোগে আক্রান্ত হয়, যথাঃ-
    - (অ) চর্ম অথবা মস্তিষ্কের প্রাইমারী ক্যান্সার ব্যতীত অন্য যে কোন ধরনের ক্যান্সার;
    - (আ) কিডনী সংক্রান্ত কোন রোগ;
    - (ই) এইচ আই ভি এবং হেপাটাইটিস ভাইরাসজনিত কোন রোগ;
    - (ঈ) মেলিগন্যান্ট হাইপারটেনশন;
    - (অ) ইনসুলিন নির্ভরশীল ডায়াবেটিস ম্যালাইটাস;
    - (উ) জীবাণু সংক্রমণজনিত কোন রোগ (আনট্রিটেড বা ইনডেকুয়েটলি ট্রিটেড সিস্টেমিক ইনফেকশন)।
- (২) যে ব্যক্তির দেহে অঙ্গ-প্রত্যঙ্গ সংযোজন করা হইবে তাহাকে-
- (ক) দুই বৎসর হইতে সত্তর বৎসর বয়ঃসীমার মধ্যে হইতে হইবে, তবে পনের বৎসর হইতে পঞ্চাশ বৎসর পর্যন্ত বয়ঃসীমার ব্যক্তিগণ অগ্রাধিকার লাভ করিবেন;
  - (খ) যে সকল রোগের কারণে অঙ্গ-প্রত্যঙ্গ সংযোজনের সাফল্য বিম্লিত হইতে পারে সেই সকল রোগ হইতে মুক্ত হইতে হইবে; এবং
  - (গ) মেডিকেল বোর্ড কর্তৃক এতদুদ্দেশ্যে যোগ্য বলিয়া ঘোষিত হইতে হইবে।

৭। মেডিকেল বোর্ড।-(১) এই আইনের অধীন অঙ্গ-প্রত্যঙ্গ সংগ্রহ ও সংযোজনের উদ্দেশ্যে সরকার অঙ্গ-প্রত্যঙ্গ সংযোজনকারী প্রত্যেক চিকিৎসা প্রতিষ্ঠানে সংশ্লিষ্ট বিষয়ের নিম্নবর্ণিত চিকিৎসকগণের সমন্বয়ে একটি মেডিকেল বোর্ড গঠন করিবে, যথা :-

- (ক) একজন অধ্যাপক, সহযোগী অধ্যাপক অথবা সমপদমর্যাদা সম্পন্ন কোন বিশেষজ্ঞ চিকিৎসক;
- (খ) একজন সহকারী অধ্যাপক অথবা সমপদমর্যাদা সম্পন্ন কোন বিশেষজ্ঞ চিকিৎসক;
- (গ) একজন কনসালটেন্ট অথবা সমপদমর্যাদা সম্পন্ন কোন বিশেষজ্ঞ চিকিৎসক।

(২) সরকার অঙ্গ-প্রত্যঙ্গ সংযোজনকারী প্রত্যেক চিকিৎসা প্রতিষ্ঠানে কর্মরত সংশ্লিষ্ট বিষয়ের কোন অধ্যাপক বা সহযোগী অধ্যাপক বা সমপদমর্যাদা সম্পন্ন কোন বিশেষজ্ঞ চিকিৎসককে অঙ্গ-প্রত্যঙ্গ সংযোজন সমন্বয়কারী নিয়োগ করিবে।

(৩) কোন ব্যক্তির ব্রেইন ডেথ ঘোষণা করা হইলে তৎসম্পর্কে উক্তরূপ ঘোষণাকারীগণ অবিলম্বে সংশ্লিষ্ট অঙ্গ-প্রত্যঙ্গ সংযোজন সমন্বয়কারীকে অবহিত করিবেন এবং উক্ত সমন্বয়কারী মেডিকেল বোর্ডের মাধ্যমে অঙ্গ-প্রত্যঙ্গ সংগ্রহ ও সংযোজনের প্রয়োজনীয় ব্যবস্থা গ্রহণ করিবেন।

৮। রেজিষ্টার।-প্রত্যেক মেডিকেল বিশ্ববিদ্যালয় হাসপাতাল, মেডিকেল কলেজ হাসপাতাল, পোষ্ট গ্র্যাজুয়েট চিকিৎসা ও গবেষণা ইনস্টিটিউট হাসপাতাল এবং গুরুতর আঘাতপ্রাপ্ত বা মরণাপন্ন রোগীদের চিকিৎসা করা হয় এইরূপ অন্যান্য চিকিৎসালয়ে নিম্নবর্ণিত তথ্যাবলী সম্বলিত একটি রেজিষ্টার সংরক্ষণ করিতে হইবে, যথা-

- (ক) অঙ্গ-প্রত্যঙ্গ সংযোজন গ্রহীতার রক্তের গ্রুপ ও টিস্যুসহ সকল প্রয়োজনীয় তথ্য;
- (খ) অঙ্গ-প্রত্যঙ্গ সংযোজন দাতার রক্তের গ্রুপসহ তাহার নিজের ও আইনানুগ উত্তরাধিকারীর সকল প্রয়োজনীয় তথ্য।

৯। অঙ্গ-প্রত্যঙ্গ ক্রয়-বিক্রয় ইত্যাদি নিষিদ্ধ।-মানব দেহের যে কোন অঙ্গ-প্রত্যঙ্গ ক্রয় বিক্রয় বা উহার বিনিময়ে কোন প্রকার সুবিধা লাভ এবং সেই উদ্দেশ্যে কোন প্রকার বিজ্ঞাপন প্রদান বা অন্য কোনরূপ প্রচারণা সম্পূর্ণ নিষিদ্ধ।

১০। দন্ড।-(১) কোন ব্যক্তি এই আইনের কোন বিধান লংঘন করিলে অথবা লংঘনে সহায়তা করিলে তিনি অনূর্ধ্ব সাত বৎসর এবং অন্যান্য তিন বৎসর মেয়াদী সশ্রম কারাদন্ডে অথবা অনূন্য তিন লক্ষ টাকা অর্থদন্ডে অথবা উভয় প্রকার দন্ডে দণ্ডিত হইবেন।

(২) কোন চিকিৎসক এই আইনের কোন বিধান লংঘন করিলে বা লংঘনে সহায়তা করিলে তিনি উপ-ধারা (১) এ বর্ণিত দন্ডে দণ্ডিত হইবেন এবং ইহা ছাড়া চিকিৎসক হিসাবে তাহার রেজিস্ট্রেশন বাতিলযোগ্য হইবে।

## 2.5 Protection of Health

### THE UNDESIRABLE ADVERTISEMENT CONTROL ACT, 1952 (Act XV of 1952)

*An Act to control the publication of advertisements relating to the medical treatment of certain diseases and disorders.*

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

- (1) "advertisement" includes any notice, sign, visible representation, announcement, bill, hand-bill, circular or pamphlet, whether pictorial or otherwise;
- (3) "Sexual Disorder" means any ailment, irregularity, affection or diseased condition of the organs of generation;
- (4) "Venereal disease" means syphilis, gonorrhoea or soft chancre or any sign, symptom or sequel of such disease, and includes such other venereal diseases as may be prescribed by the Government in this behalf.

3. (1) No person shall, by means of any advertisement, treat, or offer to treat, any person for or advertise the treatment of, any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality, or offer to prescribe any remedy therefor, or give or offer to give any advice in connection with the treatment thereof.

(2) No person shall print or publish, or cause to be printed or published, for distribution to the public, or circulate or cause to be circulated, to the public or to any person,-

- (a) any advertisement; or
- (b) any label or set of instructions, whether pictorial or otherwise, to be affixed to, or delivered with, any packet, box, bottle or phial.

if such advertisement, label or set of instructions recommends, asserts or infers that any remedy, medicine, medicinal or any appliance or charm of any kind, whether for use internally or externally, is a cure, or is useful or may be used, for the prevention, treatment or relief of any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality.

5. Whoever contravenes any of the provisions of section 3 shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand taka, or with both.

**THE INDECENT ADVERTISEMENT PROHIBITION ACT, 1963**  
**(Act No. XII of 1963)**

*An Act to prohibit indecent advertisements.*

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

- (a) "advertisement" includes any notice, circular or other document, displayed on any house, building or wall, or published in any newspaper or periodical, and any announcement made orally or by any means of producing or transmitting light or sound, but does not include trade circular issued by manufacturers of drugs to medical practitioners;
- (b) "indecent" includes whatsoever may amount to any incentive to sensuality and excitements of impure thoughts in the mind on an ordinary man of normal temperament, and has the tendency to deprave and corrupt those whose minds are open to such immoral influence, and which is deemed to be detrimental to public morals and calculated to produce pernicious effect, in depriving and debauching the minds of persons;
- (d) "public place" means any place where an advertisement can be seen or heard by members of the public.

3. Subject to the provisions of this Act-

- (i) no person shall take any part in the publication of any advertisement which is indecent; and
- (ii) no person having the ownership, possession or control of any property or public place shall knowingly allow any advertisement which is indecent to be displayed on such property or place, or to be announced therefrom.

5. Any person authorized by the Government in this behalf may, at any time, seize and detain any document, article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forfeited to the Government.

11. The provisions of this Act shall be in addition to and not in derogation of, the provisions of any other law in force for the time being in force.

12. If, in the opinion of the Government, public interest so requires, it may, by notification in the official Gazette, direct that the provisions of section 3 shall not apply, or shall apply subject to such conditions may be specified in the notification, to, or in relation to, the advertisement of any specified drug or class of drugs.

**Note:** See also, the Ports Act, 1908 (16.4) and Chapter XIV of the Penal Code 1860 (19).

## 25. 1 Narcotics

### মাদকদ্রব্য নিয়ন্ত্রণ আইন, ১৯৯০ (১৯৯০ সনের ২০ নং আইন)

মাদকদ্রব্য নিয়ন্ত্রণ এবং মাদকাসক্তদের চিকিৎসা ও পুনর্বাসনকল্পে প্রণীত আইন।

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

- (খ) “এ্যালকোহল” অর্থ স্পিরিট এবং যে কোন ধরনের মদ ওয়াইন, বিয়ার বা পাঁচ শতাংশের অধিক এ্যালকোহলযুক্ত যে কোন তরল পদার্থ ইহার অন্তর্ভুক্ত হইবে;
- (খখ) “ওয়াশ” অর্থ শর্করা কিংবা শ্বেতসার সম্বলিত যে কোন বস্তুকে পানি ও অন্যান্য উপকরণ সহযোগে গাঁজানোর মাধ্যমে উৎপন্ন এ্যালকোহল মিশ্রিত দ্রবন;
- (ঘ) “ডিস্টিলারী” অর্থ এ্যালকোহল তৈরীর যে কোন কারখানা;
- (ঞ) “ব্রিউয়ারী” অর্থ বিয়ার বা বিয়ারের গুনাগুন সম্পন্ন যে কোন তরল পদার্থ প্রস্তুতের কোন কারখানা বা কেন্দ্র;
- (ঠ) “মাদকদ্রব্য” অর্থ প্রথম তফসিলে উল্লিখিত কোন দ্রব্যএবং এই আইনের উদ্দেশ্য পূরণকল্পে সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, মাদকদ্রব্য বলিয়া ঘোষিত অন্য কোন দ্রব্য;
- (ঢ) “মাদকাসক্ত” অর্থ শারীরিক বা মানসিকভাবে মাদকদ্রব্যের উপর নির্ভরশীল ব্যক্তি বা অভ্যাসবশে মাদকদ্রব্য ব্যবহারকারী;
- (থ) “স্থান” বলিতে যে কোন বাজী-ঘর, যানবাহন স্থিতাবস্থায় বা চলমান যে ভাবেই থাকুক না কেন, এবং বিমান বন্দর, সামুদ্রিক বন্দর ও বৈদেশিক ডাকঘর, বহিরাগমন চেক পোস্ট ও গুল্ক ফাঁড়ি ইহার অন্তর্ভুক্ত হইবে।

৩। আইনের প্রাধান্য।-আপাততঃ বলবৎ অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, এই আইন ও তদধীন প্রণীত বিধির বিধানাবলী বাংলাদেশের সর্বত্র কার্যকর থাকিবে।

৪। জাতীয় মাদকদ্রব্য নিয়ন্ত্রণ বোর্ড প্রতিষ্ঠা।-(১) এই আইনের উদ্দেশ্য পূরণকল্পে জাতীয় মাদকদ্রব্য নিয়ন্ত্রণ বোর্ড নামে একটি বোর্ড থাকিবে।

৫। বোর্ডের দায়িত্ব ও কর্তব্য।-বোর্ডের নিম্নরূপ দায়িত্ব ও কর্তব্য থাকিবে, যথা-

- (ক) মাদকদ্রব্য সৃষ্ট সম্ভাব্য ক্ষতিকর প্রতিক্রিয়া রোধকল্পে প্রয়োজনীয় নীতিমালা প্রণয়ন এবং উহা বাস্তবায়নের জন্য ব্যবস্থা গ্রহণ;
- (খ) মাদকদ্রব্য সংক্রান্ত যাবতীয় তথ্য সংগ্রহের জন্য যে কোন ধরনের গবেষণা বা জরিপ পরিচালনা;
- (গ) মাদকদ্রব্য উৎপাদন, সরবরাহ, ব্যবহার ও নিয়ন্ত্রণ সংক্রান্ত নীতিমালা প্রণয়ন;

- (ঘ) মাদকাসক্তদের চিকিৎসা ও পুনর্বাসন সংক্রান্ত নীতিমালা প্রণয়ন ও উহা বাস্তবায়নের জন্য ব্যবস্থা গ্রহণ;
- (ঙ) মাদকদ্রব্যের কুফল সম্পর্কে জনসাধারণকে সচেতন করার জন্য প্রয়োজনীয় শিক্ষা ও প্রচারমূলক কার্যক্রম গ্রহণ;
- (চ) মাদকদ্রব্য সংক্রান্ত বিষয়ে সংশ্লিষ্ট সকল মন্ত্রণালয় ও সংস্থার সহিত যোগাযোগ স্থাপন এবং এতদসংক্রান্ত যাবতীয় কার্যক্রমের সমন্বয় সাধন;
- (ছ) উপরি-উক্ত দায়িত্ব পালন ও কর্তব্য সম্পাদনের জন্য প্রয়োজনীয় যে কোন ব্যবস্থা গ্রহণ।

৮। মাদকদ্রব্য নিয়ন্ত্রণ অধিদপ্তর।-(১) এই আইনের উদ্দেশ্য পূরণকল্পে সরকার মাদকদ্রব্য নিয়ন্ত্রণ অধিদপ্তর নামে একটি অধিদপ্তর স্থাপন করিবে।

(২) বোর্ডের যাবতীয় কার্যক্রম পরিচালনার জন্য অধিদপ্তর সহায়তা প্রদান করিবে এবং বোর্ডের সিদ্ধান্ত বাস্তবায়নের জন্য অধিদপ্তর দায়ী থাকিবে।

৯। এ্যালকোহল ব্যতীত মাদকদ্রব্যের উৎপাদন ইত্যাদি নিষিদ্ধ।-(১) এ্যালকোহল ব্যতীত অন্য কোন মাদকদ্রব্যের চাষাবাদ, উৎপাদন, প্রক্রিয়াজাতকরণ, বহন, পরিবহন, আমদানী, রপ্তানী, সরবরাহ, ক্রয়, বিক্রয়, ধারণ, সংরক্ষণ, গুদামজাতকরণ, প্রদর্শন, প্রয়োগ ও ব্যবহার করা যাইবে না, অথবা এতদুদ্দেশ্যে কোন প্রচেষ্টা বা উদ্যোগ গ্রহন, অর্থ বিনিয়োগ কিংবা কোন প্রতিষ্ঠান স্থাপন, পরিচালনা বা উহার পৃষ্ঠপোষকতা করা যাইবে না।

(২) কোন মাদকদ্রব্যের উৎপাদনে ব্যবহৃত হয় এই প্রকার কোন দ্রব্য বা উদ্ভিদের চাষাবাদ, উৎপাদন, প্রক্রিয়াজাতকরণ, বহন, পরিবহন, আমদানী, রপ্তানী, সরবরাহ, ক্রয়, বিক্রয়, ধারণ, সংরক্ষণ, গুদামজাতকরণ, প্রদর্শন, প্রয়োগ ও ব্যবহার করা যাইবে না।

(৩) উপ-ধারা (১) ও (২) এ যাহা কিছুই থাকুক না কেন, উক্ত উপ-ধারায় উল্লিখিত কোন মাদকদ্রব্য বা উদ্ভিদ কোন আইনের অধীন অনুমোদিত কোন ঔষধ প্রস্তুত শিল্পে ব্যবহার, চিকিৎসা বা কোন বৈজ্ঞানিক গবেষণার জন্য প্রয়োজন হইলে উহা এই আইনের অধীন প্রদত্ত-

(ক) লাইসেন্স বলে চাষাবাদ, উৎপাদন, প্রক্রিয়াজাতকরণ, আমদানী, রপ্তানী, সরবরাহ, ক্রয়, বিক্রয়, ধারণ, সংরক্ষণ, গুদামজাতকরণ ও প্রদর্শন করা যাইবে;

(খ) পারমিট বলে প্রয়োগ ও ব্যবহার করা যাইবে;

(গ) পাস বলে বহন বা পরিবহন করা যাইবে।

(৪) উপ-ধারা (৩) এর অধীন উৎপাদিত, প্রক্রিয়াজাত এবং আমদানীকৃত মাদকদ্রব্যের মোড়ক ও লেবেলের উপর উহার অপব্যবহারের বিপদ সম্পর্কে সতর্কবানী স্পষ্টাকারে মুদ্রণ বা ছাপাংকন করিতে হইবে।

(৫) যাত্রী পরিবহনে নিয়োজিত কোন জলযান, আকাশযান বা স্থলযানে জরুরী চিকিৎসার প্রয়োজনে চিকিৎসকের নিয়ন্ত্রণে রক্ষিত প্রাথমিক চিকিৎসা বাস্কে, যদি থাকে, সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, নির্ধারিত পরিমাণ ঔষধ হিসাবে ব্যবহারযোগ্য মাদকদ্রব্য

সংরক্ষণ, বহন, পরিবহন, প্রয়োগ ও ব্যবহার করার ক্ষেত্রে এই ধারার কোন কিছুই প্রযোজ্য হইবে না।

১০। এ্যালকোহল উৎপাদন ইত্যাদি সম্পর্কে বিধান।-(১) এই আইনের অধীন প্রদত্ত লাইসেন্স ব্যতিরেকে কোন ব্যক্তি-

- (ক) কোন ডিষ্টিলারী বা ব্রিউয়ারী স্থাপন করিতে পারিবেন না;
- (খ) কোন এ্যালকোহল উৎপাদন, প্রক্রিয়াজাতকরণ, বহন, পরিবহন, আমদানী, রপ্তানী, সরবরাহ, ক্রয়, বিক্রয়, ধারণ, সংরক্ষণ, গুদামজাতকরণ, প্রদর্শন ও ব্যবহার করিতে পারিবেন না;
- (গ) কোন এ্যালকোহল ঔষধ তৈরীর উপাদান হিসাবে ব্যবহার করিতে পারিবেন না।

(২) এই আইনের অধীন প্রদত্ত পারমিট ব্যতীত কোন ব্যক্তি এ্যালকোহল পান করিতে পারিবেন না; এবং চিকিৎসার প্রয়োজনে অন্যান্য সিভিল সার্জন বা মেডিক্যাল কলেজের মেডিসিন বিভাগের কোন সহযোগী অধ্যাপকের লিখিত ব্যবস্থাপত্রের ভিত্তি ছাড়া কোন মুসলমানকে এ্যালকোহল পান করার জন্য পারমিট দেওয়া যাইবে না;

তবে শর্ত থাকে যে,

- (ক) মুচি, মেথর, ডোম, চা বাগানের কুলি ও উপ-জাতীয়গণ কর্তৃক তাড়ী ও পঁচুই পান করার ক্ষেত্রে; এবং
  - (খ) রাংগামাটি, বান্দরবান ও খাগড়াছড়ি পার্বত্য জেলাসমূহের উপ-জাতীয়গণ কর্তৃক ঐতিহ্যগতভাবে প্রস্তুতকৃত মদ উক্ত জেলাসমূহের উপ-জাতীয়গণ কর্তৃক পান করার ক্ষেত্রে এই উপ-ধারার কোন কিছুই প্রযোজ্য হইবে না।
- (৩) উপ-ধারা (২) এর অধীন প্রদত্ত ব্যবস্থাপত্রে যে রোগের চিকিৎসার জন্য এ্যালকোহল ব্যবহার করা আবশ্যিক সেই রোগের নাম উল্লেখ করিতে হইবে এবং উক্তরূপ আবশ্যিকতা সম্পর্কে ব্যবস্থাপত্রে চিকিৎসকের প্রত্যয়ন থাকিতে হইবে।

(৪) এই ধারায় যাহা কিছুই থাকুক না কেন, কোন বিদেশী নাগরিক লাইসেন্স প্রাপ্ত বার-এ বসিয়া এ্যালকোহল পান করিতে পারিবেন।

(৫) কূটনৈতিক পাসপোর্টধারী বিদেশী নাগরিক বা শুদ্ধ কর্তৃপক্ষ কর্তৃক প্রদত্ত পাসবাইধারী বা প্রচলিত ব্যাগেজ রুলস এর দ্বারা স্বীকৃত ব্যক্তির ক্ষেত্রে, ক্ষেত্রমত এ্যালকোহল আমদানী, রপ্তানী, ক্রয়, বহন, সংরক্ষণ বা পানের ব্যাপারে এই ধারার কোন কিছুই প্রযোজ্য হইবে না।

১১। লাইসেন্স ইত্যাদি প্রদান।-(১) এই আইনের অধীন প্রদেয় লাইসেন্স, পারমিট ও পাস ... মহা-পরিচালক বা তাহার নিকট হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক প্রদান করা যাইবে।

১২। লাইসেন্স ইত্যাদি প্রদানের ব্যাপারে বিধি-নিষেধ।-(১) এই আইনে যাহা কিছুই থাকুক না কেন, কোন ব্যক্তি এই আইনের অধীন লাইসেন্স বা পারমিট পাইবার যোগ্য হইবেন না, যদি-

- (ক) তিনি নৈতিক স্বলনজনিত কোন ফৌজদারী অপরাধে দোষী সাব্যস্ত হইয়া অন্যান্য তিন মাসের কারাদন্ডে দণ্ডিত হন এবং তাঁহার মুক্তিলাভের পর তিন বৎসর কাল

অতিবাহিত না হইয়া থাকে, অথবা পাঁচশত টাকার অধিক অর্ধদণ্ডে দণ্ডিত হন এবং দণ্ডের টাকা আদায় করার পর তিন বৎসর কাল অতিবাহিত না হইয়া থাকে;

(খ) তিনি এই আইনের অধীন কোন অপরাধের জন্য আদালত কর্তৃক দণ্ডিত হন;

(গ) তিনি এই আইনের অধীন প্রদত্ত লাইসেন্স বা পারমিটের কোন শর্ত ভঙ্গ করেন এবং সেজন্য তাহার উক্ত লাইসেন্স বা পারমিট বাতিল হইয়া যায়।

১৩। মাদকদ্রব্যের ব্যবস্থাপত্র সম্পর্কে বিধি-নিষেধ।-(১) মহা-পরিচালকের নিকট হইতে এতদুদ্দেশ্যে লিখিত অনুমোদন ব্যতিরেকে কোন চিকিৎসক 'ক' শ্রেণীর বা 'খ' শ্রেণীর কোন মাদকদ্রব্য ঔষধ হিসাবে ব্যবস্থাপত্র দিতে পারিবেন না।

(২) চিকিৎসক ব্যতীত অন্য কোন ব্যক্তি 'গ' শ্রেণীর কোন মাদকদ্রব্য ঔষধ হিসাবে ব্যবস্থাপত্র দিতে পারিবেন না।

(৩) উপ-ধারা (১) বা (২) এর অধীন প্রদত্ত ব্যবস্থাপত্রের ভিত্তিতে একবারের অধিক মাদকদ্রব্য ক্রয় করা যাইবে না।

১৪। মাদকদ্রব্যের দোকান সাময়িকভাবে বন্ধ ঘোষণা করার ক্ষমতা।-(১) কোন জেলা ম্যাজিস্ট্রেট বা পুলিশ কমিশনার যদি এই মর্মে সন্তুষ্ট হন যে তাঁহার এখতিয়ারাধীন কোন এলাকায় আইন শৃঙ্খলা রক্ষার্থে কোন মাদকদ্রব্যের দোকান সাময়িকভাবে বন্ধ রাখা প্রয়োজন, তাহা হইলে তিনি লিখিত আদেশ দ্বারা অনধিক পনের দিনের জন্য উক্ত দোকান বন্ধ রাখার আদেশ দিতে পারিবেন; এবং বোর্ডের অনুমোদনক্রমে এই মেয়াদ আরও ত্রিশ দিন পর্যন্ত বর্ধিত করিতে পারিবেন।

(২) উপ-ধারা (১) এর অধীন জারীকৃত কোন আদেশের অনুলিপি অবিলম্বে মহা-পরিচালকের নিকট তাঁহার অবগতির জন্য প্রেরণ করিতে হইবে।

১৫। মাদকাসক্তি নিরাময় কেন্দ্র।-(১) এই আইনের প্রয়োজনে সরকার-

সরকার মাদকাসক্তি পরামর্শ কেন্দ্র, মাদকাসক্তি নিরাময় কেন্দ্র ও মাদকাসক্তি নিরাময় কেন্দ্র প্রতিষ্ঠা করিতে পারিবে।

(ক) লাইসেন্সবলে বেসরকারী পর্যায়ে মাদকাসক্তি পরামর্শ কেন্দ্র, মাদকাসক্তি নিরাময় কেন্দ্র ও মাদকাসক্তি নিরাময় কেন্দ্র প্রতিষ্ঠা ও পরিচালনা করা যাইবে।

(২) সরকার সরকারী গেজেটে প্রজ্ঞাপন দ্বারা জেল হাসপাতালসহ কোন সরকারী হাসপাতাল বা চিকিৎসা কেন্দ্রকে মাদকাসক্তি নিরাময় কেন্দ্র হিসাবে ঘোষণা দিতে পারিবে।

১৬। মাদকাসক্তের চিকিৎসা।-(১) যদি মহা-পরিচালক বা তাঁহার নিকট হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা জানিতে পারেন যে কোন ব্যক্তি মাদকাসক্ত হওয়ার কারণে প্রায়শঃ অপ্রকৃতিস্থ থাকেন এবং তাঁহাকে স্বাভাবিক জীবনে ফিরাইয়া আনার জন্য অনতিবিলম্বে তাঁহার চিকিৎসা করা প্রয়োজন, তাহা হইলে মহা-পরিচালক বা উক্ত কর্মকর্তা লিখিত নোটিশ দ্বারা মাদকাসক্ত ব্যক্তিকে নোটিশ প্রাপ্তির সাত দিনের মধ্যে চিকিৎসার্থে কোন উপযুক্ত চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে নিজেস্ব সমর্পণ করিবার জন্য নির্দেশ দিতে পারিবেন।

(২) যদি উপ-ধারা (১) এর অধীন প্রদত্ত নোটিশে উল্লিখিত ব্যক্তি উহার মর্মার্থ বুঝিতে অক্ষম হন, তাহা হইলে নোটিশটি তাহার অভিভাবক বা তত্ত্বাবধায়কের উপর জারি করিতে হইবে,



এবং যাহার উপর নোটিশটি জারি করা হইবে তিনি মাদকাসক্ত ব্যক্তিকে চিকিৎসার্থে কোন চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে হাজির করিবেন।

(৩) উপ-ধারা (১) বা (২) এর অধীন নোটিশ প্রাপ্তির সাত দিনের মধ্যে নোটিশের নির্দেশ মান্য করা না হইলে নোটিশ প্রদানকারী কর্মকর্তা, উক্ত সময় অতিক্রান্ত হইবার পর, সংশ্লিষ্ট জেলা ম্যাজিস্ট্রেট বা মুখ্য মহানগর হাকিমের নিকট মাদকাসক্ত ব্যক্তির বাধ্যতামূলক চিকিৎসার নির্দেশ দেওয়ার জন্য আবেদন করিতে পারিবেন।

(৪) উপ-ধারা (৩) এর অধীন আবেদন প্রাপ্তির পর জেলা ম্যাজিস্ট্রেট বা মুখ্য মহানগর হাকিম লিখিত নোটিশ দ্বারা মাদকাসক্ত ব্যক্তিকে কেন বাধ্যতামূলকভাবে চিকিৎসার জন্য কোন নির্দিষ্ট চিকিৎসক বা মাদকাসক্তি নিরাময় কেন্দ্রে পাঠানো হইবে না তজ্জন্য ব্যক্তিগতভাবে বা কোন প্রতিনিধির মাধ্যমে হাজির হইয়া, নোটিশ প্রাপ্তির সাত দিনের মধ্যে কারণ দর্শাইবার জন্য মাদকাসক্ত ব্যক্তি বা ক্ষেত্রমত তাহার তত্ত্বাবধায়ক বা অভিভাবককে নির্দেশ দিবেন।

(৫) উপ-ধারা (৪) এর অধীন নির্দেশ পাওয়ার পর যথাসময়ে কারণ দর্শানো হইলে জেলা ম্যাজিস্ট্রেট বা মুখ্য মহানগর হাকিম, অনধিক পনের দিনের মধ্যে, মাদকাসক্ত ব্যক্তি বা ক্ষেত্রমত, তাহার তত্ত্বাবধায়ক বা অভিভাবক বা তাহার প্রতিনিধি এবং উপ-ধারা (৩) এ উল্লিখিত আবেদনকারীকে শুনানী দেওয়ার পর মাদকাসক্ত ব্যক্তিকে, আদেশ দ্বারা, আদেশে উল্লিখিত চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে বাধ্যতামূলক চিকিৎসার জন্য নির্দেশ দিতে পারিবেন বা তাহার চিকিৎসার জন্য দাখিলকৃত আবেদনটি বাতিল করিতে পারিবেন।

(৬) উপ-ধারা (৪) এর অধীন নোটিশ প্রাপ্ত ব্যক্তি যদি যথাসময়ে কারণ দর্শাইতে ব্যর্থ হন, তাহা হইলে জেলা ম্যাজিস্ট্রেট বা মুখ্য মহানগর হাকিম উপ-ধারা (৩) এর অধীন প্রাপ্ত আবেদন বিবেচনার পর হয় মাদকাসক্ত ব্যক্তি বাধ্যতামূলক চিকিৎসার জন্য নির্দেশ দিতে পারিবেন অথবা আবেদনটি বাতিল করিতে পারিবেন।

(৭) উপ-ধারা (৫) বা (৬) এর অধীন চিকিৎসার জন্য আদেশ জারির সাত দিনের মধ্যে যদি মাদকাসক্ত ব্যক্তি আদেশে উল্লিখিত চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে চিকিৎসার্থে উপস্থিত না হন বা তাহাকে উপস্থিত করানো না হয় তাহা হইলে উপ-ধারা (৩) এ উল্লিখিত আবেদনকারী কর্মকর্তা মাদকাসক্ত ব্যক্তিকে চিকিৎসার্থে উক্ত চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে, প্রয়োজনবোধে বল প্রয়োগ করিয়া, হাজির করিবার ব্যবস্থা করিতে পারিবেন।

(৭ক) কোন মাদকাসক্ত ব্যক্তিকে যদি তাহার পিতা, মাতা, পরিবার প্রধান বা উক্ত ব্যক্তি যাহার উপর নির্ভরশীল তিনি কোন চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে চিকিৎসার্থে সমর্পণ করেন, তাহা হইলে উক্ত ব্যক্তির ক্ষেত্রে উপ-ধারা (১) হইতে উপ-ধারা (৭) এর কোন কিছুই প্রযোজ্য হইবে না।

(৮) এই ধারার অধীন বাধ্যতামূলক চিকিৎসার যাবতীয় খরচ ও ব্যয় সরকার বহন করিবে।

(৯) এই ধারার অধীন চিকিৎসকের নিকট বা মাদকাসক্তি নিরাময় কেন্দ্রে সমর্পিত ব্যক্তি ধারা ৯, ১০, বা ২২ এর অধীনমাদকদ্রব্য ব্যবহারের অভিযোগ হইতে অব্যাহতি পাইবেন এবং তাহার বিরুদ্ধে এই জন্য কোন আদালতে অভিযোগ দায়ের করা হইবে না।

১৭। মাদকাসক্তি সম্পর্কে তথ্য সরবরাহ।-(১) যদি কোন পরিবারের কোন সদস্য মাদকাসক্ত হন, তাহা হইলে তৎসম্পর্কে উক্ত পরিবারের কর্তা বা অন্য কোন বায়োজ্যেষ্ঠ ব্যক্তি মহা-পরিচালক বা তদধীন কোন কর্মকর্তাকে অবহিত করিবেন।

(২) কোন চিকিৎসক যদি এইরূপ মনে করেন যে, তাহার চিকিৎসাধীন কোন ব্যক্তি মাদকাসক্ত বরণ তজ্জন্য চিকিৎসার প্রয়োজন, তাহা হইলে তিনি মাদকাসক্ত ব্যক্তিকে প্রয়োজনীয় চিকিৎসার পরামর্শ দিবেন এবং এই চিকিৎসার প্রয়োজনীয়তার কথা লিখিতভাবে মহাপরিচালককে অবহিত করিবেন।

১৮। মাদক শুদ্ধ।-(১) দ্বিতীয় তফসিলে উল্লিখিত হারে সকল প্রকার উৎপাদিত এ্যালকোহলের উপর মাদক শুদ্ধ নামে এক প্রকার শুদ্ধ আরোপ করা হইবে;

তবে শর্ত থাকে যে, কোন উৎপাদিত এ্যালকোহল গুণানী করা হইলে উহার উপর উক্ত মাদকশুদ্ধ আরোপ করা হইবে না।

(২) উপ-ধারা (১) এর অধীন আরোপিত শুদ্ধ বিধি দ্বারা নির্ধারিত পদ্ধতিতে মহা-পরিচালক বা তদধীন কোন কর্মকর্তা বা কর্মচারী কর্তৃক আদায় করা হইবে এবং বিধি দ্বারা নির্ধারিত খাতে উহা জমা করা হইবে।

১৯। ধারা ৯ এর বিধান লংঘনের দণ্ড।-(১) কোন ব্যক্তি নিম্ন টেবিলের কলাম (২) এ উল্লিখিত কোন মাদকদ্রব্য সম্পর্কে ধারা ৯ এর উপ-ধারা (১) বা (২) এর চাষাবাদ, উৎপাদন, প্রক্রিয়াজাতকরণ, প্রয়োগ ও ব্যবহার সম্পর্কিত বিধান ব্যতীত, কোন বিধান লংঘন করিলে, তিনি উক্ত মাদকদ্রব্যের বিপরীতে টেবিলের কলাম (৩) এ উল্লিখিত দণ্ডে দণ্ডণীয় হইবেন, যথাঃ

### টেবিল

মাদকদ্রব্যের নাম	দণ্ড
১ হেরোইন, কোকেন এবং কোকা উদ্ভূত মাদকদ্রব্য	(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ২৫ গ্রাম হইলে অনূন্য ২ বৎসর অনূর্ধ্ব ১০ বৎসর কারাদণ্ড। (খ) মাদকদ্রব্যের পরিমাণ ২৫ গ্রাম এর উর্ধ্ব হইলে মৃত্যুদণ্ড অথবা যাবজ্জীবন কারাদণ্ড।
২ প্যাথিড্রিন, মরফিন ও টেট্রাইহাইড্রো ক্যানাবিনল	(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ১০ গ্রাম হইলে অনূন্য ২ বৎসর এবং অনূর্ধ্ব ১০ বৎসর কারাদণ্ড। (খ) মাদকদ্রব্যের পরিমাণ ১০ গ্রাম এর উর্ধ্ব হইলে মৃত্যুদণ্ড অথবা যাবজ্জীবন কারাদণ্ড।
৩ অপিয়াম, ক্যানাবিস রেসিন বা অপিয়াম উদ্ভূত, তবে হেরোইন ও মরফিন ব্যতীত মাদকদ্রব্য	(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ২ কেজি হইলে অনূন্য ২ বৎসর এবং অনূর্ধ্ব ১০ বৎসর কারাদণ্ড।

মাদকদ্রব্যের নাম	দন্ড
৪ মেথাডন	<p>(খ) মাদকদ্রব্যের পরিমাণ ২ কেজির উর্ধ্বে হইলে মৃত্যুদন্ড অথবা যাবজ্জীবন কারাদন্ড ।</p> <p>(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ৫০ গ্রাম হইলে অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১০ বৎসর কারাদন্ড ।</p> <p>(খ) মাদকদ্রব্যের পরিমাণ ৫০ গ্রাম এর উর্ধ্বে হইলে মৃত্যুদন্ড অথবা যাবজ্জীবন কারাদন্ড ।</p>
৫ ক-শ্রেণীর অন্যান্য মাদকদ্রব্য	অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদন্ড ।
৬ এ্যাবসলিউট এ্যালকোহল, শোধিত সুরাসর, বিলাতি মদ, দেশী মদ, বিয়ার	<p>(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ১০ লিটার হইলে অন্যান্য ৬ মাস এবং অনূর্ধ্ব ৩ বৎসর কারাদন্ড ।</p> <p>(খ) মাদকদ্রব্যের পরিমাণ ১০ লিটার এর উর্ধ্বে হইলে অন্যান্য ৩ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদন্ড ।</p>
৭ গাঁজা বা যে কোন ভেষজ ক্যানাবিস	<p>(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ৫ কেজি হইলে অন্যান্য ৬ মাস এবং অনূর্ধ্ব ৩ বৎসর কারাদন্ড ।</p> <p>(খ) মাদকদ্রব্যের পরিমাণ ৫ কেজির উর্ধ্বে হইলে অন্যান্য ৩ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদন্ড ।</p>
৮ যে কোন প্রজাতির ক্যানাবিস গাছ	<p>(ক) ক্যানাবিস গাছের সংখ্যা অনূর্ধ্ব ২৫টি হইলে অন্যান্য ৬ মাস এবং অনূর্ধ্ব ৩ বৎসর ।</p> <p>(খ) ক্যানাবিস গাছের সংখ্যা ২৫টির বেশী হইলে অন্যান্য ৩ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদন্ড ।</p>
৯ ফেনসাইক্লিআইন, মেথাকোয়ালন এল.এস.ডি, বারবিরেটস্ এ্যাম ফিটামিন, অথবা এইগুলির যে কোনটি দ্বারা প্রস্তুত মাদকদ্রব্য	<p>(ক) মাদকদ্রব্যের পরিমাণ অনূর্ধ্ব ৫ গ্রাম হইলে অন্যান্য ৬ মাসের এবং অনূর্ধ্ব ৩ বৎসর কারাদন্ড ।</p> <p>(খ) মাদকদ্রব্যের পরিমাণ ৫ গ্রাম এর উর্ধ্বে হইলে অন্যান্য ৫ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদন্ড ।</p>
১০ খ-শ্রেণী ভুক্ত অন্যান্য মাদকদ্রব্য	অন্যান্য ৬ মাস অনূর্ধ্ব ৫ বৎসর কারাদন্ড ।
১১ গ-শ্রেণীর মাদকদ্রব্য	অনূর্ধ্ব এক বৎসর বা অনূর্ধ্ব ১০ হাজার টাকা অর্থদন্ড বা উভয়দন্ড ।

(২) কোন ব্যক্তি ক-শ্রেণীর কোন মাদকদ্রব্যের চাষাবাদ, উৎপাদন বা প্রক্রিয়াজাতকরণ করিলে, তিনি অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদণ্ডে দণ্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থদণ্ডেও দণ্ডনীয় হইবেন।

(৩) কোন ব্যক্তি খ ও গ-শ্রেণীর কোন মাদকদ্রব্যের চাষাবাদ, উৎপাদন বা প্রক্রিয়াজাতকরণ করিলে তিনি অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১০ বৎসরের কারাদণ্ডে দণ্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থ দণ্ডেও দণ্ডনীয় হইবেন।

(৩ক) কোন ব্যক্তি ধারা ৯ এর উপ-ধারা (১) ও (২) এ উল্লিখিত মাদকদ্রব্যের প্রয়োগ ও ব্যবহার সম্পর্কিত কোন বিধান লঙ্ঘন করিলে, তিনি -

(ক) ক-শ্রেণীর কোন মাদকদ্রব্যের ক্ষেত্রে অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ৭ বৎসর কারাদণ্ডে দণ্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থদণ্ডেও দণ্ডনীয় হইবেন;

(খ) খ-শ্রেণীর কোন মাদকদ্রব্যের ক্ষেত্রে অন্যান্য ১ বৎসর এবং অনূর্ধ্ব ৫ বৎসর কারাদণ্ডে দণ্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থদণ্ডেও দণ্ডনীয় হইবেন;

(গ) ক-শ্রেণীর কোন মাদকদ্রব্যের ক্ষেত্রে অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ৭ বৎসর কারাদণ্ডে দণ্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থদণ্ডেও দণ্ডনীয় হইবেন।

(৩খ) উপ-ধারা (৩ক) এ যাহা কিছুই থাকুক না কেন, আদালত, অপরাধের গুরুত্ব বিবেচনা করিয়া, কোন মাদকদ্রব্য ব্যবহারকারীকে উক্ত উপ-ধারায় উল্লিখিত দণ্ডের অতিরিক্ত হিসাবে বা উক্ত দণ্ডের পরিবর্তে কোন মাদকাসক্তি নিরাময় কেন্দ্রে চিকিৎসার জন্য প্রেরণের আদেশ দিতে পারিবে।

(৪) উপ-ধারা (১) এর টেবিলে, ক্রমিক নং (১১) ব্যতীত, উল্লিখিত প্রত্যেক অপরাধের জন্য সংশ্লিষ্ট অপরাধী উহাতে উল্লিখিত দণ্ডের অতিরিক্ত অর্থ দণ্ডেও দণ্ডনীয় হইবেন।

(৫) এই ধারায় উল্লিখিত কোন অপরাধের জন্য দণ্ডিত হইয়া দণ্ড ভোগ করিবার পর যদি কোন ব্যক্তি পুনরায় এই ধারায় উল্লিখিত কোন অপরাধ করেন, তাহা হইলে উক্ত অপরাধের দণ্ড মৃত্যুদণ্ড বা যাবজ্জীবন কারাদণ্ড না হইলে, তিনি উক্ত অপরাধের জন্য সর্বোচ্চ যে দণ্ড রহিয়াছে উহার দণ্ডে দ্বিগুণ দণ্ডনীয় হইবেন।

২০। মাদকদ্রব্য উৎপাদনে ব্যবহারযোগ্য যন্ত্রপাতি ইত্যাদি রাখার দণ্ড।-এই আইনের অধীন প্রদত্ত লাইসেন্সপ্রাপ্ত নন এইরূপ কোন ব্যক্তির নিকট বা তাহার দখলকৃত কোন স্থানে যদি মাদকদ্রব্য উৎপাদনের ব্যবহারযোগ্য কোন যন্ত্রপাতি, সাজ-সরঞ্জাম বা ওয়াশসহ অন্যান্য উপকরণ পাওয়া যায়, তাহা হইলে তিনি অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদণ্ডে দণ্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থ দণ্ডেও দণ্ডনীয় হইবেন।

২১। অপরাধ সংঘটনে গৃহ বা যানবাহন ইত্যাদি ব্যবহার করিতে দেওয়ার দণ্ড।-কোন ব্যক্তি যদি সজ্ঞানে এই আইনের অধীন কোন অপরাধ সংঘটনের জন্য তাঁহার মালিকানাধীন বা দখলীয় কোন বাড়ী-ঘর, জায়গা-জমি, যানবাহন, যন্ত্রপাতি বা সাজ-সরঞ্জাম ব্যবহার করিতে অনুমতি দেন, তাহা হইলে তিনি অনূর্ধ্ব ৫ বৎসর কারাদণ্ডে বা অর্থদণ্ডে বা উভয়দণ্ডে দণ্ডনীয় হইবেন।

২২। লাইসেন্স ইত্যাদি ব্যক্তিরেকে কাজ করিবার দস্ত।-যদি কোন ব্যক্তি এই আইনের অধীন প্রদেয়-

- (ক) লাইসেন্স ব্যক্তিরেকে ধারা ৯ (৩) (ক) এ উল্লিখিত কোন কিছু করেন, তাহা হইলে তিনি অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১০ বৎসরের কারাদণ্ডে দন্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থ দণ্ডেও দন্ডনীয় হইবেন;
- (খ) পারমিট বা পাস ব্যক্তিরেকে ধারা ৯ (৩) (খ) বা (গ) এ উল্লিখিত কোন কিছু করেন, তাহা হইলে তিনি অনূর্ধ্ব ২ বৎসরের কারাদণ্ডে বা ৫ হাজার টাকা অর্থ দণ্ডে বা উভয় দণ্ডে দন্ডনীয় হইবেন;
- (গ) লাইসেন্স ব্যক্তিরেকে ধারা ১০ (১) এ উল্লিখিত কোন কিছু করেন, তাহা হইলে তিনি অন্যান্য ২ বৎসর এবং অনূর্ধ্ব ১০ বৎসরের কারাদণ্ডে দন্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থদণ্ডেও দন্ডনীয় হইবেন;
- (ঘ) পারমিট ব্যক্তিরেকে ধারা ১০ (২) এ উল্লিখিত কিছু করেন, তাহা হইলে তিনি অনূর্ধ্ব ২ বৎসর কারাদণ্ডে বা ৫ হাজার টাকা অর্থদণ্ডে বা উভয় দণ্ডে দন্ডনীয় হইবেন।

২৩। লাইসেন্স ইত্যাদির শর্ত ভঙ্গ করার দস্ত।-(১) কোন ব্যক্তি এই আইনের অধীন প্রদত্ত-

- (ক) কোন লাইসেন্সের শর্ত ভঙ্গ করিলে তিনি অনূর্ধ্ব ৫ বৎসরের কারাদণ্ডে বা অনূর্ধ্ব ১০ হাজার টাকার অর্থদণ্ডে বা উভয় দণ্ডে দন্ডনীয় হইবেন;
- (খ) পারমিট বা পাসের কোন শর্ত ভঙ্গ করিলে, তিনি অনূর্ধ্ব ২ বৎসরের কারাদণ্ডে বা ৫ হাজার টাকা অর্থদণ্ডে বা উভয় দণ্ডে দন্ডনীয় হইবেন।

(২) ধারা ১৩ এর অধীন মহা-পরিচালক কর্তৃক নির্ধারিত বিধি-নিষেধ লঙ্ঘন করিয়া ব্যবস্থাপত্র প্রদান করিলে তিনি অনধিক ১ বৎসর কারাদণ্ড বা অর্থদণ্ড বা উভয় দণ্ডে দন্ডনীয় হইবেন।

২৫। অপরাধ সংঘটনে প্ররোচনা ইত্যাদির দস্ত।-কোন ব্যক্তি এই আইনের অধীন কোন অপরাধ সংঘটনে কাহাকেও প্ররোচনা দিলে বা সাহায্য করিলে বা কাহারও সহিত ষড়যন্ত্রে লিপ্ত হইলে অথবা এতদুদ্দেশ্যে কোন উদ্যোগ বা প্রচেষ্টা গ্রহন করিলে, অপরাধ সংঘটিত হউক বা না হউক, তিনি অন্যান্য ৩ বৎসর এবং অনূর্ধ্ব ১৫ বৎসর কারাদণ্ডে দন্ডনীয় হইবেন এবং ইহার অতিরিক্ত অর্থদণ্ডেও দন্ডনীয় হইবেন।

২৬। শাস্তির ব্যবস্থা করা হয় নাই, এই রকম অপরাধের দস্ত।-কোন ব্যক্তি যদি এই আইন বা বিধির এমন কোন বিধান লঙ্ঘন করেন যাহার জন্য উহাতে স্বতন্ত্র কোন দণ্ডের ব্যবস্থা নাই, তাহা হইলে তিনি উক্ত অপরাধের জন্য অনূর্ধ্ব ১ বৎসর কারাদণ্ডে বা অনূর্ধ্ব ৫ হাজার টাকা অর্থদণ্ডে বা উভয় দণ্ডে দন্ডনীয় হইবেন।

২৭। লাইসেন্স ইত্যাদি বাতিল।-(১) এই আইনে যাহা কিছুই থাকুক না কেন, যদি কোন ব্যক্তি তাহাকে প্রদত্ত লাইসেন্স, পারমিট বা পাসের কোন শর্ত ভঙ্গ করেন, বা যদি কোন লাইসেন্স, পারমিট বা পাসধারী ব্যক্তি এই আইনের অধীন কোন অপরাধের জন্য অথবা অন্য কোন আইনের অধীন বিচারার্থ গ্রহণীয় (Cognizable) কোন অপরাধের জন্য দণ্ডিত হন, তাহা

হইলে লাইসেন্স, পারমিট বা পাস প্রদানকারী কর্মকর্তা তাহাকে কারণ দর্শানোর সুযোগ প্রদান করিয়া তাহার লাইসেন্স, পারমিট বা পাস বাতিল করিতে পারিবেন।

(২) উপ-ধারা (১) এর অধীন প্রদত্ত কোন আদেশের দ্বারা কোন ব্যক্তি সংস্কৃত হইলে তিনি আদেশ প্রাপ্তির তারিখ হইতে ত্রিশ দিনের মধ্যে-

(ক) আদেশটি যদি মহা-পরিচালকের অধঃস্তন কোন কর্মকর্তা কর্তৃক প্রদত্ত হইয়া থাকে, মহা-পরিচালকের নিকট;

(খ) আদেশটি যদি মহা-পরিচালক কর্তৃক প্রদত্ত হইয়া থাকে, সরকারের নিকট আপীল করিতে পারিবেন।

(৩) উপ-ধারা (২) এ উল্লিখিত আপীল কর্তৃপক্ষের রায় চূড়ান্ত হইবে এবং উহার বিরুদ্ধে কোন আদালতে মামলা দায়ের করা যাইবে না।

২৮। লাইসেন্স ইত্যাদি সাময়িকভাবে স্থগিতকরণ।-(১) ধারা ২৭ এ যাহা কিছুই থাকুক না কেন, এই আইনের অধীন লাইসেন্স, পারমিট বা পাস প্রদানকারী কোন কর্মকর্তার নিকট যদি ইহা প্রতীয়মান হয় যে তৎকর্তৃক প্রদত্ত কোন লাইসেন্স, পারমিট বা পাসের শর্তাবলী যথাযথভাবে পালন করা হইতেছে না বা উহার শর্তাবলী লংঘন করা হইতেছে, তাহা হইলে উক্ত কর্মকর্তা, লিখিত আদেশ দ্বারা, এই অধ্যাদেশের অধীন অন্যান্য ব্যবস্থা গ্রহণ সাপেক্ষে, লাইসেন্স, পারমিট বা পাসটি অনূর্ধ্ব ষাট দিনের জন্য, সাময়িকভাবে স্থগিত করিতে পারিবেন।

(২) কোন ব্যক্তি উপ-ধারা (১) এর অধীন প্রদত্ত কোন আদেশের দ্বারা সংস্কৃত হইলে তিনি আদেশ প্রাপ্তির তারিখ হইতে ত্রিশ দিনের মধ্যে-

(ক) আদেশটি যদি মহা-পরিচালকের অধঃস্তন কোন কর্মকর্তা কর্তৃক প্রদত্ত হইয়া থাকে, মহা-পরিচালকের নিকট;

(খ) আদেশটি যদি মহা-পরিচালক কর্তৃক প্রদত্ত হইয়া থাকে, সরকারের নিকট আপীল করিতে পারিবেন।

(৩) উপ-ধারা (২) এ উল্লিখিত আপীল কর্তৃপক্ষের রায় চূড়ান্ত হইবে এবং উহার বিরুদ্ধে কোন আদালতে মামলা দায়ের করা যাইবে না।

২৯। কোম্পানী কর্তৃক অপরাধ সংঘটন।-এই আইনের অধীন কোন বিধান লংঘনকারী ব্যক্তি যদি কোম্পানী হয়, তাহা হইলে উক্ত কোম্পানীর মালিক, পরিচালক, ম্যানেজার, সচিব বা অন্য কোন কর্মকর্তা বা এজেন্ট বিধানটি লংঘন করিয়াছেন বলিয়া গণ্য হইবেন, যদি না তিনি প্রমাণ করিতে পারেন যে, উক্ত লংঘন তাঁহার অজ্ঞাতসারে হইয়াছে অথবা উক্ত লংঘন রোধ করিবার জন্য তিনি যথাসাধ্য চেষ্টা করিয়াছেন।

৩০। অপরাধ সম্পর্কে অনুমান (Presumption)।-যদি কোন ব্যক্তির নিকট বা তাঁহার দখলকৃত বা নিয়ন্ত্রণাধীন কোন স্থানে কোন মাদকদ্রব্য বা মাদকদ্রব্য প্রস্তুতে ব্যবহারযোগ্য সাজ-সরঞ্জাম বা যন্ত্রপাতি বা মাদকদ্রব্য প্রস্তুতের জন্য প্রয়োজনীয় কোন বস্তু বা উপাদান পাওয়া যায় এবং যদি উহা এই আইনের কোন ধারা লংঘনকারী হয়, তাহা হইলে তিনি উক্ত ধারা লংঘন করিয়াছেন বলিয়া আদালত অনুমান করিতে পারিবেন, এবং তিনি যে উহা করেন নাই উহা প্রমাণের দায়িত্ব তাঁহার উপর বর্তাইবে।

৩১। অপরাধ বিচারার্থে গ্রহণ।-অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, এই আইনের অধীন দণ্ডনীয় সকল অপরাধ বিচারার্থে গ্রহণীয় (Cognizable) অপরাধ হইবে।

৩২। প্রবেশ ইত্যাদির ক্ষমতা।-মহাপরিচালক বা তাঁহার নিকট হইতে এতদুদ্দেশ্যে সাধারণ বা বিশেষভাবে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা, বিধি বিধান সাপেক্ষে,-

- (ক) কোন মাদকদ্রব্য লাইসেন্স বলে প্রস্তুত বা গুদামজাত করা হইয়াছে বা হইতেছে এই রকম যে কোন স্থানে যে কোন সময় প্রবেশ করিতে এবং উহা পরিদর্শন করিতে পারিবেন;
- (খ) লাইসেন্স বলে প্রস্তুতকৃত বা সংগৃহীত মাদকদ্রব্য বিক্রয়ের জন্য যে দোকানে রাখা হইয়াছে সেই দোকানে, দোকান খোলা রাখার সাধারণ সময়ে প্রবেশ করিতে পারিবেন এবং উহা পরিদর্শন করিতে পারিবেন;
- (গ) দফা (ক) ও (খ) তে উল্লিখিত স্থান বা দোকানে -
  - (১) রক্ষিত হিসাব বহি বা রেজিস্ট্রার পরীক্ষা করিতে পারিবেন;
  - (২) প্রাপ্ত মাদকদ্রব্য, মাদকদ্রব্য প্রস্তুতের সাজ-সরঞ্জাম, যন্ত্রপাতি ও তৈজষপত্র পরীক্ষা, ওজন ও পরিমাপ করিতে পারিবেন;
  - (৩) উপ-দফা (১) ও (২) এ উল্লিখিত কোন কিছু বেআইনী বা ক্রটিপূর্ণ পাওয়া গেলে বা বিবেচিত হইলে উহা আটক করিতে পারিবেন।

৩৩। বাজেয়াপ্তযোগ্য মাদকদ্রব্য ইত্যাদি।-(১) এই আইনের অধীন কোন অপরাধ সংঘটিত হইলে, যে মাদকদ্রব্য, সাজ-সরঞ্জাম, যন্ত্রপাতি, উপকরণ, আধার, পাত্র, মোড়ক, যানবাহন বা অন্য কোন বস্তু সম্পর্কে বা সহযোগে উক্ত অপরাধ সংঘটিত হইয়াছে সেইগুলি বাজেয়াপ্ত যোগ্য হইবে।

৩৫। বাজেয়াপ্ত ও আটককৃত দ্রব্যাদির নিষ্পত্তি বা বিলিবন্দেজ।-এই আইনের অধীন বাজেয়াপ্তযোগ্য কোন দ্রব্যের বাজেয়াপ্তির আদেশ প্রদানের সঙ্গে সঙ্গে দ্রব্যটি মহা-পরিচালকের নিকট হস্তান্তর করিতে হইবে এবং মহা-পরিচালক উহা বিধি দ্বারা নির্ধারিত পদ্ধতিতে, ব্যবহার, হস্তান্তর বা ধ্বংস করিবার বা অন্য কোন প্রকারে উহার বিলিবন্দেজ ব্যবস্থা করিবেন।

৩৬। পরোয়ানা ব্যতিরেকে তল্লাশী ইত্যাদির ক্ষমতা।-(১) মহা-পরিচালক বা তাহার নিকট হইতে এতদুদ্দেশ্যে সাধারণ বা বিশেষভাবে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা বা পুলিশের উপ-পরিদর্শক বা তদুর্ধ্ব কোন কর্মকর্তা বা কাষ্টমসের পরিদর্শক বা সমমান সম্পন্ন বা তদুর্ধ্ব কোন কর্মকর্তা বা বাংলাদেশ রাইফেলস্ এর অধঃস্তন বা তদুর্ধ্ব কোন কর্মকর্তা বা কোষ্ট গার্ড বাহিনীর এইরূপ বিশ্বাস করিবার কারণ থাকে যে, এই আইনের অধীন কোন অপরাধ কোন স্থানে সংঘটিত হইয়াছে, হইতেছে বা হওয়ার সম্ভাবনা আছে, তাহা হইলে অনুরূপ বিশ্বাসের কারণ লিপিবদ্ধ করিয়া তিনি যে কোন সময়,-

- (ক) উক্ত স্থানে প্রবেশ করিয়া তল্লাশী করিতে পারিবেন এবং প্রবেশে বাধাপ্রাপ্ত হইলে, বাধা অপসারণের জন্য দরজা-জানালা ভাংগাশ যে কোন প্রয়োজনীয় ব্যবস্থা গ্রহণ করিতে পারিবেন;

- (খ) উক্ত স্থানে তত্ত্বাশীকালে প্রাপ্ত অপরাধ সংঘটনে ব্যবহার্য মাদকদ্রব্য বা বস্তু, এই আইনের অধীন আটক বা বাজেয়াপ্তযোগ্য বস্তু এবং এই আইনের অধীন কোন অপরাধ প্রমাণে সহায়ক কোন কোন দলিল, দস্তাবেজ বা জিনিসপত্র আটক করিতে পারিবেন;
- (গ) উক্ত স্থানে উপস্থিত যে কোন ব্যক্তির দেহ তত্ত্বাশী করিতে পারিবেন;
- (ঘ) উক্ত স্থানে উপস্থিত কোন ব্যক্তিকে এই আইনের অধীন কোন অপরাধ করিয়াছেন বা করিতেছেন বলিয়া সন্দেহে গ্রেফতার করিতে পারিবেন।

(২) উপ-ধারা (১) এ যাহা কিছুই থাকুক না কেন, সূর্যাস্ত হইতে সূর্যোদয় পর্যন্ত সময়ের মধ্যে কোন স্থানে প্রবেশ করিয়া তত্ত্বাশী পরিচালনা না করিলে অপরাধ সম্পর্কীয় কোন বস্তু নষ্ট বা লুপ্ত হইবার বা অপরাধী পালাইয়া যাইবার সম্ভাবনা আছে বলিয়া উক্ত উপ-ধারায় উল্লিখিত কোন কর্মকর্তার বিশ্বাস করিবার সংগত কারণ থাকিলে অনুরূপ বিশ্বাসের কারণ লিপিবদ্ধ করিয়া তিনি উক্ত সময়ের মধ্যে উক্ত স্থানে প্রবেশ ও তত্ত্বাশী করিতে পারিবেন।

৩৭। দেহ তত্ত্বাশীর জন্য বিশেষ পরীক্ষা।-এই আইনের অধীন কোন তদন্ত বা তত্ত্বাশী পরিচালনাকালে কোন কর্মকর্তার যদি ইহা বিশ্বাস করিবার যথেষ্ট কারণ থাকে যে, কোন ব্যক্তি তাহার শরীরে কোন অংগ প্রত্যঙ্গে মাদকদ্রব্য লুকাইয়া রাখিয়াছেন, তাহা হইলে, অনুরূপ বিশ্বাসের কারণ লিপিবদ্ধ করিয়া, তিনি তাহাকে তাহার শরীরের এক্স-রে করিবার বা মূত্রসহ অন্য যে কোন প্রকার প্রয়োজনীয় পরীক্ষা করিবার জন্য নিজকে সমর্পণ করিতে নির্দেশ দিতে পারিবেন, এবং উক্ত নির্দেশ অমান্য করিলে নির্দেশ প্রদানকারী কর্মকর্তা তাহাকে নির্দেশ পালনে বাধ্য করিবার জন্য প্রয়োজবোধে বলপ্রয়োগসহ অন্যান্য ব্যবস্থা গ্রহণ করিতে পারিবেন।

৩৮। আটক ইত্যাদি সম্পর্কে উর্ধ্বতন কর্মকর্তাকে অবহিতকরণ।-এই আইনের অধীন কোন ব্যক্তিকে গ্রেফতার করা হইলে বা কোন বস্তু আটক করা হইলে গ্রেফতারকারী বা আটককারী কর্মকর্তা তৎসম্পর্কে লিখিত প্রতিবেদনের মাধ্যমে তাহার উর্ধ্বতন কর্মকর্তাকে অবিলম্বে অবহিত করিবেন এবং প্রতিবেদনের একটি অনুলিপি মহা-পরিচালকের নিকট প্রেরণ করিবেন।

৪০। পরোয়ানা জারীর ক্ষমতা।-(১) মহা-পরিচালকের অথবা সরকার হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত মহা-পরিচালকের অধঃস্তন কোন কর্মকর্তা অথবা কোন প্রথম শ্রেণীর ম্যাজিস্ট্রেটের যদি এইরূপ বিশ্বাস করিবার কারণ থাকে যে,-

(ক) কোন ব্যক্তি এই আইনের অধীন কোন অপরাধ করিয়াছে;

(খ) এই আইনের অধীন অপরাধ সংক্রান্ত কোন বস্তু বা উহা প্রমাণের জন্য প্রয়োজনীয় কোন দলিল, দস্তাবেজ বা কোন প্রকার জিনিসপত্র কোন স্থানে বা ব্যক্তির নিকট রক্ষিত আছে তাহা হইলে, অনুরূপ বিশ্বাসের কারণ লিপিবদ্ধ করিয়া তিনি উক্ত ব্যক্তিকে গ্রেফতার করিবার জন্য বা উক্ত স্থানে দিনে বা রাতে যে কোন সময় তত্ত্বাশীর জন্য পরোয়ানা জারী করিতে পারিবেন।

(২) উপ-ধারা (১) এর অধীন প্রদত্ত কোন পরোয়ানা যাহার নিকট পাঠানো হইবে উহা কার্যকর করার ব্যাপারে তাহার ধারা ৩৬ উল্লিখিত কর্মকর্তাদের সকল ক্ষমতা থাকিবে।



৪১। প্রকাশ্য স্থান ইত্যাদিতে আটক বা গ্রেফতারের ক্ষমতা।-যদি ধারা ৩৬ এ উল্লিখিত কোন কর্মকর্তার এইরূপ বিশ্বাস করিবার কারণ থাকে যে, কোন প্রকাশ্য স্থানে বা কোন চলমান যানবাহনে,-

- (ক) এই আইনের পরিপন্থী কোন মাদকদ্রব্য বা বাজেয়াপ্তযোগ্য কোন বস্তু বা এই আইনের অধীন কোন অপরাধ প্রমানের সহায়ক কোন দলিল দস্তাবেজ রক্ষিত আছে, তাহা হইলে, তাহার অনুরূপ বিশ্বাসের কারণ লিপিবদ্ধ করিয়া, তিনি মাদকদ্রব্য, বস্তু বা দলিল দস্তাবেজ তদ্বাশী করিয়া আটক করিতে পারিবেন;
- (খ) এই আইনের অধীন অপরাধ সংঘটনকারী বা সংঘটনে উদ্যত কোন ব্যক্তি আছেন, তাহা হইলে অনুরূপ বিশ্বাসের কারণ লিপিবদ্ধ করিয়া, তিনি তাহাকে আটক করিয়া তদ্বাশী করিতে পারিবেন এবং তাহার নিকট দফা (ক) এ উল্লিখিত মাদকদ্রব্য, বা বস্তু বা দলিল দস্তাবেজ পাওয়া গেলে তাহাকে গ্রেফতার করিতে পারিবেন।

৪৫। গ্রেফতারকৃত ব্যক্তি ও আটককৃত মালামাল সম্পর্কে বিধান।-(১) ধারা ৪০ এর অধীন জারিকৃত কোন পরোয়ানার ভিত্তিতে কোন ব্যক্তিকে গ্রেফতার করা হইলে বা কোন বস্তু আটক করা হইলে গ্রেফতারকৃত ব্যক্তিকে এবং আটককৃত বস্তুটিকে অনতিবিলম্বে পরোয়ানা প্রদানকারী কর্মকর্তার নিকট প্রেরণ করিতে হইবে।

(২) মহা-পরিচালক বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা বা কোন পুলিশ কর্মকর্তা ব্যতীত অন্য কোন কর্মকর্তা ধারা ৩৬ এবং ৪১ এর অধীন কোন ব্যক্তিকে গ্রেফতার করিলে বা কোন বস্তু আটক করিলে তিনি অনতিবিলম্বে গ্রেফতারকৃত ব্যক্তিকে বা আটককৃত বস্তুটিকে নিকটস্থ থানার ভারপ্রাপ্ত কর্মকর্তা অথবা ধারা ৩৯ এর অধীন থানার ভারপ্রাপ্ত কর্মকর্তা হিসাবে ক্ষমতাপ্রাপ্ত নিকটস্থ কোন কর্মকর্তার নিকট প্রেরণ করিবেন।

(৩) উপ-ধারা (১) ও (২) এর অধীন কোন ব্যক্তি বা বস্তুকে যে কর্মকর্তার নিকট প্রেরণ করা হইবে তিনি যতশীঘ্র সম্ভব উক্ত ব্যক্তি বা বস্তু সম্পর্কে আইনানুগ যথাযোগ্য ব্যবস্থা গ্রহণ করিবেন।

৪৮। মাদকাসক্তের তালিকা।-(১) মাদকাসক্তদের চিকিৎসার প্রয়োজনে মহা-পরিচালক তাহাদের জেলাওয়ারী তালিকা প্রস্তুত করিবেন।

(২) কোন মাদকাসক্ত ব্যক্তি বা তাহার তত্ত্বাবধায়ক বা অভিভাবক বা চিকিৎসক ইচ্ছা করিলে লিখিতভাবে মহা-পরিচালকের নিকট তাহার নাম উপ-ধারা (১) এর অধীন প্রস্তুতকৃত তালিকায় অন্তর্ভুক্তির জন্য আবেদন করিতে পারিবেন এবং উক্তরূপ আবেদনের পরিপ্রেক্ষিতে মহা-পরিচালক তাহার নাম তালিকাভুক্ত করিতে পারিবেন।

(৩) এই ধারার অধীন তালিকাভুক্ত মাদকাসক্তদের চিকিৎসার জন্য বোর্ড যতদূর সম্ভব যথাযথ ব্যবস্থা গ্রহণ করিবে।

৪৯। কতিপয় আইসেপ্ত প্রদানের ক্ষেত্রে বিধিনিষেধ।-(১) কোন ব্যক্তি এই আইনের ধারা ২৪ ব্যতীত, কোন ধারায় দস্তাবেজ হইলে অথবা ধারা ১৬ এর অধীন বাধ্যতামূলকভাবে চিকিৎসাধীন থাকিলে অথবা ধারা ৪৮ এর অধীন মাদকাসক্তদের তালিকাভুক্ত হইলে তাহাকে কোন

আগ্নেয়াস্ত্র বা যানবাহন চালকের লাইসেন্স দেওয়া যাইবে না এবং তাহার উক্তরূপ কোন লাইসেন্স থাকিলে উহা বাতিল হইয়া যাইবে।

(২) উপ-ধারা (১) এর অধীন কোন ব্যক্তির লাইসেন্স বাতিল হইলে তিনি বা ক্ষেত্রমত, তাহার তত্ত্বাবধায়ক বা অভিভাবক লাইসেন্সটি বাতিল হওয়ার দিন হইতে পনের দিনের মধ্যে লাইসেন্স প্রদানকারী কর্মকর্তা বা নিকটস্থ থানায় জমা দিবেন এবং যদি লাইসেন্সটি আগ্নেয়াস্ত্র এর জন্য হয় তাহা হইলে আগ্নেয়াস্ত্রটিও তৎসহ জমা করিতে হইবে।

৫১। সরল বিশ্বাস কৃত কাজকর্মকরণ।-এই আইনের বা কোন বিধির অধীন সরল বিশ্বাসে কৃত কোন কাজের ফলে কোন ব্যক্তি ক্ষতিগ্রস্ত হইলে বা তাহার ক্ষতিগ্রস্ত হইবার সম্ভাবনা থাকিলে তচ্ছন্য সরকার, বোর্ড বা কোন কর্মকর্তা বা ব্যক্তির বিরুদ্ধে দেওয়ানী বা ফৌজদারী মামলা বা অন্য কোন আইনগত কার্যক্রম গ্রহণ করা যাইবে না।

### প্রথম তফসিল

[ধারা ২ (৬) দ্রষ্টব্য]

#### 'ক' শ্রেণীর মাদক দ্রব্য

১। অপিয়াম্ পপি (Opium Poppy) বা তর্পনিঃসৃত আঠালো পদার্থ।

২। পরিশোধিত, অপরিশোধিত, তৈরীকৃত যে কোন আফিম বা আফিম সহযোগে তৈরী যে কোন পদার্থ।

৩। আফিম উদ্ভূত মাদকদ্রব্যসমূহ (Opium Derivatives) যথাঃ মরফিন (Morphine), কোডিন (Codeine), হিরোইন (Heroin), বুপ্রেনরফাইন (Buprenorphine), থিবাইন (Thebaine), নোস্কাপাইন (Noscapine), নারকটিন (Narcotine), প্যাপাভারিন (Papavarine) ইত্যাদি এবং ইহাদের ক্ষারসমূহ।

৪। শতকরা ০.২ এর অধিক মরফিনযুক্ত যে কোন পদার্থ।

৫। আফিমের সমধর্মী কৃত্রিম উপায়ে তৈরী যে কোন মাদকদ্রব্য যথাঃ পেথিডিন (Pethidine), মেপারডাইন (Mepidine), মেথাডন (Methadone), ডেক্সট্রোমোরামাইড ((Dextromoramide), ডাইহাইড্রোকোডিন (Dihydrocodeine), মেপারডাইন ফেন্টানাইল (Mepredine Fentanyl), পেন্টাযোকাইন (Pentazocaine), হাইড্রোমরফিন (Hydromorphine), অমনোপন (Omnopone), আলফাপ্রোডাই (Alphaprodine), ডিমেরাল (Demieral), অক্সিকোডন (Oxycodone), এট্রোফাইন (Etophine), লোফেন্টানাইল (Lofentanyl), আলফেন্টানাইল (Alfentanyl), আলফামিথাইল ফেন্টানাইল (Alphamethyl Fentanyl), ৩-মিথাইল ফেন্টানাইল (3-Methyl Fentanyl), এ্যাসিট্রোফাইন (Assectrophine), এসিটাইল মেথাডল (Acetylmethadol), আলফাসিটাইল মেথাডল (Alphacetylmethadol), বেটাপ্রোডাইন (Betaprodine), ইত্যাদি।

৬। কোকা পাতা, কোকেন (Cocaine) বা কোকা উদ্ভূত সকল মাদকদ্রব্য (Cocaine derivatives)।

৭। শতকরা ০.১ এর অধিক কোকেনযুক্ত যে কোন পদার্থ অথবা কোকেনের যে কোন ক্ষার।

৮। যে কোন রূপ টেট্রাহাইড্রোকেনবিনল (Tetrahydrocannabinol), ক্যানাবিস রেসিন (Cannabis resin), বা চরস (Charas) বা হাশিশ (Hashish) ইত্যাদি।

৯। এফিড্রিন (Ephedrine), এরগোমেট্রিন (Ergometrine), এরগোটামিন (Ergotamine), লাইসারজিক এসিড (Lysergic Acid), ১-ফেনাইল-২-প্রোপানন (1-Phenyl-2-Propanone), সিউডো এফিড্রিন (Pseudoephedrine), এন-এসিটাইল এনথ্রানিলিক এসিড (N-Acetyl-anthranilic acid), আইসোস্যাফ্রোল (Isosafrole), ৩, ৪-মিথাইল এনিডাইওক্সিফেনাইল-২-প্রোপানন (3, 4-Meethylenedioxyphenyl-2-Propanone), পিপারোনাল (Piperonal), স্যাফ্রোল (Safrole), এসিটিক এ্যানহাইড্রাইড (Acetic Anhydride), এসিটোন (Acetone), এনথ্রানিলিক এসিড (Anthranilic Acid), ইথাইল ইথার (Ethyl Ether), ফিনাইলাসিটিক এসিড (Phenylacetic Acid), পিপারিডাইন (Piperidine), হাইড্রোক্লোরিক এসিড (Hydrochloric Acid), মিথাইল-ইথাইল-কিটোন (Methyl Ethyl Ketone), পটাশিয়াম পারমাংগানেট (Potassium Permanganate), সালফিউরিক এসিড (Sulphuric Acid), টুলুইন (Toluene)।

১০। মেসকালাইন (Mescaline)।

### ‘খ’ শ্রেণীর মাদকদ্রব্য

১। গাঁজা গাছ (Hamp plant), গাঁজা (Herbual Cannabis), ভাং, ভাং গাছ, অথবা গাঁজা বা ভাং সহযোগে প্রস্তুত যে কোন পদার্থ।

২। নেশার উৎস রূপে ব্যবহৃত হইতে পারে (ভামাক ব্যতীত) এমন অন্যান্য যে কোন উদ্ভিদ।

৩। এ্যালকোহল (Alcohol), সকল প্রকার মদ, রেষ্টিফাইড স্পিরিট (Rectified spirit), রেষ্টিফাইড স্পিরিট সহযোগে প্রস্তুত যে কোন ঔষধ বা তরল পদার্থ, ওয়াশ বিয়ার কিংবা ৫% এর অধিক এ্যালকোহলযুক্ত যে কোন তরল পদার্থ।

৪। এল.এস.ডি (LSD) কিংবা এল.এস.ডি. যুক্ত যে কোন পদার্থ।

৫। বারবিচুরেটস (Barbiturates) বা সমগোত্রীয় যে কোন পদার্থ।

৬। এ্যামফিটামিন (Amphetamine), মিথাইল এ্যামফিটামিন (Methyl amphetamine) বা এ্যামফিটামিন যুক্ত যে কোন বস্তু।

৭। ফেনসাইক্লিডাইন (Phencyclidine), সাইলোসাইবিন (Podosilycybin), নিকোকোডাইন (Nicocodine) বা এইগুলি যুক্ত যে কোন বস্তু।

৮। মেথাকোয়ালন (Methaqualone) বা মোথাকোয়ালন যুক্ত যে কোন বস্তু।

## ‘গ’ শ্রেণীর মাদকদ্রব্য

- ১। ভাড়া, পঁচুই ইত্যাদি।
- ২। ডিনেচার্ড স্পিরিট (Denatured spirit) বা মেথিলেটেড স্পিরিট (Methylated spirit)।
- ৩। ক্লোরডায়াজপিক্সাইড (Chlordiazepoxide), ডায়াজিপাম (Diazepam), অক্সাজিপাম (Oxazepam), লোরাজিপাম (Lrazepam) ফ্লুরাজিপাম (Flurazepam), ক্লোরাজিপেট (Clorazepate), নাইট্রোজিপাম (Nitrazepam), ট্রায়াজোলাম (Triazolom), টেমাজিপাম (Temazepam) ইত্যাদি।
- ৪। ‘খ’ শ্রেণীতে উল্লিখিত হয়নি এমন যে কোন সিডেটিভ, ট্রান্কুইলাইজার বা হিপনোটিক ঔষধ।
- ৫। ‘ক’ বা ‘খ’ শ্রেণীতে উল্লিখিত হয়নি এমন যে কোন স্টিমুল্যান্টস (Stimulants) ডিপ্রেজ্যান্ট ঔষধ।

### দ্বিতীয় তফসিল (ধারা ১৮ দ্রষ্টব্য)

মাদক ঔষধ আরোপযোগ্য দ্রব্যাদির বিবরণ	মাদক ঔষধের হার
১ দেশী মদ-	
(ক) চা বাগান ব্যতীত দেশের অন্যান্য সকল এলাকার জন্য	প্রতি এল,পি,জি-টাকা ৩০০.০০
(খ) চা বাগান এলাকার জন্য	প্রতি এল,পি,জি-টাকা ১৫০.০০
২ মিথাইল এ্যালকোহল, ইথাইল এ্যালকোহল, এ্যাবসোলিউট এ্যালকোহল	প্রতি এল,পি,জি-টাকা ২২৫.০০
৩ রেকটিফাইড স্পিরিট	প্রতি এল,পি,জি-টাকা ৫০.০০
(ক) (Bangladesh Homeopathic Practitioners Ordinance, 1983 (XLI of 1983) এর অধীনে রেজিস্ট্রিকৃত হোমিওপ্যাথিক চিকিৎসকের লাইসেন্সের অধীন বাৎসরিক সর্বোচ্চ ৮ লন্ডন প্রফ গ্যালন	প্রতি এল,পি,জি-টাকা ২২৫.০০
(খ) অন্যান্য	
৪ বাংলাদেশে প্রস্তুত বিলাতি মদ	প্রতি এল,পি,জি-টাকা ৭৫০.০০
৫ ডিনেচার্ড স্পিরিট	প্রতি বাক্স গ্যালন-টাকা ৫০.০০

## 2.5.2 Tobacco

### JUVENILE SMOKING ACT, 1919 (Bengal Act II of 1919)

*An Act for the Prevention of Smoking by Juveniles.*

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

- (a) "cigarettes" include cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;
- (b) "police-officer" means a members of an established police force above the rank of a head constable; and
- (c) "tobacco" means tobacco in any form, and includes any smoking mixture intended as a substitute for tobacco.

3. (1) No person shall sell or give to a person apparently under the age of sixteen years any tobacco, pipes or cigarette papers whether for his own use or not:

Provided that a person shall not be guilty of an offence under this section for selling tobacco, other than cigarettes to a person apparently under the age of sixteen years if he did not know, and had no reason to believe that it was for the use of that person.

(2) If any person contravenes the provisions of sub-section (1), he shall be liable on summary conviction before a Magistrate to a fine not exceeding ten taka, and in the case of a second offence to a fine not exceeding fifty rupees.

4. It shall be lawful for a police-officer in uniform, or any other person or class of persons duly authorized by the Government in this behalf, to seize any tobacco, pipes or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, or to destroy any such article.

5. No Magistrate shall take cognizance of an offence under this Act, except upon a complaint made by, or at the instance of, the parent or guardian of the young person concerned or a police-officer or other person empowered to make a seizure under section 4.

6. The provisions of this Act shall not apply when the person to whom the tobacco, pipes or cigarette papers are sold, or in whose possession they are found, was at the time employed by a manufacturer of, or dealer in, such articles either wholesale or retail, for the purposes of his business.

**PROHIBITION OF SMOKING IN SHOW HOUSES ACT, 1952**  
(Act XIII of 1952)

*An Act to prohibit smoking in show houses in Bangladesh.*

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

- (a) "Show house" means any building, tent, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, any indoor game or any other indoor amusement whatsoever, but does not include such building, tent or structure wherein meals are served by the management along with the demonstration or exhibition, or which is used for any purposes other than those hereinbefore mentioned;
- (b) "the management" means the person or persons responsible for managing a demonstration or exhibition in a show house.

3. Whoever smokes, during a demonstration or exhibition, in any part of a show house reserved for the audience or the spectators, shall be punishable with fine which for a first offence may extend to twenty-five Taka and for a second or subsequent offence to one hundred Taka.

**Explanation.**-For the purpose of this section, a demonstration or exhibition shall be deemed to commence when the audience or the spectators or any part of them have entered the show house to witness a performance therein and to continue until they have left the house after the final closing of the performance.

4. Any police officer not below the rank of Sub-Inspector may arrest without warrant any person committing an offence under section 3 in his presence.

5.(1) The management shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person smoking during a demonstration or exhibition, in any part of a show house reserved for the audience or spectators, shall be liable to arrest without warrant and to fine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty Taka.

**THE BIDI MANUFACTURE (PROHIBITION) ORDINANCE, 1975**  
**(Ordinance No. LVII of 1975)**

*An Ordinance to prohibit manufacture of bidi in Bangladesh.*

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

- (a) "bidi" means a small cylinder of cut tobacco rolled for smoking in kumbhi leaf, tendu leaf or leaf of any other plant but does not include cut tobacco rolled in paper;
- (b) "kumbhi leaf" means the leaf used for manufacture of bidi and is commonly known as kumbhi leaf;
- (c) "tendu leaf" means the leaf used for the manufacture of bidi and is commonly known as tendu leaf.

**3. Bidi manufacture prohibited, etc.**-No person in Bangladesh shall, after the commencement of this Ordinance,-

- (a) manufacture bidi or engage in any trade or occupation involving or connected with the manufacture of bidi; or
- (b) cultivate, grow or tend kumbhi leaf or tendu leaf; or
- (c) store or otherwise keep in his possession or custody for any purpose whatsoever, any bidi or kumbhi leaf or tendu leaf.

**4. Certain transactions annulled.**-All contracts, agreements or other commercial arrangements for manufacture, sale or other transaction in relation to growing and tending of kumbhi leaf, entered into or made before the commencement of this Ordinance, shall, notwithstanding anything contained in any law for the time being in force, stand annulled, and no claim for any compensation shall lie for any loss due to such annulment.

**5. Penalty.**-(1) Whoever contravenes any provision of this Ordinance shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand taka, or with both.

(2) Where a person is convicted of an offence punishable under sub-section (1) the court passing the sentence may direct that the bidi, kumbhi leaf or tendu leaf in respect of which the provision of this Ordinance has been contravened be forfeited to the Government and destroyed by fire.

(3) If the person contravening any provision of this Ordinance is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.

তামাকজাত সামগ্রী বিপণন (নিয়ন্ত্রণ) আইন, ১৯৮৮  
(১৯৮৮ সনের ৪নং আইন)

তামাকজাত সামগ্রী বিপণন নিয়ন্ত্রণের জন্য প্রণীত আইন।

২। সংজ্ঞা।- বিষয় বা প্রসঙ্গের পরিপন্থী কোন কিছু না থাকিলে, এই আইনে সিগারেট, সিগার, চুরট, বিড়ি এবং সিগারেট ও পাইপে ব্যবহার্য মিশ্রণ (মিক্সচার) “তামাকজাত সামগ্রী” এর অন্তর্ভুক্ত হইবে।

৩। তামাকজাত সামগ্রীর প্যাকেট, ইত্যাদিতে লিখিতব্য সতর্কবাণী।-(১) “ধূমপান স্বাস্থ্যের জন্য ক্ষতিকর” এই মর্মে একটি সতর্কবাণী সহজপাঠ্য বাংলায় তামাকজাত সামগ্রীর প্যাকেট বা কৌটার কোন বিশিষ্ট অংশে উৎকীর্ণ, লিপিবদ্ধ বা মুদ্রিত না করিয়া প্যাকেটস্থ বা কৌটাস্থ কোন তামাকজাত সামগ্রী বিপণন করা যাইবে না।

(২) “ধূমপান স্বাস্থ্যের জন্য ক্ষতিকর” এই মর্মে একটি সতর্কবাণী সহজপাঠ্য বাংলায় তামাকজাত সামগ্রীর বিজ্ঞাপনের কোন বিশিষ্ট অংশে উৎকীর্ণ, লিপিবদ্ধ বা মুদ্রিত না করিয়া তামাকজাত সামগ্রীর কোন বিজ্ঞাপন প্রকাশ, প্রচার বা প্রদর্শন করা যাইবে না।

৪। দণ্ড।- কোন ব্যক্তি ধারা ৩-এর বিধান লঙ্ঘন করিলে, তিনি অনধিক ছয় মাসের কারাদণ্ড বা অনধিক দুই হাজার টাকা জরিমানায় বা উভয় দণ্ডে দণ্ডিত হইবেন।

Note : See also the Metropolitan Police laws (15.6), the Motor Vehicle Ordinance, 1983 (16.1) and the Railways Act (16.6).

## 2.6 Medical Facilities

### PRISONS ACT, 1894 (Act No. I of 1894)

*An Act to amend the law relating to Prisons.*

#### 3. Definition.-In this Act,-

- (1) "prison" means any jail or place used permanently or temporarily under the general or special orders of Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include-
  - (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
  - (b) any place specially appointed by the Government, under section 541 of the Code of Criminal Procedure, 1898 ; or
  - (c) any place which has been declared by the Government, by general or special order, to be a subsidiary jail.



- (5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails;
- (6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;
- (8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and
- (9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical subordinate, a Jailer and Such other officers as the Government thinks necessary:

7. Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

Provision shall be made, by such officer and in such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

13. Subject to the control of the superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 59.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :

- (1) the day on which the deceased first complained of illness or was observed to be ill;
- (2) the labour, if any, on which he was engaged on that day;

- (3) the scale of his diet on that day;
- (4) the day on which he was admitted to hospital;
- (5) the day on which the Medical Officer was first informed of the illness;
- (6) the nature of the disease;
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate;
- (8) when the prisoner died; and
- (9) (in cases where a post-mortem examination is made) an account of the appearances after death.

together with any special remarks that appear to the Medical Officer to be required.

24. (2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such as may be approved by the Inspector General.

35. (1) No Criminal prisoner sentenced to labour employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket to each prisoner employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

37.(1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoners desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directing relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

39. In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

46. The Superintendent may examine any person touching any prison offence, and determine thereupon, and punish such offence by-

- (9) penal diet, -that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Government:

Provided that such restriction of diet shall in no case be applied to a prisoner form more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;  
(11) penal diet as defined in clause (9) combined with cellular confinement.

50.(1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2) shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

**Note:** See also the provisions of labour laws providing special health facilities to the workers (4) and the Children Act, 1974 (18.2) .

## 2.7 Safety

### **THE FATAL ACCIDENTS ACT, 1855** (Act No. XIII of 1855)

*An Act to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong*

1. Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, the party who would have been liable if death had not ensued shall be liable to an action or suit for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony or other crime.

Every such action or suit shall be for the benefit of the wife, husband, parent and child, if any, of the person whose death shall have been so caused, and shall be brought by and in the name of the executor, administrator or representative of the person deceased;

and in every such action the court may give such damages as it may think proportioned to the loss resulting from such death to the parties respectively,

for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before mentioned parties, or any of them, in such shares as the Court by its judgment or decree shall direct.

4. The following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject-matter; that is to say the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mothers and grand-father and grand-mother; and the word "child" shall include son and daughter and grand-son and grand-daughter and step-son and step-daughter.

### 3. FOOD AND CONSUMER PROTECTION

#### MERCHANDISE MARKS ACT, 1889

(Act No. IV of 1889)

*An Act to amend the Law relating to Fraudulent Marks on Merchandise.*

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

(2) "trade description" means any description, statement or other indication, direct or indirect,-

- (a) as to the number, quantity, measure, gauge or weight of any goods; or
- (b) as to the place or country in which, or the time at which, any goods were made or produced; or
- (c) as to the mode of manufacturing or producing any goods; or
- (d) as to the material of which any goods are composed;

and the use of any numeral, word or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Act;

(3) "false trade description" means a trade description which is untrue in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description untrue in a material respect, and the fact that a trade description is a trade mark or part of a trade mark shall not prevent such trade description being a false trade description within the meaning of this Act.

4.(1) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, words or marks, or application to goods of any such numerals, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are or is reasonably calculated to lead persons to believe that the person whose manufacture or merchandise they really are, and to goods having such numerals, words or marks, or arrangement or combination, applied thereto.

(2) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is

applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods any name or initials-

- (a) not being a trade mark, or part of a trade mark; and
- (b) being identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description and not having authorised the use of such name or initials.

(3) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches is a false trade description.

5.(1) A person shall be deemed to apply a trade description to goods who-

- (a) applies it to the goods themselves; or
- (b) applies it to any covering, label, reel or other thing in or with which the goods are sold or are exposed or had in possession for sale or any purpose of trade or manufacture; or
- (c) places, encloses or annexes any goods which are sold, or are exposed or had in possession for sale or any purpose of trade or manufacture, in, with or to any covering, label, reel or other thing to which a trade description has been applied; or
- (d) uses a trade description in any manner reasonably calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade description.

(2) A trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into or annexed or affixed to the goods or any covering, label, reel or other thing.

(3) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

6. If a person applies a false trade description to goods, he shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred taka, and in the case of

a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

7. If a person sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, he shall, unless he proves-

- (a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade description; and
- (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or
- (c) that otherwise he had acted innocently;

be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred taka, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

8. Where a person is accused under section 482 of the Penal Code of using a false trade mark or property mark by reason of his having applied a mark to any goods, property or receptacle in the manner mentioned in section 480 or section 481 of that Code, as the case may be, or under section 6 of this Act of applying to goods any false trade description, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, and proves-

- (a) that in the ordinary course of his business he is employed, or behalf of other persons, to apply trade marks or property marks, or trade descriptions, etc, as the case may be, to make dies, plates or other instruments for making, or being used in making, trade marks or property marks, and that in the case which is the subject of the charge he was so employed and was not interested in the goods or other thing by way of profit or commission dependent on the sale thereof; and
- (b) that he took reasonable precautions against committing the offence charged; and
- (c) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the mark or description; and



- (d) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf the mark or description was applied, he shall be acquitted.

9.(1) When a person is convicted under section 482 of the Penal Code of using a false trade mark, or under section 486 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under section 487 or section 488 of that Code of making, or making use of, a false mark, or under section 6 or section 7 of this Act of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or is acquitted on proof of the matter or matters specified in section 486 of the Penal Code or section 7 or section 8 of this Act, the court convicting or acquitting him may direct the forfeiture to Government of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

12.(1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured in premises which are a factory as defined in the Factories Act, 1965, shall not be removed from those premises without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece.

(2) If any person removes or attempts to remove any such piece-goods from any such premises without the length of each piece being stamped in the manner mentioned in sub-section (1) every such piece, and everything used for the packing or removal thereof, shall be forfeited to Government, and such person shall be punished with fine which may extend to one thousand taka.

13. In the case of goods brought into Bangladesh by sea, evidence of the Port of shipment shall, in a prosecution for an offence against this Act or section 15 of the Customs Act 1969 be *prima facie* evidence of the place or country in which the goods were made or produced.

17. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the seller shall be deemed to warrant that the mark is a genuine mark and not counterfeit or falsely used, or that the trade description is not a false trade description with the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the seller and delivered at the time of the sale or contract to and accepted by the buyer.

20.(1) The Government may make rules, for the purposes of this Act, to provide, with respect to any goods which purport or are alleged to be of

uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selecting of the samples.

(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or officer of Customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight, of the goods, shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

(3) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (2) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (2), desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of Customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the Government in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court or officer of Customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (2), as the case may be.

(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(6) Rules under this section shall be made after previous publication.

22. If any person, being within Bangladesh, abets the commission, within Bangladesh, of any Act which, if committed in Bangladesh, would under this Act, or under any section of that part of Chapter XVIII of the Penal Code which relates to trade, property and other marks, be an offence he may be tried for such abatement in any place in Bangladesh in which he may be found, and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

**THE MEDICAL DEGREES ACT, 1916**  
(Act No. VII of 1916)

*An Act to regulate the grant of titles implying qualifications in Western medical science, and the assumption and use by unqualified persons of such titles.*

2. In this Act, "Western Medical Science" means the Western methods of Allopathic medicine, Obstetrics and Surgery, but does not include the Homeopathic or Ayurvedic or Unani system of medicine.
3. The right of conferring, granting, or issuing in Bangladesh degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practice Western medical science, shall be exercisable only by the authorities specified in the Schedule, and by such other authority as the Government may, by notification in the official Gazette, and subject to such conditions and restriction as it thinks fit to impose, authorise in this behalf.
4. Save as provided by section 3, no person in Bangladesh shall confer, grant, or issue, or hold himself out as entitled to confer, grant, or issue any degree, diploma, license, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practice Western medical science.
5. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand Taka; and, if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention, shall be punishable with fine which may extend to five hundred Taka.
6. Whoever voluntarily and falsely assumes, or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by any authority referred to in section 3, or recognised by the General Council of medical Education of the United Kingdom, or that he is qualified to practice Western medical science, shall be punishable with the fine which may extend to two hundred and fifty Taka, or, if he subsequently commits, and is convicted of, an offence punishable under this section, with fine which may extend to five hundred Taka.

Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the commencement of this Act, he used in virtue of any degree, diploma, license or certificate conferred upon, or granted or issued to him.

## SCHEDULE

(See section 3)

1. Every University established by any law for the time being in force.
2. The State Medical Faculty in Bangladesh.

### **THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937**

(Act No. I of 1937)

*An Act to provide for the grading and marking of agricultural and other produce.*

2. In this Act, unless the contrary appears from the subject or context,-
  - (a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;
  - (b) "counterfeit" has the meaning assigned to that word by section 28 of the Penal Code;
  - (c) "covering" includes any vessel, box, crate, wrapper, tray or other container;
  - (d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;
  - (e) "Grade designation mark" means a mark prescribed as representing a particular grade designation;
  - (f) "quality" in relation to any article, includes the state and condition of the article;
  - (i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.
3. The Government may, after previous publication by notification in the official Gazette, make rules-
  - (a) fixing grade designations to indicate the quality of any scheduled article;
  - (b) defining the quality indicated by every grade designation;

- (c) specifying grade designation mark to represent particular grade designations;
- (d) authorising a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;
- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable with fine which may extend to five hundred Taka.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

6. The Government, after such consultation as it thinks fit of the interests likely to be affected, may by notification in the official Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule or to an article other than an article of agricultural produce, and on the publication of such notification such article shall be deemed to be included in the Schedule.

## **THE SCHEDULE**

(See section 2)

1. Fruit.
2. Vegetables.
3. Eggs.
4. Dairy produce.
5. Tobacco.
6. Coffee.

**THE IMPORTS AND EXPORTS (CONTROL) ACT, 1950**  
**(Act No. XXXIX of 1950)**

*An Act to continue for a limited period powers to prohibit or control imports and exports.*

3.(1) The Government may, by order published in the official Gazette and subject to such conditions and exceptions as may be made by or under the order, prohibit, restrict or otherwise control the import or export of goods of any specified description, or regulate generally all practices (including trade practices) and procedure connected with the import or export of such goods, and such order may provide for applications for licences under this Act, the evidence to be attached to such applications, the grant, use, transfer, sale or cancellation of such licences, and the form and manner in which and the periods within which appeals and applications for review and revision may be preferred and disposed of, and the charging of fees in respect of any such matter as may be provided in such order.

(2) No goods of the specified description shall be imported or exported except in accordance with the conditions of a licence to be issued by the Chief Controller or any other officer authorized in this behalf by the Government.

(3) All goods to which any order sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect as if for the word "shall" therein the word "may" were substituted.

(4) Notwithstanding anything contained in the aforesaid Act, the Government may by order published in the official Gazette, prohibit, restrict or impose conditions on the clearance whether for home consumption or for shipment abroad of any imported goods or class of goods.

5. If any person contravenes any provision of this Act or any order made or deemed to have been made under this Act or the rules made thereunder, or makes use of an import or export licence otherwise than in accordance with any condition in that behalf imposed under this Act, he shall without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-section (3) of section 3 of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

**THE ESSENTIAL COMMODITIES ACT, 1957**  
(Act No. III of 1957)

*An Act to provide for the price control and regulation of trade and commerce*

2. In this Act, unless there is anything repugnant in the subject or context,-
- (a) "essential commodity" means any of the classes of commodities mentioned in the Schedule to this Act, and such other classes of commodities as may be declared by the Government by notification in the official Gazette to be essential commodities for the purposes of this Act.
3. (1) The Government may make order providing:-
- (a) for controlling the prices at which any essential commodity may be sold or brought in any area;
  - (d) for requiring any person holding stock to sell an essential commodity to sell in any area at such price to such persons under such circumstances as may be specified in the order;
  - (g) for any incidental or supplementary matters, including in particular the entering, the searching and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any article in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, or any records connected therewith... .
- 6.(1) If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both... .

**SCHEDULE**

- i) Foodstuffs including edible oilseeds, and oils.
- iii) Petroleum and petroleum products.
- iv) Mechanically propelled vehicles, including those in completely knocked-down condition, their spare parts, and tyres and tubes for the same.
- v) Coal.
- vii) Drugs and medicine, including those administered by injection.
- viii) Chemicals, including gases.
- xv) Infant and patient foods and allied articles.
- xvii) Cigarettes.
- xviii) Tallow.
- xxiii) Chemical Fertilisers.
- xxvii) Sugar.
- xxviii) Tea.

## THE PURE FOOD ORDINANCE, 1959

(E.P. Ordinance No. LXVIII of 1959)

*An Ordinance to provide for the better control of the manufacture and sale of food for human consumption.*

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

- (1) an article of food shall be deemed to be "adulterated" if-
  - (a) any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; or
  - (b) any substance has been substituted wholly or in part for it; or
  - (c) any of the normal constituents has been wholly or in part abstracted so as to render it injurious to health; or
  - (d) it is mixed, coloured, powdered, coated or stained in a manner whereby damage or inferiority is concealed; or
  - (e) it does not comply with any standard provided by or under this Ordinance or any other law for the time being in force; or
  - (f) it contains or is mixed or diluted with any substance in such quantity as is to the prejudice of the purchaser or consumer or in such proportion as diminishes in any manner the food value or nutritive qualities which it possesses in its pure, normal, undeteriorated and sound condition; or
  - (g) it contains any poisonous or deleterious ingredient which may render it injurious to health; or
  - (h) it is not of the nature, substance or quality which it purports to be or which it is represented to be by the manufacturer or the seller.
- (3) "container" includes a package or receptacle of any kind, whether open or closed;
- (4) "dairy" includes-
  - (a) any farm, cattle-shed, milk-store, milk-shop or other place, at which milk is stored or supplied for sale or is manufactured into butter, ghee, cheese, curds, or skimmed, condensed, sterilized or desiccated milk; and
  - (b) in the case of a dairyman or other person selling milk, who does not occupy any premises for the purpose of such sale, any place at which such dairyman or person keeps any



container used or intended to be used by him for the purposes of such sale;

but does not include-

- (i) a shop or other place at which milk is sold solely in the closed and unopened containers in which it is delivered thereto from any source referred to in sub-clauses (a) and (b), or solely in hermetically closed and unopened containers and in the same condition as that in which it was delivered thereto from such source; or
  - (ii) a shop or other place at which milk is sold solely for consumption therein;
- (5) "food" means any article used as food or drink for human consumption, other than water or any drug, and includes ice and aerated water and-
- (a) any substance which is intended for use in the composition or preparation of food;
  - (b) any flavouring matter or any spice or condiment; and
  - (c) any colouring matter intended for use in food:

Provided that, notwithstanding anything contained in this definition, the addition of any colouring or flavouring matter or any spice or condiment to an article of food shall be deemed to be the additional of a substance to food;

- (12) "sale" means a transfer of ownership in exchange for a price, whether in money or in kind, paid or promised or partly paid or promised, and includes-
- (a) the making, causing or permitting of such transfer;
  - (b) the attempt to effect such transfer; and
  - (c) any possession, storage, offer, exposure, despatch, consignment, deposit or receipt for the purposes of such transfer or for preparation for such transfer, and the expression "sell", "seller", "sells" and "sold" shall be construed accordingly; and

4.(1) The Government, or a local authority, may appoint one or more persons (hereinafter referred to as "public analysts") to be analysts of food for any area within the jurisdiction of the Government or such local authority respectively.

- (2) No person shall be appointed a public analyst for any area-
- (a) if he is directly or indirectly engaged in any trade or business connected with the manufacture or sale of any article of food; and

- (b) unless he possesses, on the date of his appointment, such qualifications as may be prescribed.

5.(1) The Government may determine by rules in this behalf-

- (a) the normal constituents and the values of the chemical and physical constants of any article of food; and
- (b) in respect of a sample of any article of food, the deficiency in any such constituent or the addition of any extraneous matter or the proportion of water which shall, for the purpose of this Ordinance and until the contrary is proved, raise a presumption that such article is adulterated.

(2) A public analyst shall, when certifying the result of any analysis made under this Ordinance, have regard to the rules referred to in sub-section (1).

(3) When any rule referred to in sub-section (1) has been made, the purchaser of any article of food to which rules applies shall, until the contrary is proved, be deemed to have demanded food complying with such rule.

6.(1) No person shall, directly or indirectly and whether by himself or by any other person acting on his behalf,-

- (a) manufacture or sell any article of food which is adulterated; or
- (b) sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality demanded by the purchaser.

(2) An offence shall not be deemed to have been committed under sub-section (1), if the article of food contains the normal constituents prescribed under clause (a) of sub-section (1) of section 5, and if the chemical and physical constants of the article are in accordance with those referred to in the said clause-

- (a) where any innocuous substance or ingredient has been added thereto, if such substance or ingredient-
  - (i) is required for the production or preparation of such article as an article of commerce in a condition fit for carriage or consumption; and
  - (ii) is not so added fraudulently to increase the bulk weight or measure, or to conceal the inferior quality, of such article:

Provided that the admixture of such substance or ingredient does not render such article to be injurious to health; or

- (b) where any constituent has been abstracted therefrom if such abstraction is required for the production or preparation of such

article as an article of commerce fit for carriage or consumption and does not render such article to be injurious to health; or

- (c) where a patent has been granted under any law for the time being in force, if such article is manufactured or sold in the condition required by the specification of the patent.

(4) In any prosecution under this section,-

- (a) it shall not be a defence to allege-
  - (i) that the purchaser bought for analysis or examination and therefore was not prejudiced, or
  - (ii) that the person who manufactured or sold the article of food had no knowledge of and could not with reasonable diligence have ascertained, its nature, substance or quality; and
- (b) the Court shall, until the contrary is proved, presume that any article of food, which is found in the possession of any person who manufactures or sells similar articles, has been manufactured by that person, or is for sale by him, as the case may be.

7. No person shall, directly or indirectly and whether by himself or by any other person acting on his behalf, manufacture or sell, as the case may be, any milk, butter, ghee (that is to say, clarified milk fat), wheat flour (that is to say, *maida*, *atta* or *suji*) or mustard or any other rape seed oil, or any other article of food which may be notified by the Government in this behalf, unless the conditions specified in sections 8,9, 10,11,12, and 13 are respectively fulfilled.

8.(1) In the case of milk other than skimmed, condensed, sterilized or desiccated milk,-

- (a) the species of animal from which the milk is derived shall be specified by the seller in such manner as the local authority may direct by general or special order in this behalf;
- (b) the article sold shall be the normal, clean and fresh secretion obtained by the complete milking of the udder of a healthy animal of the species specified, not earlier than seven days after the calving and freeing of the colostrum of such animal; and
- (c) the article sold shall, whether such secretion has been processed or not, be an article from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added and which contains the normal constituents prescribed under clause (a) of sub-section (1) of section 5.

(2) In the case of skimmed milk,-

- (a) the container shall be labelled and marked in such manner as may be prescribed;
- (b) the article sold shall contain such proportion of the constituents of milk as may be prescribed; and
- (c) the place at which such article is sold shall be specified by the seller in such manner as the local authority may direct by general or special order in this behalf.

(3) In the case of condensed, sterilized or desiccated milk,-

- (a) the container shall be hermetically closed, labelled and marked in such manner as may be prescribed; and
- (b) the article manufactured or sold, as the case may be, shall contain such proportion of the constituents of milk as may be prescribed.

9. In the case of butter, the article manufactured or sold, as the case may be, shall be exclusively derived from the milk or cream (other than skimmed, condensed, sterilized or desiccated milk or cream) of a cow or buffalo or both, and may be with or without the addition of any innocuous colouring matter, and shall not contain a greater proportion of water than may be prescribed.

10. In the case of ghee (that is to say, clarified milk, fat), the article manufactured or sold, as the case may be, shall contain only substances (other than curds) which are prepared exclusively from the milk of cows or buffaloes or both, and shall fulfil such other conditions as may be prescribed.

11. In the case of wheat flour (that is to say, *maida*, *atta* or *suji*) the article manufactured or sold, as the case may be, shall contain only substances which are derived exclusively from wheat, and shall fulfil such other conditions as may be prescribed.

12. In the case of mustard or any other rape seed oil, the article manufactured or sold, as the case may be, shall be derived exclusively from mustard or any other rape seed, as the case may be, and shall fulfil such other conditions as may be prescribed.

13. In the case of any other article of food which may be notified by the Government under section 7, the article manufactured or sold, as the case may be, shall fulfil such conditions as may be prescribed.

14. No person shall, directly or indirectly and whether by himself or by any other person acting on his behalf, manufacture or sell-

- (a) anything similar to or resembling an article of food notified under section 7 or specified in sections 8, 9, 10, 11, 12 and 13 under any name which so resembles the ordinary name of such article of food as to be likely to deceive the public or which is in any way

calculated to mislead the public as to the nature, substance or quality of that thing; or

- (b) any food in the preparation of which an article of food notified under section 7 or specified in section 8, 9, 10, 11, 12 and 13 has been used, unless such article fulfils the conditions specified in sections 8,9,10,11,12 and 13 as being applicable to it.

15. In any prosecution under this section,-

- (a) it shall not be a defence to allege that the person who manufactured or sold the article of food had no knowledge of, and could not with reasonable diligence have ascertained, the nature, substance or quality, of such article or of any article used in the preparation thereof; and
- (b) the Court shall, until the contrary is proved, presume that any article of food notified under section 7 or specified in section 8, 9, 10, 11, 12 and 13 or referred to in clause (b) of section 14, or any ingredient of, or anything used in the preparation of, such article which is found in the possession of any person who manufactures or sells similar articles, has been manufactured by that person or has been kept by him for being used in the manufacture of such article or is for sale by him or has been kept by him for the purpose of preparation of any food referred to in clause (b) of section 14, as the case may be.

16.(1) No person shall keep or permit to be kept, in any manufactory, shop or place in which any article of food notified under section 7 or specified in sections 8, 9, 10, 11, 12 and 13 is manufactured or sold, any substance intended to be used for the adulteration of such article.

(2) In any prosecution under this section, the Court shall, until the contrary is proved, presume that any substance, capable of being used for such adulteration and found in such manufactory, shop or place, is intended to be used for the purpose of such adulteration.

(3) No person shall keep *Guzi* (niger seed) in any manufactory, shop or place mentioned in sub-section (1).

(4) No person shall keep any quantity of whit oil except under a licence granted by a local authority in such manner and form and subject to such conditions as may be prescribed.

17.(1) No person shall sell for human consumption any living thing which is diseased or unsound or sell or manufacture any other article of food intended for human consumption which is unwholesome or unfit for human consumption.

(2) In any prosecution under this section, the Court shall, until the contrary is proved, presume that any living thing which is diseased or unsound or any other article of food which is unwholesome or unfit for human consumption and is found in the possession of any person who sells similar living things or sells or manufactures similar articles of food for human consumption, is for sale or has been manufactured, as the case may be, by that person for human consumption.

18.(1) No person shall, directly or indirectly and whether by himself or by any other person acting on his behalf, with any article of food sold by him, give to the purchaser a label, whether attached to or printed on the container in which such article is sold or not, which falsely describes that article or is otherwise calculated to mislead as to its nature, substance or quality.

(2) In any prosecution under this section, it shall not be a defence to allege that the person who gave such a label had no knowledge of, and could not with reasonable diligence have ascertained, its character.

19.(1) No person shall publish or cause to be published, an advertisement (not being a label referred to in section 18) which described any article of food or is otherwise calculated to mislead the public as to its nature, substance or quality.

(2) In any prosecution under this section, it shall be a defence for the accused to prove either-

- (a) that he did not know, and could not with reasonable diligence have ascertained that the advertisement was of such a character as aforesaid; or
- (b) that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business.

(3) In any prosecution under this section against the manufacturer or the seller, the Court shall, until the contrary is proved, presume that such advertisement was published or caused to be published by such manufacturer or seller as the case may be.

21.(1) After the commencement of this Ordinance, no premises shall be used for-

- (a) the wholesale manufacture or wholesale sale of any article of food notified under section 7 or specified in section 8, 9, 10, 11, 12 and 13; or
- (b) the manufacture or sale of ice-cream or any pickled, potted, pressed or preserved food; or
- (c) hotel, inn, restaurant or sweetmeat shop;

unless such premises have been registered by the occupier thereof in such manner, by such date and on payment of such fee as may be prescribed:

**Explanation.**-For the purposes of this section, the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(4) The occupier of premises specified in clause (a) of sub-section (1) shall, in the prescribed form, maintain a record showing the quantity of each consignment of food despatched from such premises and the destination of each consignment, and such record shall be open to inspection by such officer of the local authority as may be authorized by the local authority in this behalf.

(5) The registration of any premises under this section may be cancelled by the local authority if-

- (a) the premises cease to be used for the purposes for which they were registered,
- (b) in the case of premises specified in clause (a) of sub-section (1), if the occupier fails to maintain the record referred to in sub-section (4), or
- (c) if the occupier is convicted of an offence punishable under this Ordinance:

Provided that in the case of the first conviction under this Ordinance, the registration will not be cancelled unless the Court is of opinion that the offence is so serious as to warrant the cancellation of registration; but in the case of subsequent conviction under this Ordinance, the cancellation of registration will follow as a matter of course.

22. Any dealer in ice-cream, *kulpi*, ice, aerated water, sarbat, sweetmeat, biscuits, bread or any other dry food made of pulse or flour, who sells such article of food in any premises or part of any premises, and any such dealer by whom or on whose behalf and vehicle or container is used for the sale of any such articles of food elsewhere than in any premises or part of any premises, shall have his name and address legibly and conspicuously displayed on such premises, part of such premises, vehicle or container, as the case may be, in Bengali.

23. No milk, bread-stuffs, cake, pastry, sweetmeats, confectionery or other article of food intended or commonly used for human consumption without further preparation by cooking shall be sold, exposed or kept or hawked about or stored for sale unless they be kept properly covered or otherwise guarded to the satisfaction of the local authority, so that they shall be protected from dust, dirt and flies.

24. The occupier of any premises or part of any premises used for the manufacture or sale of any article of food shall ensure-

- (1) that no sanitary convenience, dustbin or ashpit is contained in, or communicates directly with, or is so placed that offensive odour therefrom penetrates into, such premises or part of such premises;
- (2) that no source of, or receptacle for, supply of water to such premises or part of such premises communicates directly with a drain, sink or sanitary convenience, or discharges directly into a sanitary convenience, and that there is not in such premises or part of such premises any outlet for the ventilation of any drain or for conveying sewage or foul water into any drain;
- (3) that the roof, ceiling, walls, windows, doors and floor of such premises or part of such premises are kept clean and in good repair;
- (4) that such premises or part of such premises are not used for sleeping purposes;
- (5) that such premises or part of such premises are provided with sufficient and suitable ventilation;
- (6) that no refuse or filth, whether solid or liquid, is permitted to accumulate anywhere in such premises or part of such premises;
- (7) that no waste-matter resulting from any process of manufacture or sale of any article of food is permitted to accumulate in any premises or part of any premises in which such manufacture or sale is carried on except in so far as is unavoidable in the nature of such manufacture or sale; and
- (8) that all articles used in such premises or part of such premises are kept clean, and that all persons employed therein keep themselves and their clothing as clean as may be consistent with the nature of their employment.

25. No person, who is suffering from leprosy, tuberculosis or any other disease, which may be notified by the Government in this behalf, shall manufacture or sell any article of food, or wilfully touch any such article which is for sale by any other person.

28.(1) A person who has purchased any article of food shall, on payment of such fee as may be prescribed, be entitled to have a sample of such article analyzed or otherwise examined by the public analyst appointed for the area in which the purchase was made, and to receive from such public analyst a certificate in the form provided in the Schedule, specifying the result of the analysis or examination.

(2) No person shall display any such certificate or copy thereof on his premises or use such certificate or copy thereof as an advertisement.



29.(1) Any person authorized in this behalf by the Government or by a local authority empowered by the Government for this purpose may, in respect of any article of food or any ingredient used in the manufacture thereof or any substances capable of being so used-

- (a) which is in the process of manufacture or is for sale or has been kept for use in the manufacture of any food, tender the price of such sample of that article, ingredient or substance as may be reasonable requisite for division and disposal under section 30, and may require that the sample be sold to him for the purpose of analysis or bacteriological or other examination;
- (b) which, for the purposes of sale, is in transit or at any place of delivery or storage, demand such sample of that article, ingredient or substance as may be reasonably requisite for division and disposal under section 30, and may require that the sample be surrendered to him for the purpose of analysis or bacteriological or other examination.

(2) Any person having in his possession any article, ingredient or substance in respect of which a requisition is made under sub-section (1), shall sell or surrender, as the case may be, such sample thereof as may be so required.

30. A person who intends to have analyzed or otherwise examined a sample referred to in section 28 or a sample sold or surrendered under section 29, as the case may be, shall-

- (1) forthwith notify in writing his intention to the person who sold or surrendered the sample;
- (2) divide the sample into three parts, and mark, seal or fasten each part in such manner as may be prescribed in presence of the person selling or surrendering the sample;
- (3) (a) in the case of a sample purchased, offer one part to the person who sold the sample, or  
(b) in the case of a sample surrendered, despatched by registered post one part to the consignor whose name and address appear on the container of the article, ingredient or substance sampled, together with a notice of the intention to have the sample analyzed or otherwise examined or, if no such name and address appear thereon, retain the aforementioned part;
- (4) retain one part for purposes of future comparison; and
- (5) thereafter submit within seven days one part to the public analyst appointed for the area in which the sample was sold or surrendered.

31.(1) Every public analyst to whom a sample has been submitted under section 30 for analysis or bacteriological or other examination shall,-

- (a) analyze or examine such sample or cause such sample to be analyzed or examined;
- (b) not later than thirty days after the date on which he receives the sample, deliver to the person submitting it a certificate in the form provided in the schedule, specifying the result of the analysis or examination, as the case may be;
- (c) send a copy of the certificate to the local authority concerned.

37.(1) A person authorized, or an Inspector appointed, under section 34 may, at any time of the day or night excluding the hours between midnight and daybreak, inspect and examine-

- (a) any living thing intended for human food which is, for the purposes of sale, in transit or at any place of delivery or storage or is in any manner for sale,
- (b) any other food which has been, or is in the process of being, manufactured or is, for the purposes of sale, in transit or at any place of delivery or storage or is in any manner for sale,
- (c) any ingredient used or kept for use, or any substance capable of being used, in the manufacture of such food, and
- (d) any container used in connection with the manufacture or sale of such food.

(3) If such person or Inspector making an inspection or examination under sub-section (1) has reason to believe that any living thing intended for human food or any other article of food, or any ingredient or substance inspected or examined under that sub-section is unsound, unwholesome or unfit for human food or is adulterated, or that any container used in connection with the manufacture or sale of such food is of such kind or in such state as to render any food manufactured or contained therein unwholesome or unfit for human food, he may seize such living thing or other article of food, ingredient or substance or such container.

(6) When any living thing or other article of food, or any ingredient, substance or container is seized under sub-section (3), the person or Inspector seizing it may-

- (a) remove such living thing or other article of food or such ingredient or substance and any container thereof, or

- (b) instead of removing it place it in such safe custody as he thinks fit after marking and sealing it in the prescribed manner whenever possible,

in order that it may be dealt with under the provision of section 38 or section 39, as the case may be.

44. Whoever contravenes any provision of this Ordinance mentioned in the first column of the following table shall be punished, for the first offence, with a fine not less than that mentioned in the third column and not exceeding that mentioned in the fourth column of the said table, and for a second or subsequent offence of the same kind with punishment not less than that mentioned in the fifth column and not exceeding that mentioned in the sixth column of that table.

*Explanation.*-The entries in the second column of the following table, headed "subject", are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject thereof.

Provisions of the Ordinance.	Subject	Fine or imprisonment which may be imposed for a first offence		Both fine and imprisonment which may be imposed for a second or subsequent offence.	
		Minimum.	Maximum.	Minimum.	Maximum.
1	2	3	4	5	6
Section 6 (1)	Manufacture or sale of food which is adulterated or sale proper nature, substance or quality.	Two hundred taka or rigorous imprisonment for three months.	Eight hundred taka or rigorous imprisonment for six months.	Two thousand taka and rigorous imprisonment for six months.	Four thousand taka and rigorous imprisonment for one year as well as forfeiture of shop or factory including machineries to the local authority.
Section 7 to 13	Manufacture or sale of food not of proper standard or purity.	Ditto	Ditto	Ditto	Ditto
Section 14(a)	Manufacture or sale of anything resembling any article of food notified under section 7 or specified in section 8,9, 10,11,12 and 13	One hundred taka or rigorous imprisonment for six weeks	Four hundred taka or rigorous imprisonment for three months or both.	One thousand taka and rigorous imprisonment for three months.	Two thousand taka and rigorous imprisonment for six months as well as forfeiture of shop or factory including machineries to the local authority.
Section 14(b)	Manufacture or sale of food containing any article of food not of proper standard or purity.	Two hundred taka or rigorous imprisonment for three months.	Eight hundred taka and rigorous imprisonment for three months.	Two thousand taka and rigorous imprisonment	Four thousand taka and rigorous imprisonment for one year as well as forfeiture of shop or factory including machineries to the local authority

Provisions of the Ordinance	Subject	Fine or imprisonment which may be imposed for a first offence		Both fine and imprisonment which may be imposed for a second or subsequent offence	
		Minimum	Maximum	Minimum	Maximum
1	2				
Section 16 (1)	Keeping or permitting the keeping of adulterants in places where food is manufactured or sold	Two hundred taka or rigorous imprisonment for three months	Four hundred taka or rigorous imprisonment for six months or both.	One thousand taka and rigorous imprisonment for three months.	Two thousand taka and rigorous imprisonment for six months as well as forfeiture of shop or manufactory including machineries to the local authority
Section 16 (3)	Keeping of Guzi (niger seed in any manufactory, shop or place	Four hundred taka or rigorous imprisonment for three months	Eight hundred taka and rigorous imprisonment for six months or both.	Two thousand taka and rigorous imprisonment for three months.	Four thousand taka and rigorous imprisonment for one year as well as forfeiture of shop or factory including machineries to the local authority
Section 16 (4)	Keeping of white oil except in accordance with a prescribed license	Ditto	Ditto	Ditto	Ditto
Section 17 (1)	Sale of diseased animal or unwholesome food	One hundred taka or rigorous imprisonment for six weeks	Four hundred taka and rigorous imprisonment for six months	One thousand taka and rigorous imprisonment for six months	Two thousand taka and rigorous imprisonment for one year

Provisions of the Ordinance	Subject	Fine or imprisonment which may be imposed for a first offence		Both fine and imprisonment which may be imposed for a second or subsequent offence	
		Minimum	Maximum	Minimum	Maximum
1	2				
Section 18 (1)	Use of false label.....	Two hundred taka or rigorous imprisonment for three months	Four hundred taka and rigorous imprisonment for six months	One thousand taka and rigorous imprisonment for three months.	Two thousand taka and rigorous imprisonment for six months.
Section 19 (1)	Publication of false advertisement	Ditto	Ditto	Ditto	
Section 20 (3)	Giving of false warranty	Five hundred taka or rigorous imprisonment for six months	One thousand taka or rigorous imprisonment for one year	Two thousand taka and rigorous imprisonment for six months	Four thousand taka and rigorous imprisonment for one year
Section 21 (1) and 21 (2)	Use of unregistered premises, failure to register premises or failure to renew registration	Two hundred taka or rigorous imprisonment for three months	Eight hundred taka or rigorous imprisonment for six months	Two thousand taka and rigorous imprisonment for six months	Four thousand taka and rigorous imprisonment for one year

Provisions of the Ordinance	Subject	Fine or imprisonment which may be imposed for a first offence		Both fine and imprisonment which may be imposed for a second or subsequent offence	
		Minimum 3	Maximum 4	Minimum 5	Maximum 6
1 Section 21 (4)	2 Failure to keep record of consignments despatched, or refusal to permit inspection of record	Two hundred taka or rigorous imprisonment for three months	Four hundred taka or rigorous imprisonment for six months	One thousand taka and rigorous imprisonment for six months	Two thousand taka and rigorous imprisonment for one year
Section 22	Failure to display name and address	Ditto	Ditto	Ditto	Ditto
Section 23	Failure to keep in covered receptacles	Ditto	Ditto	Ditto	Ditto
Section 24	Failure to keep in proper condition premises or part of premises, or articles or persons employed therein	Ditto	Ditto	Ditto	Ditto
Section 25	Manufacturing, selling or touching food when suffering from leprosy, tuberculosis or any other notified disease	Ditto	Ditto	Ditto	Ditto

Provisions of the Ordinance	Subject	Fine or imprisonment which may be imposed for a first offence		Both fine and imprisonment which may be imposed for a second or subsequent offence	
		Minimum	Maximum	Minimum	Maximum
1	2				
Section 29 (2)	Refusal to sell or surrender samples of food for analysis or examination	Four hundred taka or rigorous imprisonment for three months	Eight hundred taka or rigorous imprisonment for six months	Two thousand taka and rigorous imprisonment for six months	Four thousand taka and rigorous imprisonment for one year
Section 29 (3)	Refusal to sign a declaration	Four hundred taka or rigorous imprisonment for three months	Eight hundred taka or rigorous imprisonment for six months	Two thousand taka and rigorous imprisonment for six months	Four thousand taka and rigorous imprisonment for one year
Section 35 (2)	Resisting or obstructing entry of authorised person or Inspector	Ditto	Ditto	One thousand taka and rigorous imprisonment for six months	Two thousand taka and rigorous imprisonment for one year



Provisions of the Ordinance	Subject	Fine or imprisonment which may be imposed for a first offence		Both fine and imprisonment which may be imposed for a second or subsequent offence	
		Minimum	Maximum	Minimum	Maximum
1	2	3	4	5	6
Section 36	Refusal to comply with requisition to produce books vouchers, accounts and other documents	Ditto	Ditto	Ditto	Ditto
Section 37 and 37 (2)(4)	Resisting or obstructing inspection, examination or seizure by authorised person or Inspector	Ditto	Ditto	Ditto	Ditto
Section 37(7)	Resisting or obstructing removal by authorised person or Inspector, or removing, interfering or tampering with article ingredient, substance or container seized and placed in safe custody	Ditto		Ditto	Ditto

**THE AGRICULTURAL PRODUCE  
MARKETS REGULATION ACT, 1964**  
(Act No. IX of 1964)

*An Act to provide for the regulation of the purchase and sale of agricultural produce and of markets in which such produce is purchased and sold in Bangladesh.*

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

- (1) "agricultural produce" means an agricultural produce specified in the schedule appended to this Act, and includes a produce of horticulture, arboriculture and animal husbandry so specified;
- (3) "grower" means a person who either by himself or by members of his family or by servants or by bargadars or by or with the aid of hired labourers or with the aid of partners grows or produces any agricultural produce, but does not include a wholesaler or aratdar or stockist in such produce;
- (6) "market functionary" means any person who operates as a middleman in connection with the purchase or sale of, or negotiation of a purchase or sale of, any agricultural produce, or in connection with the rendering of any services incidental to such purchase or sale, and includes a wholesaler, aratdar, stockist, weighman, measurer, sampler, jachandar, grader, commission agent, warehouse-man, broker and dalal.

3.(1) The Government may, by notification in the Official Gazette, declare any market to be a notified market in respect of such agricultural produce and with effect from such date as may be specified in the notification.

(2) On and from the date specified in the notification under sub-section (1), no person shall act as a market functionary in a notified market in respect of any agricultural produce specified in the notification except under a licence under this Act and except in accordance with the conditions specified in such licence.

4.(1) The Director or any officer of the Agricultural Marketing Department authorised by him shall issue licences ... to the market functionaries for operating in a notified market under such terms and conditions as the Director may deem fit to fix.

9. **Constitution of Market Advisory Committee.**-The Government may, by notification in the official Gazette, constitute a District Market Advisory Committee for a district...

14. In case of a dispute arising between a purchaser and a seller on account of-

- (a) deviation from sample when the purchase is made by sample;

- (b) deviation from standard when the purchase is made by a reference to an accepted standard;
- (c) difference between the actual weight of a container and the standard weight;
- (d) payment of price;
- (e) delivery of goods;
- (f) damage of goods;
- (g) admixture of foreign matters;
- (h) the presence of moisture in excess of the natural moisture content; and
- (i) such other matters as may be prescribed by rules;

the dispute will be referred to the Market Advisory Committee for amicable settlement or, if necessary, for arbitration.

15.(1) After such date as may be notified in the Official Gazette by the Government in this behalf, every Market Advisory Committee shall maintain a set of standard weights specified in the Standards of Weight Act, 1939, and a set of standard measures as may be prescribed by rules, and shall ensure that such sets of standard weights and measures are available free of charge to any purchaser or seller for taking any weighment or measurement in a notified market.

(2) After the date so notified, no person shall use for weighing or measuring in any notified market any weight or measure other than a standard weight or measure referred in sub-section (1).

17. Whoever contravenes any provision of this Act specified in the first column of the following table, shall be punished with fine or simple imprisonment, in default of fine, which may extend to the amount or period specified in the third column of the table.

**TABLE**

<b>Provision of the Act.</b>	<b>Brief description of the offence</b>	<b>Maximum fine or simple imprisonment</b>
Section 15(2)	Using any weight or measure other than a standard weight or measure	Tk. 200 or, in default, simple imprisonment for 2 months.

**Note:** See also Chapter XIII and XIV of the Penal Code (18), Diseases for Want of Iodine Prevention Act, 1989 (2.4), Section 50 of the Excise Act, 1909 (2.5.1), Section 7 of the Allopathic System (Prevention of Misuse) Ordinance, 1962 (2.1), Drug Control Ordinance, 1982 (2.3) and the Merchant Shipping Ordinance, 1983 (16.4).

**CUSTOMS ACT, 1969**  
**(Act No. IV of 1969)**

*An Act to consolidated and amend the law relating to customs.*

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

- (e) "Board" means the Board of Revenue, constituted under the Central Board of Revenue Act, 1924;
- (i) "customs-area" means the limits of the customs-station specified under section 10 and includes any area in which imported goods or goods for export are ordinarily kept before clearance by the customs authorities;
- (j) "customs-port" means any place declared under section 9 to be a port for the shipment and landing of goods;
- (k) "customs-station" means any customs-port, customs-airport or any land customs-station;
- (l) "goods" means all movable goods and includes-
  - (i) conveyances;
  - (ii) stores and materials;
  - (iii) baggage; and
  - (iv) currency and negotiable instruments

3. For the purposes of this Act, the Board may, by notification in the official Gazette, appoint, in relation to any area specified in the notification, any person to be-

- (a) a Collector of Customs;
- (b) a Deputy Collector of Customs;
- (c) an Assistant Collector of Customs; or
- (d) an officer of customs with any other designation.

9. The Board may, by notification in the official Gazette, declare-

- (a) the ports and airports which alone shall be customs-ports or customs-airports for the unloading of imported goods and loading of goods for export or any class of such goods;
- (b) the places which along shall be land customs-stations for the clearance of goods or any class of goods imported or to be exported by land or inland waterways;

- (c) the routes by which alone goods or any class of goods specified in the notification may pass by land or in land waterways into or out of Pakistan, or to or from any land customs-station or to or from any land frontier;
- (d) the places which alone shall be ports for the carrying on of coastal trade with any specified customs-ports in Bangladesh; and
- (e) what shall for the purposes of this Act be deemed to be a customs-house and the limits thereof.

10. The Board may, by notification in the official Gazette-

- (a) specify the limits of any customs-station; and
- (b) approve proper places in any customs-station for the loading and unloading of goods or any class of goods.

16. The Government may, from time to time, by notification in the official Gazette, prohibit or restrict the bringing into or taking out of Bangladesh any goods of specified description by air, sea or land.

**17. Detention and confiscation of goods imported in breach of section 15 or section 16.**-Where any goods are imported into or attempted to be exported out of Bangladesh in violation of the provisions of section 15 or of a notification under section 16, such goods shall, without prejudice to any other penalty to which the offender may be liable under this Act, or any other law, be liable to be detained and confiscated and shall be disposed of in such a manner as may be prescribed.

## **THE ESSENTIAL COMMODITIES (STORAGE, KEEPING AND DISPOSAL) ORDER, 1973**

[Notification No. 8(101)/PA/Secy (C) 22<sup>nd</sup> March, 1973]

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

- (a) "border belt" means the area extending up to five miles inside Bangladesh from its border, but does not include any districts or sub-divisional headquarters within such area.

3. **Storage, keeping and disposal of infant and patient food and allied article.**-(1) No importer or producer of or dealer in infant or patient food or allied article shall keep such food or article in his possession or under his control for more than thirty days from the date of receipt or production of such food or article, as the case may be.

(2) No dealer in infant or patient food or allied article shall keep in his possession or under his control any infant or patient food or allied article in excess of seven hundred fifty pounds or, in the border belt, twenty-five pounds at a time.

15. **Power to search, inspect, etc.-** The Director may, with a view to securing compliance with this Order, -

- (a) require any importer or producer of or dealer in essential commodity mentioned in this Order to give such information as the Director may specify with respect to any business carried on by him;
- (b) inspect or cause to be inspected any book or other record or document relating to any business carried on by any importer or producer of or dealer in any essential commodity mentioned in this Order;
- (c) enter and search or authorise any person to enter and search any premises, vehicle or vessel and seize or take into possession or authorise any person to seize or take into possession any essential commodity mentioned in this Order, in respect of which he has reason to believe that contravention of this Order has been, is being or about to be committed, or any record connected therewith.

**Note:** This Order has been framed in exercise of the powers conferred by section 3 of the Control of Essential Commodities Act, 1956.

## **THE BANGLADESH HOTELS AND RESTAURANTS ORDINANCE, 1982 (Ordinance No. LII of 1982)**

*An Ordinance to provide measures for controlling and regulating the standards of the service and amenities in hotels and restaurants.*

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

- (a) "apprentice" means any person who has contracted with a hotel or restaurant to perform the stipulated apprenticeship in such hotel or restaurant;
- (d) "customer" means a person availing facilities offered in a hotel or restaurant on monetary consideration;

- (f) "guest" means a person who is in possession or enjoyment of accommodation provided to him in a hotel on monetary consideration and includes a tourist;
- (g) "hotel" means a lodging, or boarding and lodging, establishment with a minimum of ten let able bed rooms, provided for guests on monetary consideration, which conforms to any of the prescribed minimum criteria, but does not include-
  - (i) a home or hostel which is exclusively or mainly used for the aged or invalid persons or students and is run by, or under the control of, a charitable or educational institution; or
  - (ii) any rest house, hostel or circuit house exclusively meant for visiting Government officials or officials of other organizations, though run on a commercial basis;
- (k) "public rooms" means rooms in a hotel which are meant for the common use of all guest and customers;
- (l) "restaurant" means a public eating house providing standard and variety of cuisines on monetary consideration to customers which conforms to the minimum prescribed criteria having seating arrangements for thirty persons and above.

**3. Appointment of Controller, Deputy Controllers and Assistant Controllers.**-(1) The Government may, by notification in the official Gazette, appoint a person to be the Controller for the purpose of this Ordinance and such number of Deputy Controllers and Assistant Controllers as may be necessary for the performance and discharge of such functions and duties as may be assigned to them by or under this Ordinance and may, by general or special order, provide for the distribution or allocation of work to be performed by them.

(2) Subject to the provisions of this Ordinance, the Controller shall perform his functions and discharge his duties under the general supervision and control of the Government.

**4. Constitution of Advisory Committee.**-(1) The Government may constitute an advisory committee to be called the Hotels and Restaurants Advisory Committee, consisting of as many members as the Government may determine, to aid and advise the Government in relation to such matters relating to the administration of this Ordinance as may be prescribed.

**5. Registration of hotels and restaurants.**-(1) The owner of every hotel and restaurant shall, within a period of two months from the commencement of this Ordinance, or from the date of opening of the hotel or restaurant, whichever is later, apply to the Controller for registration of his hotel or restaurant and, in

the case of a hotel, also for its classification, on payment of such fees as may be prescribed.

(2) No hotel or restaurant shall be registered unless-

(a) it conforms to the prescribed standard of health, hygiene and comfort:

Provided that the Controller may allow provisional registration subject to such conditions as he may deem fit and, for good and sufficient reason, modify, alter or withdraw any such condition at any time;

(b) it furnishes at its expense certificates of medical fitness from a Civil Surgeon in respect of its staff in such form as may be prescribed;

(c) the building is structurally safe and adequately protected against fire or an accident arising out of electricity or gas and safety of the guest or customers is ensured.

(d) The Controller, or an officer authorized by him in this behalf, or a member of the Committee, may, at any time, inspect the premises of a hotel or restaurant, call for any information, plan or date in respect of any matter concerning such hotel or restaurant or, at the cost of the owner, carry out, or require the owner to carry out, test of any articles or appliances or foodstuff.

6. **Classification of hotels.**-Subject to such general or particular direction as the Government may issue, the Controller shall, according to the prescribed minimum criteria, by notification in the official Gazette, classify hotels according to the star classification system, as-

(a) one star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class but do not conform to the prescribed minimum criteria of a higher star class hotel;

(b) two star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;

(c) three star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;

(d) four star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class but do not conform to the prescribed minimum criteria of a higher star class hotel; and

(e) five star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class.



**7. Issue of licence.**-(1) Every owner shall, after registration of his hotel or restaurant under section 5, obtain a licence from the Controller on payment of such fee as may be prescribed.

(2) No owner shall carry on his business and in the case of a hotel, use the classification star sign, without first getting the hotel or restaurant registered and obtaining a licence under this Ordinance.

(3) Licence granted under this section shall, unless sooner suspended or cancelled, remain in force for a period of one year from the date of issue and may be renewed for a period of one year at a time of payment of such fee as may be prescribed:

Provided that if an application for renewal or a licence is made before the expiry of the period of its validity, the licence shall continue in force until orders are passed on such application.

**8. Refusal and cancellation of registration or licence.**-(1) The Controller may refuse to register a hotel or restaurant if it does not conform to the minimum prescribed criteria.

- (a) its business is wholly or partly discontinued or suspended without the approval of the Controller, except where such suspension or discontinuance is for the purposes of making repairs, improvements, renovations or expansion or, in the case of seasonal business, for the period of the slack season and the fact of such suspension or discontinuance in each case has been duly reported to the Controller in advance;
- (b) its owner or may person acting on his behalf contravenes any of the provisions of this Ordinance or the rules or orders made thereunder;
- (c) its owner fails to ensure proper arrangement for the security of person and property of customers or guests;
- (d) it ceases to conform to the requirements of registration under section 5 and, in the case of a hotel, to the prescribed minimum criteria for the class assigned to it; or
- (e) in the case of hotel, its owner fails to enter the names and other particulars of guests in the register in such form and manner as may be prescribed.

**11. Controller to fix limit of persons to be accommodated in any room.**-(1)

(1) The Controller may fix the maximum number of guests to be accommodated in each room or other unit of accommodation in a hotel.

(2) No room for which an order has been made under sub-section (1) shall be used to accommodate any number of guests in excess of the number specified in the order except with the previous permission in writing of the controller.

(3) The Controller may, from time to time, revise any order made by him under sub-section (1) so as to increase or reduce the number of guests specified in such order.

**12. Regulations of hotel and restaurant.**-Every owner shall prepare the regulations in respect of his hotel or restaurant conforming with the provisions of this Ordinance and the rules made thereunder and get them approved by the Controller.

**15. Controller's power to prohibit certain trades and occupations.**-The Controller may, by order in writing prohibit, within one hundred yards of a three star or above hotel, the carrying on of any trade, profession, occupation or industry which in his opinion is likely to be-

- (a) injurious to the health and well-being of guests or customers or a hazard to their safety;
- (b) a nuisance as defined in the Penal Code (Act XLV of 1860); or
- (c) offensive to good taste.

**16. Eviction of guests.**-(2) A guest or consumer who has been guilty of conduct which amounts to nuisance, or is a source of annoyance to other guest or consumers, or threatens or intimidates any other guest or consumers, or is likely to endanger the person or life of any individual in the hotel or restaurant, may be evicted by the owner or manager.

**17. Procedure and powers of Controller.**-(1) The Controller shall not refuse registration, or cancel or suspend the licence, of a hotel or restaurant, except after holding summary enquiry in the prescribed manner.

(2) For the purpose of holding an enquiry under sub-section (1) or any other enquiry which he may deem necessary for the purposes of this Ordinance, the Controller shall have the same powers as are vested in a civil court in respect of-

- (a) proof of facts by affidavit;
- (b) summoning and enforcing the attendance of any person and examining him on oath;
- (c) compelling the production of documents and other material evidence; and
- (d) issuing commissions for the examination of witnesses.

**18. Additional power of Controller.**-For the purposes of this Ordinance, the controller may,-

- (a) call for such information or returns from an owner or manager as may be necessary for satisfying himself that the provision of this

Ordinance, the rules and orders made thereunder are being duly complied with;

- (b) require an owner or manager to produce before himself or an officer designated by him for the purpose of any book of account, document or other papers in his possession or power which contain or are believed to contain information relating to the hotel or restaurant of which he is the owner or manager;
- (c) require an owner or manager to undertake, through an agency qualified to do so, scientific tests of water, food and other articles of human consumption at the cost of the owner to determine their quality and conformity with the requirements of health and hygiene;
- (d) issue directive to the owner or manager of a restaurant to improve, within a period of six months from the date of such directive, the conditions, services and facilities at the restaurant to conform to the prescribed minimum criteria;
- (e) call for any other information relating to the development of hotel industry.

**20. Provision of medical facilities.**-(1) The owner of every hotel registered and licensed under this Ordinance and classified according to the star classification system shall provide the following minimum medical facilities for guests, namely: -

- (i) one and two star hotels:-
  - (a) a doctor on call available in close proximity of the hotel premises;
  - (b) first aid equipment and a reasonable stock of life saving drugs;
  - (c) two employees trained and qualified in first aid;
  - (d) ensure availability of an ambulance, van or car to rush patients to a hospital in emergencies;
- (ii) three star hotels:-
  - (a) as in sub-clauses (a) to (c) in clause (i);
  - (b) a drug store or chemist's shop with twenty-four hour's service, if not existing in close proximity;
  - (c) an ambulance or van;
- (iii) four and five star hotels:-
  - (a) as in sub-clause (a) of clause (i);

- (b) a separate consulting room with reasonable stock of life saving drugs and first aid equipment;
- (c) four employees trained and qualified in first aid;
- (d) an ambulance or a van convertible into an ambulance in emergency;
- (e) a drug or chemist's shop with twenty-four hours service, if not existing in close proximity.

(2) The manager of a hotel shall take all possible care and provide all necessary medical aid without any loss of time to a guest or customer suffering from any serious attack, including heart attack and haemorrhage, or an accident.

**21. Offences and penalties.**-(1) Any owner who fails to apply for registration within the time specified in section 5 shall be liable to pay to the Government a penalty of such sum not exceeding five thousand taka as the Controller may impose and, in their case of a continuing failure, an additional penalty which may extend to one thousand taka for every day after the first during which he has persisted in the failure.

(2) Any owner or manager who serves any food or beverage which is injurious to health, or who does not take sufficient care to ensure protection of food and beverage against contamination through flies or in any other way, or serves any food or beverage in unclean or contaminated utensils, shall be liable to pay to the Government a penalty of such sum not exceeding one thousand taka as the Controller may impose.

(3) Any owner or manager who fails to comply with any order made or direction given under the provisions of this Ordinance by the Controller or any other authority authorised by him in that behalf shall be liable to pay to the Government a penalty of such sum not exceeding one thousand taka as the Controller may impose.

(4) If a restaurant fails to carry to the directive issued under clause (d) of section 18 within the period specified therein, the Controller may suspend the operation of such restaurant and may also impose on the owner of such restaurant a penalty of such sum not exceeding five thousand taka as he deems fit.

(5) If the owner or manager of a hotel or restaurant not licensed under this Ordinance advertises it as a hotel or restaurant, or in any manner whatsoever uses the star sign, he shall be liable to pay to the Government a penalty of such sum not exceeding one thousand taka as the Controller may impose and, in the case of his continuing to so advertise or use the star sign, an additional penalty which may extend to two hundred taka for every day after the first during which he so continues or uses the star sign.

(6) Any owner who fails to comply with the provisions of section 20 shall be liable to one or more of the following penalties, namely: -

- (a) penalty of such sum not exceeding two thousand taka as the Controller may impose;
- (b) suspension of the licence for a period not exceeding six months;
- (c) cancellation of registration.

**THE BREAST-MILK SUBSTITUTES (REGULATION OF  
MARKETING) ORDINANCE, 1984**  
(Ordinance No. XXXIII of 1984)

*An Ordinance to promote breast-feeding by regulating the marketing of breast-milk substitutes.*

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

- (a) "breast-milk substitute" means any food represented as a partial or total substitute for breast-milk and includes a complementary food;
- (aa) "breast-milk supplement or weaning food" means any food manufactured or locally prepared to be used as a complement to breast-milk or infant formula, when either becomes insufficient to satisfy the nutritional requirements of infants;
- (b) "complementary food" means any food represented as a complement to breast-milk or infant formula and includes any breast-milk supplement or weaning food;
- (c) "infant formula" means a breast-milk substitute formulated to satisfy the normal nutritional requirements of infants up to six months of age;
- (d) "protected person" means a pregnant woman, a mother of an infant whose apparent age is not more than two years, and a person who is the husband of such woman or mother or father of such child; and
- (e) "prescribed" means prescribed by rules made under this Ordinance.

3. **Prohibition against certain advertisement regarding breast-milk substitutes.**-No person shall make, exhibit, distribute, circulate, display or publish any advertisement-

- (a) promoting the use of any breast-milk substitute; or

- (b) implying or designed to create the belief or impression that breast-milk substitute feeding is equivalent or superior to breast-milk feeding.

**4. Promotion of breast-milk substitute prohibited.**-No person shall promote any breast-milk substitute either by advertisement or by offering or giving any gift, prize, discount coupon, or other fee item or by any other means.

**4A. Registration of breast-milk substitutes.**-(1) From the date as may be notified by the Government in the official Gazette, no breast-milk substitute of any kind shall be imported, distributed, marketed, stored, sold, offered for sale or be locally manufactured for sale unless it is registered under this Ordinance.

**5. Container and labelling.**-(1) No breast-milk substitute shall be marketed unless-

- (a) it is put in a sealed and hermetically closed container;
- (b) an easily readable and understandable message in Bangla is printed on a conspicuous part of its container to the effect that nothing is substitute for or equivalent or superior to breast-milk;
- (c) clear instructions on the proper method of its preparation and information regarding its composition are printed on the container or in a literature kept inside the container ; and
- (d) its registration number and the dates of its manufacture and the expiry of its usefulness are printed on the container.

(2) Neither the container nor any literature kept inside the container shall have any picture of infant or such other picture or writing which may idealise the use of any breast-milk substitute.

**6. Advisory Committee.**-(1) The Government may appoint an Advisory Committee consisting of a Chairman and not more than such number of other members as the Government may determine.

(2) The Advisory Committee shall-

- (a) advise the Government on the proper observation of the International Code of Marketing of Breast-Milk Substitutes;
- (b) perform such other functions relating to the purpose of this Ordinance as may be prescribed.

**7. Penalties.**-Whoever contravenes any of the provisions of section 3, 4 and 5 of this Ordinance shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand taka, or with both.

**8. Offences by Companies.**-(1) If the person contravening any of the provisions of this Ordinance is a company, every person who at the time the offence has been committed was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Ordinance if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or convenience of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**THE BANGLADESH STANDARDS AND TESTING  
INSTITUTION ORDINANCE, 1985  
(Ordinance No. XXXIX of 1985)**

*An Ordinance to provide for the establishment of an Institution for standardisation, testing, metrology, quality control, grading and marking of goods.*

**2. Definitions.** -(1) In this Ordinance, unless there is anything repugnant in the subject or context, -

- (a) "article" means any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured;
- (b) "Bangladesh Standard" means the national standard of Bangladesh established and published by the Institution, in relation to any article or process, indicative of the quality and specification of such article or process, and includes-
  - (i) any provisional standard; or
  - (ii) any International standard adopted by the Institution;
- (c) "calibration" means quantitative determination of the errors of a measuring device and, where necessary, adjusting of these errors to a minimum;

- (f) "covering" includes any stopper, cask bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container;
- (j) "label" means the display of written, printed or graphic matter on any product, its container, tag or literature of the product or other suitable material affixed thereto for the purpose of giving information as to the identity, components, ingredients, attributes, direction for use, specifications (including weights or quantity), date of manufacturing or expiry;
- (l) "mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;
- (q) "specification" means a description of an article or process as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or other characteristics to distinguish it from any other article or process;
- (r) "Standard Mark" means the Bangladesh Standards and Testing Institution Certification Mark specified by the Institution to represent a particular Bangladesh Standard;

**3. Establishment and incorporation of the Institution.**-(1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish an Institution to be called the Bangladesh Standards and Testing Institution for carrying out the purposes of this Ordinance.

**5. The functions of the Institution.**-The functions of the Institution shall be -

- (a) to set up Bangladesh Standards of quality and dimensions and prepare and promote the general adoption of standards on national and international basis relating to materials, commodities, structures, practices and operations and, from time to time, to withdraw, revise, alter and amend the same;
- (b) to consider and recommend to the Government, Bangladesh Standards for the measurement of length, weight, mass, volume and energy;
- (c) to promote standardisation, quality control, metrology and simplification in industry and commerce;
- (d) to secure compliance with the Bangladesh Standards adopted by the Institution by the producers and users;
- (e) to implement Bangladesh Standards through the administration of a national certification mark scheme or inspection of goods or both;



- (f) to provide or arrange facilities for examination, testing and inspection of commodities, processes and practices for any investigation, research, or promotion of export that may be necessary and to issue test reports;
- (g) to certify the quality of commodities, materials, produces, products and other things including food materials, whether for local consumption, export or import;
- (h) to co-ordinate the efforts of producers and users for the improvement of materials, products, code of practice, appliances, processes and methods, so as to eliminate the national waste of material and time involved in the productions of an unnecessary variety of patterns and sizes of articles for one and the same purpose;
- (i) to establish and publish, in such manner as may be prescribed, the Bangladesh Standard Specifications in relation to any article or process or code of practice;
- (j) to recognise, adopt or endorse as a Bangladesh Standard, in such manner as may be prescribed, any standard established by any other Institution in Bangladesh or in any foreign country, or by international organisations in relation to any article or process;
- (k) to specify a standard mark to be called the Bangladesh Standards and Testing Institution Certification Mark, which shall be of such design and contain such particulars as may be prescribed to represent a particular Bangladesh Standard;
- (l) to grant, renew, reject, suspend or cancel, in such manner as may be prescribed, a license for the use of Standard Mark;
- (m) to make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process in relation to which the Standard Mark has been used or proposed to be used conform to the Bangladesh Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without license;
- (o) to make arrangements, or provide for the facilities for the testing and calibration of precision instruments, gauges, and scientific apparatus and for the issue of certificates in regard thereto so as to make them comply with the required standards;
- (qq) to grade and mark agricultural produce in a manner provided in the Agriculture Produce Grading and Marking Act, 1937 (Act No. I of 1937) and the rules framed thereunder for the purposes of export;

**19. Prohibition of improper use of Standard Mark.**-(1) Except under a license granted under section 20, no persons shall use in relation to any article or process or in the title of any patent, or in any trade mark or design, the Standard Mark or any colourable imitation thereof.

(2) Notwithstanding that a license has been granted under section 20, no person shall use, in relation to any article or process, the Standard Mark or any colourable imitation thereof unless such article or process conforms to the Bangladesh Standard.

**20. Grant of licence.**-(1) Any person who intends to use, in relation to any article or process or in the title of any patent, or in any trade mark or design, the Standard Mark shall apply to the Institution, in such form as may be prescribed, for grant of a licence for such use.

(2) The Institution may grant a licence if, after such enquiry as it deems necessary, it is satisfied that-

- (a) the article or process in respect of which the Standard Mark is to be used conforms to the related Bangladesh Standard; and
- (b) there is arrangement for routine inspection and testing to ensure that the article or process concerned conforms to the related Bangladesh Standard.

(4) A licence granted under this section shall remain valid for a period of three years:

Provided that the Institution may revoke the licence at any time, if it is satisfied that the licensee has violated any conditions specified in the licence.

**23. Power to prohibit or restrict export of certain articles.**-(1) The Government may in consultation with the Institution, by notification in the official Gazette and subject to such conditions and exceptions as may be made by or under the notification, prohibit, restrict or otherwise control the taking out of Bangladesh of articles of any specified description which do not bear the Standard Mark or regulate generally all practices (including trade practices) and procedures connected with the export of such articles.

(2) No articles of the specified description shall be taken out of Bangladesh except in accordance with the conditions of a license to be issued by an officer authorised in this behalf by the Government.

**24. Power to prohibit the sale, distribution etc. of certain articles.**-(1) The Government may, in consultation with the Institution, by notification in the official Gazette, prohibit with effect from such date as may be specified in the notification, the sale, distribution and commercial advertisement of any article specified therein which does not conform to the Bangladesh Standard established by the Institution in relation to that article.

(2) The Government may, by notification in the official Gazette, require any article which conforms to a particular Bangladesh Standard to be marked with the Standard Mark.

**30. Penalty for improper use of Standard Marks, etc.**-(1) Any person who contravenes the provisions of section 19 or section 21 or section 22 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifty thousand Taka, or with both.

(2) A court convicting a person under sub-section (1) may direct that any property in respect of which the contravention has taken place shall be forfeited to the Government.

**31. Penalty for contravention of section 23.**-If any person contravenes the provisions of any notification under section 23 or of any license issued thereunder, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1969 (IV of 1969), as applied by sub-section 23(3), be punishable with imprisonment for a term which may extend to four years, or with fine which may extend to one lac taka but shall not be less than seven thousand taka.

**31A. Penalty for contravention of section 24.**-Any person who contravenes the provisions of any notification under section 24 shall be punished with imprisonment for a term which may extend to four years, or with fine which may extend to one lac taka but shall not be less than seven thousand taka, or with both.

**31B. Penalty for obstructing Inspector in discharge of his function.**-Any person who voluntarily obstructs, or gives false information to, any Inspector in the discharge of his public functions shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand taka but shall not be less than seven thousand taka, or with both.

**32. Penalty for other offences.**-Whoever contravenes any of the provisions of this Ordinance or of any regulation made or notification issued thereunder shall, if no other penalty is elsewhere provided by or under this Ordinance for such contravention, be punishable with fine which may extend to fifty thousand taka but shall not be less than seven thousand taka.

**33C. Power to close any factory, etc.**-(1) If, after examination, it is found that any article which does not conform to the Bangladesh Standard established by the Institution in relation to that article, the Director General may, by an order in writing, close, in such manner as may be prescribed, the factory producing such article or the premises where such articles are stored, kept or traded.

**Note:** See also the Drugs (Control) Ordinance, 1982 (2.3).

## 4. OCCUPATIONAL RIGHTS AND SAFETY

### 4.1 Rights, Amenities, Privileges and Safety at Work

#### **THE BENGAL MINING SETTLEMENTS ACT, 1912** (Bengal Act II of 1912)

*An Act to provide for the better control and sanitation of Mining Settlements in Bangladesh.*

3. (1) The Government may, by notification in the Official Gazette, appoint, for any area or areas in which persons employed in a mine reside, a Mines Board of Health, consisting of not less than five or more than nine persons; and shall appoint one of the members to be Chairman.

(2) Owners of mines or their representatives shall nominate two of the persons appointed under sub-section (1):

Provided that, if the Board consists of more than five members, three shall be so nominated.

4. (1) The Government may, of its own motion, or after considering any report submitted to it by a Mines Board of Health, publish a notice in the official Gazette and in such other manner (if any) as it may think fit, intimating its intention to declare any area (not being or forming part of a mine) to be a mining settlement for the purposes of this Act.

(2) The Government shall consider any objections to the intended declaration which may be submitted to it in writing within such period as may be specified in this behalf in the said notice,

and may then, by notification in the official Gazette, declare that any area or portion of an area referred to in the said notice shall, for the purposes of this Act, be a mining settlement and be subject to the authority of such Mines Board of Health as the Government may designate.

5. (1) The Government shall appoint as many Sanitary Officers as it may consider necessary for mining settlements, and shall declare the Mines Board of Health to which each such officer shall be subordinate.

(3) It shall be the duty of a Sanitary Officer appointed to a mining settlement or any part thereof-

- (a) to report to the Mines Board of Health what measures should, in his opinion, be taken-
  - (i) to provide for the supply of filtered, boiled or other water;
  - (ii) to provide for sanitation and conservancy, and
  - (iii) to provide for the housing of residents; and
- (b) to exercise, subject to the control of the Mines Board of Health to which he is subordinate, such other functions, consistent to prevent the outbreak or spread of dangerous epidemic disease, as the Government may by general or special order, direct, or as may be delegated to him by such Board.

6. (1) If the Mines Board of Health approves any measures reported by a Sanitary Officer under clause (a) of sub-section (3) of section 5,

or if they consider that any other measures should be taken to provide for any of the purpose referred to in that clause, the Board shall serve,-

- (a) on the owners of all mines in which are employed persons residing in the mining settlement, or in the part of the mining settlement to which such measures relate; or
- (b) on the holders of the land occupied by such mining settlement or part, if they are not the owners of the said mines;

a notice specifying such measures and requiring such owners or landholders-

- (i) to execute, within a period to be fixed by the notice, all works that the Board may consider necessary for carrying such measures into effect, and to maintain in good repair all works so executed; or
- (ii) to carry on continuously such periodical operations as the Board may direct, for carrying such measures into effect; or
- (iii) both to execute and maintain works and to carry on operations as aforesaid.

7. If any work required by a notice served under section 6 be not executed to the satisfaction of the Board within the period fixed by the notice, or within such further period (if any) as may be allowed by the Board, or

if any work executed in pursuance of any such notice be not maintained in repair to the satisfaction of the Board, or if any operations required by any such notice be not carried on to the satisfaction of the Board, the Board, after serving a warning notice on the defaulters, shall prepare an estimate of the cost of the work which ought, in their opinion, to be carried out, and may entertain

any establishment necessary for the preparation of such estimate, and may also cause such work to be executed.

12. A Sanitary Officer may, within any mining settlement for which he is appointed, -

- (a) make such examination and inquiry as he thinks fit, in order to ascertain whether the provisions of this Act and of the rules, by-laws and orders made thereunder are observed;
- (b) enter, with such assistants (in any) as he thinks fit, inspect and examine any mining settlement or any part thereof, at all reasonable times by day or by night;
- (c) examine into, and make inquiry respecting, the sanitary condition of any mining settlement or any part thereof, and the sufficiency of the rules and by-laws for the time being in force in the settlement; and
- (d) do all other things required of him by or under this Act.

14. A Mines Board of Health shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by any such Board to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code, 1860.

15. (1) Whoever obstructs any Sanitary Officer in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mining settlement, 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 makes, gives or delivers any notice or return required by or under this Act which contains a statement, entry or detail which is not, to the best of his knowledge or belief, true, shall be punishable with fine which may extend to five hundred taka.

(3) Whoever-

- (a) fails to comply with any requisition or order made under any provision of this Act or of any rule, by-law or order made thereunder; or
- (b) contravenes any provision of this Act or any rule by-law or order made thereunder, for the breach of which on penalty is otherwise provided,

shall be punishable with fine which may extend to two hundred taka, and, in the case of a continuing breach under clause (a) of this sub-section, with a

further fine which may extend to fifty taka for every day during which the reach is proved to have been persisted in after the date of the receipt by him of the requisition or order referred to in that clause.

## **THE WORKMEN'S COMPENSATION ACT, 1923** (Act No. VIII of 1923)

*An Act to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.*

2. (1) In this Act, unless there is anything repugnant in the subject or context, -
- (a) "adult" and "minor" means respectively a person who is not and a person who is under the age of fifteen years;
  - (d) "dependant" means any of the following relatives of a deceased workman, namely :-
    - (i) a widow, minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and
    - (ii) if wholly or in part dependant on the earnings of the workman at the time of his death, a widower, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, a minor child of a deceased daughter where no parent of the child is alive, or, where no parent of the workman is alive, a paternal grand-parent;
  - (e) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him;
  - (g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the

disablement is of a permanent nature, such disablement as reduces his earning capable of undertaking at that time:

Provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

- (l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred percent;

- (m) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;
- (n) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employers trade or business) who is-
  - (i) the railway servant as defined in section 3 of the Railways Act, 1890 not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or
  - (ii) employed on monthly wages not exceeding fifteen hundred taka, in any such capacity as is specified in Schedule II;

whether the contract of employment is expressed or implied, oral or in writing; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

3.(1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :

Provided that the employer shall not be so liable-

- (a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding four days;



- (b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to-
- (i) the workman having been at the time thereof under the influence of drink or drugs; or
  - (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen; or
  - (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purposes of securing the safety of workmen,

(2) If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that of employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

*Explanation.*-For the purposes of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employers in the same kind of employment.

(3) The Government, after giving, by notification in the official Gazette not less than three months' notice of its intention so to do, may by a like notification, add any description of employment to the like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or

any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury-

- (a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or
- (b) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.

4.(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:-

- (a) Where death results from the injury, a workman in receipt of monthly wages falling within limits shown in the first column of Schedule IV the amount shown against such limits in the second column thereof.
- (b) Where permanent total disablement results from the injury-
  - (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV the amount shown against such limits in the second column thereof; and
  - (ii) in the case of a minor-two thousand Taka;
- (c) Where permanent partial disablement results from the injury-
  - (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and
  - (ii) in the case of an injury not specified in schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

**Explanation 1.**-Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

**Explanation 2.**- In case of loss of earning capacity above twenty per cent as per Schedule I, if the employer or the injured workman is not satisfied about the percentage of loss of earning capacity, the case shall be referred to the Medical Board to be constituted by the Government by notification in official Gazette with members not exceeding two, for different industrial areas, district

wise and the decision of such Medical Board shall be final. The expenses of such examination, if any, shall be borne by the employer or the workman, who may seek such opinion of the Medical Board:

Provided that where the party concerned is not satisfied with the opinion of a specialist, under sub-section (7) of section 11, the Government may refer the case to a Medical Board of another district where the required specialist is available or constitute a Special Medical Board for this purpose;

(d) Where temporary disablement, whether total or partial, results from the injury, a monthly payment payable on the first day of the month following the month in which it is due after the expiry of a waiting period of four days from the date of the disablement, and thereafter monthly during the disablement or during a period as specified in the last column of Schedule IV, whichever period is shorter.

(2) On the ceasing of the disablement before the date on which any monthly payment falls due, there shall be payable in respect of that month a sum proportionate to the duration of the disablement in that month.

5. In this Act and for the purposes thereof the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated as follows, namely: -

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;
- (b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;
- (c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

**Explanation.**-A period of service shall, for the purposes of this section be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

6.(1) Any monthly payment payable under this Act, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner, on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate.

7. Any right to receive monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

8.(1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation, unless a workman, during the period of his employment, nominates the prescribed manner any of his dependants to receive the amount of compensation in the event of an injury resulting in his death:

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of five hundred taka, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.

(2) Any other sum amounting to not less than ten taka which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(4) On the deposit of any money under sub-section (1) as compensation in respect of a deceased workman the Commissioner shall deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding fifty taka or so much of that cost whichever is less and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied after any inquiry which he may deem necessary, that on dependant exists, he shall not less than two years after

the date of deposit, transfer the balance of the money to such fund or funds for the benefit of workmen as the Government may by notification in the official Gazette specify or establish. The Commissioner shall, on application by employer, furnish a statement showing in detail all disbursements made.

(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under the proviso to sub-section (1) or under sub-section (4), be apportioned among the dependants of the deceased workman or any of them in such proportions as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman, or a person under a legal disability, and may, in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

(8) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case :

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

10.(1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death:

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the entertainment of a claim-

- (a) if the claim is preferred in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred; or
- (b) if the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed had knowledge of the accident from any other source at or about the time when it occurred.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person responsible to the employer or the management of any branch of the trade or business in which the injured workman was employed.

(3) The Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such enquiry as he may think fit, may inform any of the defendants of the deceased workman that it is open to the defendants to prefer a claim for compensation, and may give them such other further information as he may think fit.

10B. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death:

Provided that where the Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) The Government may, by notification in the official Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.

10C. (1) The Chief Inspector and all other Inspectors under section 9 of the Factories Act, 1965 (IV of 1965) shall be the Inspectors under this Act, and may refer, in the prescribed manner, to the Commissioner, cases of workmen who have not been paid due compensation by employers under the provisions of this Act.

10D. There shall be affixed in some conspicuous place near the main entrance of every place where workmen are employed, in English and in Bengali, such abstracts of this Act and of the rules made thereunder as may be prescribed.

11.(1) Where a workman has given notice of an accident, the employer shall, before the expiry of three days from the time at which service of the notice has been effected, have the workman examined free of charge by a qualified medical practitioner, and the workman shall submit himself for such examination, and any workman who is in receipt of a monthly payment under this Act, shall if so required, submit himself for such examination from time to time :

Provided that workman not examined free of charge as aforesaid may get himself examined by a qualified medical practitioner and the expenses of such medical examination shall be reimbursed to the workman by the employer:

Provided further that a workman shall not be required to submit himself for examination by a medical practitioner other wise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstruct the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-section, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause D of sub-section (1) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner whose instructions he had followed, and compensation, if any, shall be payable accordingly.

(7) Where an employer or an injured workman is not satisfied with the report of the medical examination by a qualified medical practitioner he may refer the case for re-examination to a medical specialist at least of the rank of an



Associate Professor of a Medical College, and the expenses of such examination shall be borne by the employer or the workman, as the case may be.

12. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

13. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

15. This Act shall apply in the case of workmen who are masters of ships or seamen subject to the following modifications, namely:-

- (1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.
- (2) In the case of the death of master or seaman, the claim for compensation shall be made within six months after the news of the

death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

- (3) Where an injured master or seaman is discharged or left behind in a foreign country, any depositions taken by any judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Government shall, in any proceedings for enforcing the claim, be admissible in evidence-
  - (a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made;
  - (b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness; and
  - (c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

- (4) No monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in Bangladesh relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.
- (5) No compensation shall be payable under this Act in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the War Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939 or the War Pensions and Detention allowances (Indian Seamen, etc.) Scheme, 1941 made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 or under the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1942 made by the Government.
- (6) Failure to give a notice or make a claim or commence proceedings within the time required by this Act shall not be a bar to the

maintenance of proceedings under this Act in respect of any personal injury; if-

- (a) an application has been made for payment in respect of that injury under any of the schemes referred to in the preceding clause; and
- (b) the Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the scheme under which the application was made, makes provision for payments, and that the application was rejected or that payments made in pursuance of the application were discontinued on the ground that the injury was not such an injury, and.
- (c) the proceedings under this Act are commenced within one month from the date on which the said certificate of the Government was furnished to the person commencing the proceedings.

16. The Government may, by notification in the official Gazette, direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Government may direct.

17. Any contract or agreement whether made before or after the commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

18A. (1) Whoever-

- (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10; or
- (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A; or
- (c) fails to send a report which he is required to send under section 10B; or
- (d) fails to make a return which he is required to make under section 16; or

- (e) fails to affix the abstracts of this Act and of the rules as required by section 10D;

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

20. (1) The Government may, by notification in the official Gazette, appoint the Chairman of any Labour Court or any other competent person having the knowledge of and experience in Labour Laws, to be a Commissioner for Workmen's Compensation for such area or area as may be specified in the notification.

(3) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act; choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

24A. (1) If any question arises in any proceedings under this Act pending before the Commissioner as to-

- (a) the nature and extend of the permanent disablement of a workman; or
- (b) the duration of his temporary disablement; or
- (c) whether the incapacity of a workman is due to personal injury by accident; or
- (d) whether a workman has contracted any occupational disease specified in Schedule III;

the question shall, in default of agreement, on the joint application of both parties or on the application of either party in the prescribed manner by the parties, or the party making the application, as the case may be, of the prescribed fees and expenses, be referred by the Commissioner to a medical referee appointed by him in his discretion from amongst the medical practitioners....

30. (1) An appeal shall lie to the Labour Appellate Tribunal from the following orders of a Commissioner, namely: -

- (a) an order awarding as compensation a lump sum whether by way of redemption of a monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
- (b) an order refusing to allow redemption of a monthly payment;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12; or

- (e) an order refusing to register a memorandum of agreement of registering the same or providing for the registration of the same subject to condition:

Provided that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties:

- (f) an order under sub-section (7) of section 8:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b) unless the amount in dispute in the appeal is not less than one thousand taka.

## SCHEDULE I

[See section 2 (1) and 4]

List of injuries deemed to result in permanent partial disablement:

Sl. No.	Description of Injuries	Percentage of loss of earning capacity
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Loss of sight of both eyes to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
4.	Double amputation through leg or thigh, or amputation of leg or thigh on one side and loss of either foot	80
5.	Very severe facial disfigurement	70
6.	Absolute deafness	70
	<b>Amputation cases — upper limbs (either arm)</b>	
7.	Amputation through shoulder joint	80

Sl. No.	Description of Injuries	Percentage of loss of earning capacity
8.	Amputation below shoulder with stump less than 8" from tip of acromion	70
9.	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon	60
10.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60
11.	Loss of thumb	30
12.	Loss of thumb and its metacarpal bone	30
13.	Loss of four fingers of one hand	50
14.	Loss of three fingers of one hand	30
15.	Loss of two fingers of one hand	10
16.	Loss of terminal phalanx of thumb	10
Amputation cases-lower limbs		
17.	Amputation of both feet resulting in end bearing Stumps	80
18.	Amputation through both feet proximal to the metatarso phalangeal joint	70
19.	Loss of all toes of both feet through the metatarso phalangeal joint	30
20.	Loss of all toes of both feet proximal to the proximal inter phalangeal joint	20
21.	Loss of all toes of both feet distal to the proximal inter phalangeal joint	10
22.	Amputation at hip	80
23.	Amputation below hip with stump not exceeding 5" in length measured from tip or great trochanter but not beyond middle thigh	70
24.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	60
25.	Amputation below middle thigh to 3½" below knee	50
26.	Amputation below knee with stump exceeding 3½" but not exceeding 5"	40

Sl. No.	Description of Injuries	Percentage of loss of earning capacity
27.	Amputation below knee with stump exceeding 5"	30
28.	Amputation of one foot resulting in end bearing stump	20
29.	Amputation through one foot proximal to the metatarso phalangeal joint	20
30.	Loss of all toes one foot through the metatarso-phalangeal joint	10
	Other injuries	
31.	Loss of one eye, without complications, the other being normal	40
32.	Loss of vision of one eye without complications or disfigurement of eyeball, the other being normal	20
	Fingers of right or left hand	
	<i>Index finger</i>	
33.	Whole	14
34.	Two phalanges	11
35.	One phalanx	9
36.	Guillotine amputation of tip without loss of bone	5
	<b>Middle finger</b>	
37.	Whole	12
38.	Two Phalanges	9
39.	One phalanx	7
40.	Guillotine amputation of tip without loss of bone	5
	<b>Ring or little finger</b>	
41.	Whole	7
42.	Two phalanges	6
43.	One phalanx	5
44.	Guillotine amputation of tip without loss of bone	5

Sl. No.	Description of Injuries	Percentage of loss of earning capacity
	<b>Toes of right or left foot</b>	
	<b>Great toe</b>	
45.	Through metatarso-phalangeal joint	10
46.	Part, with some loss of bone	3
	<b>Any other toe</b>	
47.	Through metatarso-phalangeal joint	3
48.	Part, with some loss of bone	5
	<b>Two toes of one foot, excluding great toe</b>	
49.	Through metatarso-phalangeal joint	5
50.	Part, with some loss of bone	2
	<b>Three toes of one foot, excluding great toe</b>	
51.	Through metatarso-phalangeal joint	6
52.	Part, with some loss of bond	3
	<b>Four toes of one foot, excluding great toe</b>	
53.	Through metatarso-phalangeal joint	9
54.	Part, with some loss of bone	5

## SCHEDULE II

[See section 2(1) (n)]

List of persons who, subject to the provisions of section 2 (1) (n), are included in the definition of workmen.

The following persons are workmen within the meaning of section 2(1)(n) and subject to the provisions of that section, that is to say, any person who is-

- (i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity ; or
- (ii) employed in any premises wherein, or within the precincts whereof, on any day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in clause (h) of section 2 of the factories Act, 1965 (IV of 1965), or in



any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used but not persons employed solely in a clerical capacity in any room or place where no manufacturing process is being carried on; or

- (iii) employed in any place to which section 3 of the Factories Act, 1965 (IV of 1965) has been applied or for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, five or more persons have been so employed; or
- (iv) employed in the manufacture or handling of explosives in any premises wherein or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or
- (v) employed, in any mine as defined in clause (f) of section 3 of the Mines Act, 1923 (IV of 1923), in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground :

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used and whose depth from its highest or its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause; or

- (vi) employed as the master, seaman, sailor or otherwise on any ship or any inland vessel which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled; or
- (vii) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Ports Act, 1908 (XV of 1908), of goods which have been discharged from or are to be loaded into any vessel; or
- (vii-a) employed in loading and unloading of goods in the mechanically propelled vehicles in the Chittagong and Chalna Ports; or
- (viii) employed in the construction, repair or demolition of-
  - (a) any building or structure; or

- (b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point; or
- (c) any road, bridge, or tunnel; or
- (d) any wharf, quay, sea-wall or other marine work including any moorings or ships ; or
- (xi) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard for the same; or
- (x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal pipe-line, or sewer; or
- (xi) employed in the service of any fire brigade; or
- (xii) employed upon a railway as defined in clause (4) of section 3 and sub-section (1) of section 148 of the Railways Act, 1890 (IX of 1890), either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration ; or
- (xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service or employed in any occupation ordinarily involving out-door work in the Posts and Telegraphs Department; or
- (xiii-a) employed as treasurer clerks performing out door duties in the Posts, Telegraph and Telephone Department; or
- (xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or
- (xv) employed in any occupation involving blasting operation; or
- (xvi) employed in the making or any excavation in which on any one day of the preceding twelve months more than twenty five persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or
- (xviii) employed, otherwise than in a clerical capacity, or any stage which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty five or more persons have been so employed; or

- (xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or
- (xx) employed in lighthouse as defined in clause (d) of section 2 of the Light house Act, 1927 (XVII of 1927); or
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or
- (xxii) employed in the training, keeping or working of elephants or wild animals; or
- (xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control of extinguishing of forest fire; or
- (xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or
- (xxv) employed as a driver; or
- (xxvi) employed in the handling or transport of goods in, or within the precincts of,
  - (a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed; or
  - (b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed; or
- (xxvii) employed in any occupation involving the handling and manipulation of radium or X-ray apparatus, or contact with radioactive substances.

**Explanation.**-In this Schedule the preceding twelve months relates in any particular case to the twelve months ending with the day on which the accident in such case occurred; or

- (xxviii) employed as drivers, cleaners, conductors and checkers by Road Transport Service as defined in sub-section (7) of section 2 of the Road Transport workers Ordinance, 1961 (XXVII of 1961); or
- (xxix) employed in the service of watch and ward.

## SCHEDULE III

[See section 3]

### List of occupational diseases:

Sl. No.	Occupational disease	Employment
<b>PART A</b>		
1.	Anthrax	Any employment- (a) involving the handling of wool, hair, bristles, animal carcasses or residues thereof; or (b) in connection with animals infected with anthrax ; or (c) involving the loading, unloading or transport of any merchandise.
2.	Compressed air illness or its sequelae	Any process carried on in compressed air
3.	Poisoning by lead tetra-ethyl	Any process involving the use of lead tetra-ethyl.
4.	Poisoning by nitrous fumes	Any process involving exposure to nitrous fumes.
5.	Poisoning by manganese	The use or handling of or exposure to the fumes, dust or vapour of manganese or a compound of manganese or a substance containing manganese
6.	Poisoning by carbon bi-sulphide	The use or handling or, r exposure to the fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide or a substance containing carbon bi-sulphide
7.	Poisoning tetrachlorethane	by The use or handling of, or exposure to the fumes or vapour containing tetrachlorethane
8.	Poisoning insecticides or pesticides	by The spraying of insecticides or pesticides

Sl. No.	Occupational disease	Employment
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**PART B**

9.	Infection by leptospira icterohaemor-rhagica.	Employment in rat infested work places
10.	Poisoning by Dinitrophenol or a homologue	The use or handling of, or exposure to the fumes of, or vapour containing dinitrophenol or any of its homologues
11.	Chrome ulceration or its sequelae	The use or handling of chromic acid, chromates or bichromate of ammonium, potassium, sodium or zinc, or any preparation or solution containing any of these substances
12.	Contract produced by exposure to the glare of, or rays from molten glass or molten or red hot metal	Frequent or prolonged exposure to the glare of, or rays from, molten glass or red hot metal
13.	Poisoning by beryllium	The use, handling of, or exposure to the fumes, dust or vapour of beryllium or a compound or beryllium or a substance containing beryllium
14.	Carcinoma of the mucous membrane of the nose or associated air sinuses or Primary carcinoma of a branchus of a lung	Any occupation in a factory where nickel is decomposition of a gaseous nickel compound which involves work in or about a building or buildings where that process or any other industrial process ancillary or incidental there to is carried on
15.	Primary necplasm of the epithelial lining of the urinary bladder (papilloma of the bladder)	<p>(a) work in a building in which any of the following substances if produced for commercial purposes:</p> <p>(i) alpha-raphthylamine, beta-naphthylamine or benzidine or any of their salts;</p> <p>(ii) auramine or magenta;</p> <p>(b) the use or handling of any of the substances mentioned in sub-paragraph</p> <p>(i) of paragraph (a) or work in a</p>

Sl. No.	Occupational disease	Employment
		process in which any such substance is used or handled or is liberated
16.	Lead poisoning or its sequelae excluding poisoning by lead tetraethyl	Any process involving the use of lead or its
17.	Phosphorous poisoning or its sequelae	Any process involving the use of phosphorous or its preparations or compounds
18.	Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds.
19.	Poisoning by benzene and its homologues of the sequelae of such poisoning	Handling benzene or any of its homologues and any process in the manufacture
20.	Arsenical poisoning or its sequela	Any process involving the production, liberation or utilization of arsenic or its compounds
21.	Pathological manifestations due to (a) radium and other; radio-active substances (b) X-rays X-rays	Any process involving exposure to the action of radium, radio-active substances, or
22.	Primary epitheliomatous cancer of the skin	Any process involving the handling or use of
23.	Silicosis	Any employment involving exposure to the exposure to the inhalation of dust containing silica
24.	Coal miner's pneumoconiosis	Any employment in coal mining
25.	Asbestosis	Any employment in- (1) the production of- (i) fibre cement materials or

Sl. No.	Occupational disease	Employment
		(ii) asbestos mill board
		(2) the processing of ores containing asbestos
26.	Bagassosis	Any employment in the production of bagasse mill board or other articles from bagasse
27.	Byssinosis	Any employment in cotton-rooms, blowing rooms or carding rooms in such factories where spinning of raw cotton is carried on
28.	Writer's cramp	Hand-writing for prolonged periods
29.	Twister's Cramp	The twisting of cotton or wollen (including worsted) yarn
30.	Miner's nystagmus	Work in poorly illuminated mines
31.	Dermatitis	(1) Any occupation where organic or inorganic chemicals are used or handled (2) Any occupation where any materials are handled manually
32.	Fibrosis of lung	Arises out of Jute and Cotton fibres

## SCHEDULE IV

[See section 4]

### Compensation payable in certain cases

Monthly wages of the workman injured			Amount of compensation for		
More than (Tk.)	But not more than (Tk.)	Death (Tk.)	Permanent /total disablement (Tk.)	Monthly payment as compensation for temporary disablement	
0	to	100	8,000	10,000	Compensation shall be paid for the period of disablement or for one year whichever period is shorter. Such compensation shall be paid at the rate of full months, two-thirds of the monthly wages for the next two months and at the rate of half of the monthly wages for the subsequent months
101	to	200	12,000	16,000	
201	to	300	14,000	19,000	
301	to	400	16,000	21,000	
401	to	500	18,000	26,000	
501	and above	21,000	30,000		In the case of chronic occupational diseases, half of the monthly wages during the period of disablement for a maximum period of two years shall be paid



**THE DOCK LABOURERS ACT, 1934**  
(Act No. XIX of 1934)

*An Act to give effect in Bangladesh to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.*

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

- (a) "the processes" includes all work which is required for or is incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it; and
- (b) "worker" means any person employed in the processes.

4. Subject to any rules made in this behalf under section 6, an Inspector may, within the local limits for which he is appointed,-

- (a) enter, with such assistance (if any) as thinks fit, any premises or ship where the processes are carried on;
- (b) make such examination of the premises or ship and the machinery and gear, fixed or loose, used for the processes, and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise any other power as may be conferred upon him by the regulations made under section 5.

5. (1) The Government may make regulations-

- (a) providing for the safety of working places on shore and of any regular approaches over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on, and for the lighting and fencing of such places and approaches;
- (c) prescribing the measures to be taken to ensure the safe transport of workers proceeding to or from a ship by water and the conditions to be complied with by the vessels used for the purpose;
- (e) prescribing the measures to be taken to protect hatchways accessible to the workers and other openings in a deck which might be dangerous to them;
- (f) providing for the efficient lighting of the means of access to ships on which the processes are carried on and of all places on board at

which the workers are employed or to which they may be required to proceed;

- (g) providing for the safety of the workers engaged in removing or replacing hatch coverings and beams used for hatch coverings;
- (h) prescribing the measures to be taken to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition;
- (j) regulating the provision of safety appliances on derricks, cranes and winches;
- (k) prescribing the precautions to be observed in regard to exhaust and live steam;
- (l) requiring the employment of competent and reliable persons to operate lifting or transporting machinery used in the processes, or to give signals to a driver of such machinery, or to attend to cargo falls on which ends or winch drums, and providing for the employment of a signaller where this is necessary for the safety of the workers;
- (m) prescribing the measures to be taken in order to prevent dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith;
- (n) prescribing precautions to be taken to facilitate the escape of the workers when employed in a hold or between decks in dealing with coal or other bulk cargo;
- (o) prescribing the precautions to be observed in the use of stages and trucks;
- (p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are, or have been, stowed or have to deal with or work in proximity to such goods;
- (r) prescribing the provision to be made for the rescue of immersed workers from drowning;
- (t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the forms of such notices, 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;
- (v) defining the circumstances in which and conditions subject to which exemptions from any of the regulations made under this section may

be given, specifying the authorities who may grant such exemption and regulating their procedure;

(x) providing generally of the safety of workers.

(2) Regulations made under this section may make special provision to meet the special requirements of any particular port or ports.

8. There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quay or similar premises where the processes are carried on in Bengali the abstracts of this Act and of the regulations made thereunder which may be the regulations.

9. Any person who-

(b) unless duly authorized, or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by or under the regulations made under this Act; or

(c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary;

shall be punishable with fine which may extend to five hundred Taka.

## **THE EMPLOYERS LIABILITY ACT, 1938** **(Act No. XXIV of 1938)**

*An Act to declare that certain defences shall not be relied in suits for damages in Bangladesh in respect of injuries sustained by workmen.*

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

(a) "workman" means any person who has entered into, or works under a contract of, service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, oral or in writing; and

(b) "employer" includes any body of persons whether incorporated or not, any managing agent of an employer, and the legal representatives of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of

service or apprenticeship, means such other person while the workman is working for him.

3. Where personal injury is caused to a workman-

- (a) by reason of the omission of the employer to maintain in good and safe conditions anyway, works, machinery or plant connected with or used in this trade or business, or by reason of any like omission on the part of any person in the service of the employer who has been entrusted by the employer with the duty of seeing that such way, works, machinery or plant are in good and safe condition; or
- (b) by reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence; or
- (c) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where the injury resulted from his having so conformed; or
- (d) by reason of any act or omission of any person in the service of the employer done or made in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved) or in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf or in the normal performance of his duties;

a suit for damages in respect of the injury instituted by the workman or by any person entitled in case of his death shall not fail by reason only of the fact that the workman was at the time of the injury a workman of, or in the service of, or engaged in the work of, the employer.

4. In any such suit for damages, the workman shall not be deemed to have undertaken any risk attaching to the employment unless the employer proves that the risk was fully explained to and understood by the workman and that the workman voluntarily undertook the same.

**THE COAL MINES LABOUR WELFARE FUND ACT, 1947**  
(Act No. XXXII of 1947)

*An Act to make better provision for financial measures for promoting the welfare of labour employed in the coal-mining industry.*

3. (1) There shall be levied and collected as a cess for the purposes of this Act a duty of excise on all coal and coke despatched from collieries in Bangladesh, at such rate..., as may from time be fixed by the Government by notification in the official Gazette.

4. (1) The proceeds of the duty levied under section 3 shall be paid by the collecting agencies into at in the prescribed manner, and shall be credited to a fund to be called the Coal Mines Labour Housing and General Welfare Fund, and apportioned under two separate accounts, to be called the housing account of the Fund, in such manner as the Government from time to time may, by notification in the official Gazette determine:

5. (4) ... The moneys in the General Welfare account of the Fund may be utilised to defray-

- (a) the cost of labour for the benefit of labour employed in the coal-mining industry directed towards-
  - (i) the improvement of public health and sanitation, the prevention of disease, the provision of medical facilities and the improvement of existing medical facilities, including the provision and maintenance of dispensary services in collieries the owners of which do not receive grants-in-aid under sub-section (2);
  - (ii) the provision of water supplies, and facilities for washing and the improvement of existing supplies and facilities;
  - (iv) the improvements of standard of living, including nutrition, amelioration of social conditions, and the provision of recreational facilities.

# THE SHOPS AND ESTABLISHMENTS ACT, 1965

(Act No. VII of 1965)

*An Act to repeal and, with certain amendments, re-enact the East Bengal Shops and Establishments Act, 1951.*

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

- (b) "child" means a person who has not completed twelve years of age;
- (d) "commercial establishment" means an establishment in which the business of advertising, commission of forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment employs workers, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker's office or stock exchange, a club, a hotel or a restaurant or an eating house, a cinema or theatre, or such other establishment or class thereof as the Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Act.
- (e) "day" means a period of twenty-four hours beginning at mid-night:

Provided that in the case of a worker whose hours of work extend beyond midnight, a day means the period of twenty-four hours beginning from the time of commencement of his work, irrespective of midnight;

- (j) "half day" means a period of five consecutive hours between the beginning and closing hours of an establishment;
- (k) "industrial establishment" means any workshop or other establishment in which articles are produced, adopted or manufactured or where the work of making, repairing, ornamenting, finishing or packing or otherwise treating any article or substance, with a view to their use, transport, sale, delivery or disposal, is carried on and includes any dock, wharf, jetty, or such other class of establishments as the Provincial Government may, by notification in the official Gazette, declare to be an industrial establishment for the purpose of this Act but does not include a factory;
- (m) "shop" means any premise used wholly or in part for the wholesale or retail sale of commodities or articles, either for cash or credit, or where services are rendered to customers, and includes an office, store room, go-down, warehouse or workplace, whether in the same premises or elsewhere, mainly used in connection with such trade or

business, and such other premises as the Government may, by notification in the official Gazette, declare to be a shop for the purpose of this Act;

- (p) "worker" means any person including an apprentice employed in any shop, commercial establishment or industrial establishment to do any skilled, unskilled, manual, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person-
- (i) Who is employed in the Police or Armed Forces of Bangladesh or in services of a prison,
  - (ii) Who is employed mainly in a managerial or administrative capacity; or
  - (iii) Who, being employed in a supervisory capacity, exercise, either by nature of the duties attached to the office or by reason of power vested in him, functions mainly of managerial or administrative nature.

4. (1) Every worker employed in any establishment shall be allowed one and a half day's consecutive holidays in each week.

5. (1) Every shop or commercial or industrial establishment shall remain entirely closed for at least one and a half consecutive days in each week.

(2) The days on which shops or commercial or industrial establishments shall remain entirely closed, shall be fixed for each town or area by the Chief Inspector:

Provided that the Chief Inspector may, from time to time, re-fix the day for each town or area in the public interest.

(3) No shop shall on any day remain open after the hours of 8 O' clock post meridian:

6. The provisions of sections 5 shall not apply to-

- (i) shops, dealing mainly in any vegetable, meat, fish, dairy products, bread, pastries, sweetmeats and flowers;
- (iii) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites;
- (iv) shops dealing in articles required for funerals, burials or cremation;
- (v) shops dealing mainly in tobacco, cigars, cigarettes, biris, pan, liquid refreshments sold retail for consumption in the premises, ice, newspapers or periodicals;

- (viii) any system of public conservancy or sanitation, any industry, business or undertaking which supplies power, light or water to the public.

Provided that the Chief Inspector may, by a general or special order published in the official Gazette, fix the opening or closing hours for any of the foregoing establishments or class of establishments.

8. (1) Save as otherwise expressly provided in this Act, no worker shall be liable to work in any establishment in excess of nine hours a day and forty-eight hours a week and no young person in excess of seven hours a day and forty-two hours a week:

Provided that a worker may be required to work overtime in any establishment, but the total number of hours of work including overtime in week shall not exceed sixty the case of an adult and fifty-two in the case of a young person.

11. The period of work of a worker shall be so arranged that inclusive of his interval for rest or meal ... it shall not spread over more than twelve hours on any day.

20. Every establishment shall be sufficiently lighted during all working hours.

22. No child shall be employed to work in any establishment.

23. No woman or young person shall be employed in any establishment otherwise than between the hours of 7 A.M. and 8 P.M. except with the permission of the Chief Inspector.

27. (1) Whoever contravenes any of the provisions of sections 4, 5 ... shall be punishable, for the offence, with fine, which may extend to two hundred and fifty taka, and for any subsequent offence, with simple imprisonment which may extend to three months or with fine which may extend to five hundred taka or with both.

(2) Whoever contravenes any of the provisions of section 31 and whoever having custody of any prescribed record, register or notice, refuses or without sufficient cause fails to produce it on being so required by an Inspector under section 26, shall be punishable with simple imprisonment which may extend to two months or with fine which may extend to two hundred taka or with both.

(3) Contravention of any other provisions of this Act shall be punishable with simple imprisonment which may extend to one month or with fine which may extent to one hundred taka or with both.

(4) Any person who fails to comply with any lawful direction of the Chief Inspector or of an Inspector, shall be punishable with fine, which may extend to two hundred and fifty taka.



(5) In the case of a continuing offence, a further penalty, which may extend to one hundred taka for every day after the first, during which the offence continues, may be imposed on a person responsible for the contravention of the provision of this Act or of any lawful order passed thereunder.

## **THE CONTROL OF EMPLOYMENT ORDINANCE, 1965** **(Ordinance No. XXXII of 1965)**

*An Ordinance to provide for the collection of information relating to employment in industrial undertakings and availability of persons therefor, and for the control and distribution of such employment, and matters connected therewith or incidental thereto.*

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

(3) "essential work" means any work relating to the manufacture, production, maintenance or repair of arms, ammunition and equipment or other supplies and any other work which the Government may, by notification in the official Gazette, declare to be essential work for the purposes of this Ordinance;

(4) "industrial undertaking" means,-

(a) any concern engaged in-

(i) the manufacture or production of any article or commodity;

(ii) the supply or distribution of light, power, gas or water;

(iii) the supply or maintenance of any kind of mechanised transport;

(b) any concern engaged in installing equipment or erecting premises or preparing and producing designs for, or testing the products of, any concern referred to in sub-clause (a);

(c) any technical training establishment or centre; and

(d) any other undertaking which the Government may, by notification in the official Gazette, declare to be an industrial undertaking for the purposes of this Ordinance.

3. (1) The Manpower Council shall be the policy-making body as regards the purposes of this Ordinance and may issue such directions in connection with the effective use of manpower to the Government and Manpower Board as it may consider necessary.

5. (1) The functions of the Board shall include collection of information relating to employment in industrial undertakings and availability of persons therefor, and to control and distribution of, and taking measures to make persons available for, such employment....

6. (1) Where the Board makes any order or give any direction requiring any person or industrial undertaking to furnish any information or document or to afford any facility or to take any measure or to do or to afford any facility or to take any measure or to refrain from doing anything, such persons and, in the case of an industrial undertaking, the owner, director, manager, secretary or other officer or agent thereof competent for the purpose, shall subject to the other provisions of this section comply with such order or direction.

**Note:** See also the Narcotics Control Act, 1990(2.5.1), the Explosives Act, 1884(5.1), the Mines Act, 1923 (13.1), the Boilers Act, 1923 (13.3), the Bangladesh Merchant Shipping Ordinance, 1983 (16.4), Children (Pledging of Labour) Act, 1933, the Employment of Children Act, 1938 (18.2):

## **THE FACTORIES ACT, 1965** **(Act No. IV of 1965)**

*An Act to repeal and, with certain amendments, re-enact the Factories Act, 1934.*

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

- (a) "adolescent" means a person who has completed sixteen years but has not completed eighteen years of age;
- (c) "child" means a person who has completed eighteen years of age;
- (d) "day" means a period of twenty-four hours beginning at mid-night;
- (e) "explosive substance" includes any materials for making any explosive substance;
- (f) "factory" means any premises including the precincts thereof whereon ten or more workers are working or were working on any day of the preceding twelve months and in any part of which a manufacturing process is being carried on with or without the aid of power but does not include a mine subject to the operation of the Mines Act, 1923.

9. (1) The Government may, by notification in the official Gazette, appoint any person to be the Chief Inspector, who shall, in addition to the powers conferred on the Chief Inspector under this Act, have the powers of an Inspector

throughout Bangladesh and shall also have powers of supervision and control over the Inspector appointed under sub-section (2):

(2) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(4) Every Deputy Commissioner shall be an Inspector for his district.

11. (1) The Government may appoint such registered medical practitioners as it deems fit to be Certifying Surgeons, for the purposes of this Act within such local limits or for such factory or class or description of factories as may be assigned to them respectively.

12. (1) Every factory shall be kept clean and free from effluvia arising from any drain privy or other nuisance, and in particular, -

- (a) accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of workrooms and from staircases and passages and disposed of in a suitable manner;
- (b) the floor of every workroom shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method;
- (c) where the floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained;
- (d) all inside walls and partitions, all ceilings, or tops of rooms, and walls, side and tops or passages and staircases shall-
  - (i) where they are painted or varnished, be repainted or revarnished at least once in every five years;
  - (ii) where they are painted or varnished and have smooth impervious surfaces, be cleaned at least once in every fourteenth months, by such methods as may be prescribed;
  - (iii) in any other case, be kept whitewashed or colour washed and the whitewashing or colour washing shall be carried out at least once in every fourteen months; and
- (e) the dates on which the processes required by clause (d) are carried out shall be entered in the prescribed register.

13. (1) Effective arrangements shall be made in every factory for the disposal of wastes and effluent due to the manufacturing process carried on therein.

(2) The Government may make rules prescribing the arrangements to be made under sub-section (1) or requiring that the arrangement made in accordance with sub-section (1) shall be approved by such authority as may be prescribed.

14. (1) Effective and suitable provision shall be made in every factory for securing and maintaining in every work-room-

- (a) adequate ventilation by the circulation of fresh air; and
- (b) such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health, and in particular-
  - (i) the walls and roofs shall be of such materials and so designed that such temperature shall not be exceeded but kept as low as practicable;
  - (ii) where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable, shall be taken to protect the workers therefrom by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means.

(2) The Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that a thermometer shall be provided and maintained in such place and position as may be specified.

(3) If it appears to the Government that in any factory or class or description of factories excessively high temperature can be reduced by such methods as whitewashing, spraying or insulating and screening outside walls or roofs or windows, or by raising the level of the roof, or by insulating the roof either by an air space and double roof or by the use of insulating roof materials, or by other methods, it may prescribe such of these or other methods to be adopted in the factory.

15. (1) In every factory in which, by reason of the manufacturing process carried on, there is give off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein, effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

(2) In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into open air, and no internal combustion engine shall be operated in any room unless effective measures have been

taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the workers employed in the work-room.

16. (1) The Government may, in respect of all factories in which humidity of the air is artificially increased, make rules-

- (a) prescribing standards of humidification;
- (b) regulating the methods used for artificially increasing the humidity of the air;
- (c) directing prescribed test determining the humidity of the air to be correctly carried out and recorded; and
- (d) prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the work-rooms.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to an Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified he may serve on the Manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

17. (1) No work-room in any factory shall be overcrowded to an extent injurious to the health of the workers employed there in.

(2) Without prejudice to the generality of the provisions of sub-section (1) there shall be provided for every worker employed in a work-room-

- (a) at least three hundred fifty cubic feet of space in the case of factory in existence on the date of the commencement of this Act; and
- (b) at least five hundred cubic feet of space in the case of a factory built after the commencement of this Act.

**Explanation.**-For the purpose of this sub-section no account shall be taken of a space which is more than fourteen feet above the level of the floor of the room.

(3) If the Chief Inspector by order in writing so requires there shall be posted in each work-room of a factory a notice specifying the maximum number of workers who may in compliance with the provisions of this section be employed in the room.

(4) The Chief Inspector may, by order in writing exempt, subject to such conditions as he may think fit to impose, any work-room from the provisions of this section if he is satisfied that compliance therewith in respect of such room is not necessary, for the purpose of health of the workers employed therein.

18. (1) In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.

(2) In every factory all glazed windows and sky-lights used for the lighting of the work-room shall be kept clean on both the outer and inner surfaces and free from obstruction as far as possible under the rules framed under sub-section (3) of section 14.

(3) In every factory effective provision shall, so far as is practicable, be made for the prevention of-

- (a) glare either directly from any source of light or by reflection from a smooth or polished surface; and
- (b) the formation of shadows to such an extent as to cause eye strain or risk of accident to any worker.

(4) The Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

19. (1) In every factory effective arrangement shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "Drinking Water" in a language understood by the majority of the workers and no such point shall be situated within twenty feet of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.

(3) In every factory wherein more than two hundred and fifty workers are ordinarily employed, provision shall be made for cooling the drinking water during the hot weather by effective means and for distribution thereof.

20. (1) In every factory-

- (a) sufficient latrines and urinals of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are in the factory;
- (b) enclosed latrines and urinals shall be provided separately for male and female workers;
- (c) such latrines and urinals shall be adequately lighted and ventilated and no latrine or urinal shall, unless specially exempted in writing by the Chief Inspector, communicate with any work-room except through an intervening open space or ventilated passage;
- (d) all such latrines and urinals shall be maintained in a clean and sanitary condition at all times with suitable detergents or disinfectants or with both;

(e) the floors and internal walls of the latrines, and urinals and the sanitary blocks shall, up to a height of three feet, be finished to provide a smooth polished impervious surface.

(2) The Government may prescribe the number of latrines and urinals to be provided in any factory in proportion to the numbers of male and female workers ordinarily employed therein and such further matters in respect of sanitation in the factories.

22. (1) Every factory shall be provided with such means of escape in case of fire as may be prescribed.

(2) If it appears to the Inspector that any factory is not provided with the means of escape prescribed under sub-section (1), he may serve on the Manager of the factory an order in writing specifying the measures which, in his opinion, should be adopted before a date specified in the order.

(3) In every factory the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed to open outwards or where the door is between two rooms, in the direction of the nearest exit from the building and no such door shall be locked or obstructed while work is being carried on in the room.

(4) In every factory every window, door, or other exit affording means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.

(5) In every factory there shall be provided effective and clearly audible means of giving warning in case of fire to every person employed therein.

(6) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of the factory.

(7) In every factory wherein more than ten workers are ordinarily employed in any place above the ground floor, or explosive or highly inflammable materials are used or stored, effective measures shall be taken to ensure that all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

(8) The Government may make rules prescribing in respect of any factory, or class or description of factories, the means of escape to be provided in case of fire and the nature and amount of fire fighting apparatus to be provided and maintained.

23. (1) In every factory the following shall be securely fenced by the safeguards of substantial construction which shall be kept in position while the parts of machinery required to be fenced are in motion or in use, namely-

- (a) every moving part of a prime mover, and every fly wheel connected to a prime mover;
- (b) the headrace and tailrace of every water wheel and water turbine;
- (c) any part of a stock-bar which projects beyond the head stock of a lathe; and
- (d) unless they are in such position or of such construction as to be as safe to every person employed in the factory as they would be if they were securely fenced-
  - (i) every part of an electric generator; a motor or rotary convertor;
  - (ii) every part of transmission machinery; and
  - (iii) every dangerous part of any machinery :

Provided that, for the purpose of determining whether any part of machinery is in such position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when it being necessary to make an examination of the machinery while it is in motion or, as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation is made or carried out in accordance with the provisions of section 24.

(2) Without prejudice to any other provision of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle wheel or pinion in motion with which such worker would otherwise be liable to come into contact, shall be securely fenced, to prevent such contact.

(3) The Government may exempt, subject to such conditions as may be imposed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

(4) The Government may, by rules, prescribe such further precautions as it may consider necessary in respect of any particular machinery or part thereof.

24. (1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 23 while the machinery is in motion, or as a result of such examination to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing whose name has been



recorded in the register prescribed in this behalf and while he is so engaged such worker shall not handle a belt at a moving pulley unless the belt is less than six inches in width and unless the belt joint is either laced or flush with the belt.

(2) No woman or child shall be allowed in any factory to clean, lubricate or adjust any part of machinery while that part is in motion, or to work between moving parts or between fixed and moving parts, of any machinery which is in motion.

25. (1) No young person shall work at any machine unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and-

- (a) has received sufficient training in work at the machine; or
- (b) is under adequate supervision by a person who has thorough knowledge and experience of the machine.

(2) This section shall apply to such machines as may be notified by the Government to be of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

26. (2) In every factories suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every work-room.

27. No traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass whether in the course of his employment or otherwise be allowed to run on its outward or inward traverse within a distance of eighteen inches from any fixed structure which is not part of the machine:

Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this section on such conditions for ensuring safety as he may think fit to impose.

28. (1) In all machinery drive by power and installed in any factory after the commencement of this Act-

- (a) every set screw, belt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
- (b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased unless it is so situated as to be as safe as it would be if it were completely encased.

30. (1) The following provisions shall apply in respect of cranes and all other lifting machinery, other than hoists and lifts, in any factory-

- (c) while any person is employed or working on or near the wheel tract of a travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.

31. (2) The following additional requirements shall apply to hoist and lifts used for carrying persons and installed or reconstructed in a factory after the commencement of this Act, namely-

- (a) where the cage is supported by rope or chain there shall be at least two ropes or chains separately connected with the cage and balance weight, and each rope or chain with its attachments shall be capable of carrying the whole weight of the cage together with its maximum load;
- (b) efficient devices shall be provided and maintained capable of supporting the cage together with its maximum load in the event of breakage of the ropes, chains or attachments;
- (c) an efficient automatic device shall be provided and maintained to prevent the cage from over-running.

35. (1) In every factory, every fixed vessel, sump, tank pit or opening in the ground or in a floor which by reason of its depth, situation, construction or contents, is or may be a source of danger, shall be either securely covered or securely fenced.

36. (1) No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury.

(2) The Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescent and children employed in factories or in any class or description of factories or in carrying on any class or description of factories or in carrying on any specified process.

37. (1) The Government may in respect of any manufacturing process carried on in any factory, by rules require that effective screens of suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of a process which involves-

- (a) risk of injury to the eyes from particles or fragments thrown off in the course of the process; or
- (b) risk to the eyes by reason of exposure to excessive light or heat.

38. If it appears to the Inspector that any building or part of a building, or any part of the ways, machinery or plant in a factory, is in such a condition that it may be dangerous to human life or safety, he may serve on the Manager of the factory an order in writing, requiring him before a specified date-

- (a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety; or
- (b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

39. (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the Manager of the factory, an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building or part of a building or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly required or altered.

40. The Government may make rules requiring that-

- (1) in any factory or in any class or description of factories, such further devices and measures for securing the safety of the persons employed therein as it may deem necessary shall be adopted; and
- (2) work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory until a certificate of stability in the prescribed form and signed by a person possessing the prescribed qualifications, has been sent to the Chief Inspector.

41. (1) In any factory no person shall enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are likely to be present to such an extent as to involve risk of persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress.

(2) No portable electric light of voltage exceeding twenty-four volts shall be permitted in any factory for use inside any confined space such as is referred to in sub-section (1) and where the fumes present are likely to be inflammable, lamp or light other than of flame proof construction shall be permitted to be used in such confined space.

(3) No person in any factory shall enter or be permitted to enter any confined space such as is referred to in sub-section (I) until all practicable measures have been taken to remove any fumes which may be present and to prevent any ingress of fumes and unless either-

- (a) a certificate in writing has been given by a competent person, based on a test carried out by himself, that the space is free from dangerous fumes and fit for persons to enter; or
- (b) the worker is wearing suitable breathing apparatus and a belt securely attached to a rope, the free end of which is held by a person standing outside the confined space.

(4) Suitable breathing apparatus, reviving apparatus and belts and ropes shall in every factory be kept ready for instant use beside any such confined space as aforesaid which any person has entered, and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practised in the use of all such apparatus and in the method of restoring respiration.

(5) No person shall be permitted to enter in any factory, any boiler furnace, boiler, flue, chamber, tank, vat, pipe or other confined space for the purpose of working or making any examination therein until it has been sufficiently cooled by ventilation or otherwise to be safe for persons to enter.

42. (1) Where in any factory any manufacturing process produces dust, gas, fume or vapour of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by-

- (a) effective enclosure of the plant or machinery used in the process;
- (b) removal or prevention of the accumulation of such dust, gas, fume or vapour;
- (c) exclusion or effective enclosure of all possible sources of ignition.

(2) Where in any factory the plant or machinery used in a process such as is referred to in sub-section (I) is not so constructed as to withstand the probable pressure which such an explosion as aforesaid would produce, all practicable measures shall be taken to restrict the spread and effects of the explosion by the provision in the plant or machinery of chokes, baffles, vents or other effective appliances.

(3) Where any part of the plant or machinery in a factory contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened except in accordance with the following provisions, namely-

- (a) before the fastening of any joint of any pipe connected with the part of the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or any such pipe shall be effectively stopped by a stop-valve or other means;
- (b) before any such fastening as aforesaid is removed, all practicable measures shall be taken to reduce the pressure of the gas or vapour in the part or pipe to atmospheric pressure;
- (c) where any such fastening as aforesaid has been loosened or removed effective measures shall be taken to prevent any explosive or inflammable gas or vapour from entering the part or pipe until the fastening has been secured; or, as the case may be, securely replaced:

Provided that the provisions of this sub-section shall not apply in the case of plant or machinery installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected in any factory to any welding, brazing, soldering or cutting operation which involves the application of heat unless adequate measures have first been taken to remove such substance and any fumes arising therefrom or to render such substance and fumes non-explosive or non-inflammable, and no such substance shall be allowed to enter such plant, tank or vessel after any such operation until the metal has cooled sufficiently to prevent any risk of igniting the substance.

43. (1) In every factory-

- (a) adequate and suitable facilities for washing and bathing shall be provided and maintained for the use of the workers therein;
- (c) such facilities shall be conveniently accessible and shall be kept clean.

44. (1) There shall, in every factory or section of a factory be provided and maintained, so as to be readily accessible during all working hours, first aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards shall not be less than one for every one hundred and fifty workers ordinarily employed in the factory.

47. (1) In every factory, wherein more than fifty women workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

(2) Such rooms shall provide adequate accommodation, be adequately lighted and ventilated and maintained in a clean and sanitary condition, and shall be under the charge of workmen trained or experienced in the care of children and infants.

(3) The Government may make rules-

- (a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;
- (b) requiring the provision, in factories to which this section applies, of additional facilities for the care of children belonging to women workers including suitable provision of facilities for washing and changing their clothing;
- (c) requiring the provision, in any factory, of free milk or refreshment or both for such children;
- (d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals.

50. (1) No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

(2) Subject to the provisions of section 58, an adult worker may work for more than nine hours in a day or forty-eight hours in a week:

Provided that the hour of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year.

53. No adult worker shall be required or allowed to work in a factory for more than nine hours in any day:

Provided that, subject to the provisions of section 50, 54, 55 and 58, an adult worker may work in a factory for more than nine hours but not exceeding ten hours in any day.

54. No adult worker in a factory shall be liable to work either-

- (a) for more than six hours in any one day unless he has been allowed an interval of at least one hour during that day for rest or meal;
- (b) for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal; or
- (c) for more than eight and half hours unless he had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal.

55. The periods of work of an adult worker in a factory shall be so arranged that, inclusive of his interval for rest or meal under section 54 shall not spread over more than ten and a half hours or where the factory is declared to be a seasonal one, eleven and a half hours in any day, save with the permission of the Chief Inspector and subject to such conditions as he may impose, either generally or in the case of any particular factory.

60. (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 109, a notice of periods of work for adults showing clearly the periods which adult workers may be required to work.

65. (1) The provisions of this chapter, shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely-

- (a) no exemption from the provisions of section 53 shall be granted in respect of any women; and
- (b) no woman shall be allowed to work in a factory except between 7 a.m. and 8.p.m.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part thereof, vary the limits laid down in clause (b) to any span of ten and a half hours between 5 a.m. and 8-30 p.m.

66. No child who has not completed fourteen years of age shall be required or allowed to work in any factory.

67. A child who has completed fourteen years of age or an adolescent shall not be required or allowed to work in any factory unless-

- (a) a certificate of fitness granted to him under section 68 is in the custody of the manager of the factory;
- (b) such child or adolescent carries while he is at work a token giving a reference to such certificate.

70. (1) No child or adolescent shall be required or allowed to work in any factory-

- (a) for more than five hours in any day; and
- (b) between the hours of 7 p.m. and 7 a.m.

(2) The period of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread-over more seven and a half hours each.

(3) A child shall be employed in only one of the relays which shall not except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

71. (1) In every factory in which children are employed there shall be displayed in the manner laid down in sub-section (2) of section 109, a notice of periods of work for children, showing clearly the periods within which children may be required or allowed to work.

72. (1) The Manager of every factory in which children are employed shall maintain a register of child workers to be available to the Inspector at all time during working hours showing-

- (a) the name and date of birth of each child and adolescent worker in the factory;
- (b) the nature of his work;
- (c) the group, if any, in which he is included;
- (d) where his group works on shifts, the relay to which he is allotted;
- (e) the number of his certificate of fitness granted under section 68 and the date of its renewal; and

73. No child shall be required or allowed to work otherwise than in accordance with the notice under sub-section (1) of section 71 and the entries made beforehand against his name in the register maintained under section 72.

74. When an Inspector is of opinion-

- (a) that any person working in a factory without a certificate of fitness is a child or an adolescent; or
- (b) that a child or adolescent working in a factory with a certificate of fitness is no longer fit to work in the capacity stated therein.

he may serve on the manager of the factory a notice requiring that such person or that such child or adolescent, as the case may be, shall be examined by a Certifying Surgeon and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be, under section 68 or has been certified by the Certifying Surgeon examining him not to be a child or adolescent.

76. The provisions of this chapter shall be in addition to, and not in derogation of, the provisions of the Employment of Children Act, 1938.

77. Nothing in this chapter shall affect any right or privilege to which a worker has been entitled on the date this Act comes into force, under any existing law or under any award, agreement, settlement, contract, custom or usage, if such right or privilege is more favourable to him.

87. Where the Government is satisfied that any operation carried on in a factory exposes any person employed in it to a serious risk of bodily injury, poisoning, or disease, it may make rules applicable to such factory or class of factories in which such operation is carried on-

- (a) specifying the operation and declaring it to be hazardous;



- (b) prohibiting or restricting the employment of women, adolescents or children in the operation;
- (c) providing for the periodical medical examination of persons employed in the operation and prohibiting the employment of person not certified as fit for such employment;
- (d) providing for the protection of all persons employed in the operation or in the vicinity of the places where it is carried on; and
- (e) prohibiting, restricting or controlling the use of any specified materials or processes in connection with the operation.

88. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours immediately following the accident or which is of such a nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to the Inspector in such form and within such time, as may be prescribed.

90. (1) Where any worker in a factory contracts any disease specified in the schedule, the manager of the factory shall send notice thereof to the Inspector  
....

93. Save as is otherwise expressly provided in this Act and subject to the provisions of section 94, if in, or in respect of, any factory, there is any contravention of any of the provisions of this Act or any rules made thereunder, or of any order in writing given thereunder, the occupier and the manager of the factory shall each be guilty of an offence punishable with fine may extend to one thousand taka; and, if the contravention is continued after conviction, with a further fine which may extend to seventy-five taka for every day of the period during which the contravention continues.

94. (1) Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and services, such as approach roads, drainage, water supply, lighting and sanitation.

(2) The Chief Inspector shall have, subject to the control of the Government, power to issue orders to the owner of the premises in respect of the carrying out of the provisions of sub-section (1).

(3) Where in any premises, independent or self-contained, floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be liable as if he were the occupier or manager of a factory, for any contravention of the provisions of this Act in respect of-

- (i) latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;
- (ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;
- (iii) safe means of access to the floors or flats and maintenance and cleanliness of stair cases and common passages;
- (iv) precautions in case of fire;
- (v) maintenance of hoists and lifts; and
- (vi) maintenance of any other common facilities provided in the premises.

95. If any person, who has been convicted of any offence punishable under section 93 is again convicted of an offence involving a contravention of the same provision he shall be punished on a subsequent conviction with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the subsequent offence.

101. If a child works in a factory on any day on which he has already been working in another factory the parent or guardian of the child or the person having custody or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to fifty taka unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, or guardian or person.

## **DOCK WORKERS (REGULATION OF EMPLOYMENT) ACT, 1980**

**(Act No. XVII of 1980)**

*An Act to provide for regulating the employment of dock workers.*

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

(a) "Authority" means, -

- (i) in relation to the Chittagong Port, the Chittagong Port Authority established under the Chittagong Port Authority Ordinance, 1976 (LII of 1976);

- (ii) in relation to the Port of Mongla, the Port of Mongla Authority established under the Port of Mongla Authority Ordinance, 1976 (LIII of 1976);
- (c) "cargo" includes anything carried or to be carried in a ship or other vessel;
- (e) "Chief Inspector of Factories and Establishments" means an officer so appointed by the Government;
- (f) "dock worker" means a person employed or to be employed in any Port on work in connection with loading, unloading, movement or storage of cargoes, or on work in connection with the preparation ships or other vessels for the receipt or discharge of cargoes;
- (i) "Port" means the Chittagong Port or the Port of Mongla.

**3. Power to make schemes.**-(1) The Government may, by notification in the official Gazette, make for each Port a scheme for the regulation of employment of dock workers, whether registered or not, and also for the registration of dock workers and employers with a view to ensuring greater regularity of employment and for efficient and economic turn-round of ships and vessels.

(2) In particular, and without prejudice to the generality of the foregoing power, such scheme may provide for-

- (a) the application of the scheme to such classes of dock worker and employers as may be specified therein;
- (b) defining the obligations of dock workers and employers subject to the fulfilment of which the scheme may apply to them and the circumstance in which the scheme shall cease to apply to any dock workers or employers;
- (c) regulating the recruitment and entry into the scheme of dock workers;
- (d) registration of dock workers and employers. maintenance of registers, removal, wither temporarily or permanently, of names from the registers and the imposition of fees for registration;
- (e) regulating the employment of dock workers, whether registered or not and the terms and conditions of such employment, including rates of remuneration, hours of work and conditions as to holidays and pay in respect thereof;
- (f) prohibiting, restricting or otherwise controlling the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply;

- (g) the training and welfare of dock workers, in so far as satisfactory provision therefor does not exist apart from the scheme;
- (h) health and safety measures in places where dock workers are employed, in so far as satisfactory provision therefor does not exist apart from the scheme;
- (i) the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed;
- (j) such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme.

(3) A scheme may further provide that a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred takas in respect of a first contravention or one thousand takas in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

**4. Dock Workers Management Boards.**-(1) The Government shall, by notification in the official Gazette, constitute for each port a Board to be called the Dock Workers Management Board for the purposes of this Act.

**7. Functions of a Board.**-(1) A Board shall be responsible for the administration of the scheme for the Port for which it is constituted and shall exercise such powers and perform such functions as may be specified in the scheme or as may be prescribed.

**9. Chief Inspector and Inspectors.**-(1) The Chief Inspectors of Factories and Establishments shall be the Chief Inspector, who shall have the powers of an Inspector and shall also have powers of supervision and control over the Inspectors.

(4) An Inspector may, at all reasonable times, enter into any premises or vessel which is, or which has reason to believe is, an office where the records, registers or other documents of workers are maintained or, as the case may be, a vessel where dock workers are employed, with such assistants, if any, being persons in the service of the Republic, and make such inspection or examination of that premises, or vessel for the purpose of enquiring about the workers employed on the vessel or of any prescribed records, registers or other documents maintained therein or may require such explanation from the employer in respect of any prescribed records, registers or other documents as he considers necessary, and may take on the spot or otherwise such evidence of any person or authority and may require the authority or the employer or the occupant of such premises, or vessel to render all reasonable assistance which may be necessary for carrying out the purposes of this Act or the scheme.

## SCHEDULE

### NAMES OF THE LAWS EXCEPTED:

- (1) The Workmen's Compensation Act, 1923 (VIII of 1923);
- (2) The Dock Labourers Act, 1934 (XIX of 1934);
- (3) The Payment of Wages Act, 1936 (IV of 1936);
- (4) The Employment of Children Act, 1938 (XXVI of 1938);
- (5) The Maternity Benefit Act, 1939 (Ben. Act IV of 1939)
- (6) The Employment (Record of Services) Act, 1951 (XIX of 1952);
- (7) The Shops and Establishment Act, 1965 (E.P. Act VII of 1965).

### 4.2 Maternity

#### THE MINES MATERNITY BENEFIT ACT, 1941 (Act No. XIX of 1941)

*An Act to regulate the employment of women in mines for a certain period before and after childbirth...*

3. (1) No owner or manager of a mine shall knowingly employ a woman and no woman shall engage in employment in any mine during the six weeks following the day on which she is delivered of a child.
- (2) No owner or manager of a mine shall employ any woman below ground in the mine-
- (a) if he has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks;
  - (b) if she has to knowledge to the management been delivered of a child within the preceding twenty-six weeks;
  - (c) during the period of ten weeks following twenty-six weeks referred to in clause (b)-
    - (i) for more than four hours in a day unless a creche is provided at the mine;
    - (ii) in any case, for more than four hours at any one time:

Provided that where the woman informs the management that the child of which she has delivered has died, the provisions of clause (c) shall not apply

after the management has with due diligence verified the correctness of her statement.

4. (1) If any woman employed in a mine who is pregnant gives notice orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within one and a half months from the date of such notice, the manager shall permit her if so desires to absent herself from work upto the day of her delivery and such absence shall be treated as a period of authorised absence on leave:

Provided that except in the case of a workman employed below ground in the mine the manager may on undertaking to defray the cost of such examination, require the woman to be examined by a qualified medical practitioner or midwife, and, if the woman refuses to submit to such examination or is certified on such examination as not pregnant or not likely to be delivered of a child within one and a half months, he may refuse such permission.

(2) If any woman employed below ground in a mine gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within ten weeks from the date of such notice, the manager may, on undertaking to defray the cost of such examination, require the woman to be examined within three days by a qualified medical practitioner or midwife, and shall permit her if so desires to absent herself from work in any capacity in the mine prior to the said examination, and unless he obtains a certificate that the woman is not pregnant or not likely to be delivered of a child within ten weeks or the workman refuses to submit to such examination, up to the day of her delivery, and such absence shall be treated as a period of authorised absence on leave.

(3) The examination referred to in the proviso to sub-section (1) or in sub-section (2) shall, if the woman so desires, be carried out by a woman.

(4) The absence of a woman in the period during which she is entitled to maternity benefit under this Act shall be treated as authorised absence on leave.

13. (1) Any owner or manager of a mine, who contravenes any provision of this Act for which no express penalty is provided, shall be punishable with fine which may extend to five hundred Taka.

**THE MATERNITY BENEFIT (TEA ESTATES) ACT, 1950**  
**(E.B. Act XX of 1950)**

*An Act to regulate the employment of women in tea factories and plantations for certain periods before and after child-birth and to provide for the payment of maternity benefit to them.*

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

- (a) "child" includes a still-born child;
- (b) "employer" includes the occupier and the manager of a plantation or a factory;
- (c) "maternity benefit" means the sum of money payable in cash or kind under the provisions of this Act to a woman employed in a plantation or a factory;
- (d) "Nurse" includes a midwife or a trained dhai;
- (e) "plantation" means any estate which is maintained for the purpose of growing tea the plant *Camellia Thea* (Linn) and in which 20 or more women are employed, or were employed on any day of the preceding twelve months, for that purpose and includes such plantation as may be declared to be so by the Government by notification in the Official Gazette with or without any condition which it may deem fit to impose;

3. After this Act comes into force-

- (1) no employer shall knowingly employ a woman in any factory or plantation during the six weeks immediately following the day of her delivery; and
- (2) no woman shall work in any factory or plantation during the six weeks immediately following the day of her delivery.

4. Subject to the provisions of this Act, every woman employed in a factory or a plantation shall be entitled to, and her employer shall be liable for, the payment of maternity benefit in respect of the period of six weeks preceding the expected day of her delivery and six weeks immediately following the day of her delivery:

Provided that a woman shall not be entitled to such maternity benefit unless she has worked or has been an employee in any factory or plantation of the employer, from whom she claims maternity benefit, for not less than one hundred and fifty days in the twelve months immediately preceding the expected day of her delivery:

Provided further that a woman shall not be entitled to such maternity benefit if she has not-

- (a) permitted herself to be medically examined as required in sub-section (1) of section 6, or
- (b) during the period which extends from the commencement of the six weeks immediately preceding the expected day of her delivery to the day of her delivery and during the six weeks immediately following the day of her delivery, attended or permitted herself to be treated in any clinic or hospital, or permitted herself to be treated by any medical practitioner or nurse as required in sub-section (2) of section 6:

Provided further that non-compliance by the woman with the provisions of sub-section (2) of section 6 before the day of her delivery shall not disentitle her to maternity benefit if the medical practitioner referred to in sub-section (3) of section 6 certifies that in his opinion such non-compliance was due to premature delivery or to a bona fide miscalculation on the part of the woman as to the state of advancement of her pregnancy.

5. (1) The maternity benefit which is compulsorily payable under section 4 shall be payable at the rate of daily, weekly or monthly average wages, as the case may be, calculated in the manner laid down in sub-section (2); and such payment shall be made either wholly in cash.

(2) For the purpose of sub-section (1), the daily, weekly or monthly average wages, as the case may be, shall be calculated by dividing the total wages earned by the woman during the 3 months immediately preceding the date on which she gives notice under sub-section (1) of section 8 by the number of days she actually worked during the period.

6. (1) Every woman who claims or intends to claim maternity benefit from her employer under this Act shall permit herself to be medically examined by, or under the direction of, the medical practitioner referred to in sub-section (3) for the purpose of enabling him to determine the expected day of her delivery; and such medical practitioner shall, after such examination, furnish her with a certificate as to the expected day of her delivery.

(2) Every woman who claims or intends to claim maternity benefit from her employer under this Act shall, during the period which extends from the commencement of the 6 weeks immediately preceding the expected day of her delivery to the day of her delivery and during the 6 weeks immediately following the day of her delivery: -

- (a) where free ante-natal and post-natal treatment is provided for her in any hospital or clinic approved in the behalf by the prescribed medical authority, attend such hospital or clinic as required by the medical officer-in-charge thereof and permit herself to be treated therein, or



(b) where there is no such hospital or clinic, permit herself to be treated by such medical practitioner or nurse as is provided by her employer under sub-section (3).

(3) Every employer shall arrange that the services of a medical practitioner and a nurse, approved in this behalf by the prescribed medical authority, are always available in his factory or plantation for the purpose of giving free ante-natal and post-natal treatment or advice to the worker of his factory or plantation:

Provided that no male medical practitioner shall examine any woman without being accompanied by a female nurse.

7. Notwithstanding that a woman has given notice under sub-section (1) of section 8 that she expects to be confined within one and half month next following, she may, during the period which extends from the commencement of the six weeks immediately preceding the expected day of her delivery to the day of her delivery, undertake light work in the factory or plantation of the employer from whom she claims maternity benefit if and for so long as the medical practitioner referred to in sub-section (3) 6 certifies that she is physically fit so to do; and, for the days that she does such work, she shall be paid at the prevailing rate of pay for such work, and such pay shall be paid to her in addition to the maternity benefit which she maternity benefit which she may be entitled to receive under this Act.

8. (1) Any woman who claims or intends to claim maternity benefit under the provisions of this Act shall on any day, give notice either orally in person or in writing to the employer of the factory or the plantation that she expects to be confined within one and half month next following and submit at the same time to such employer the certificate referred to in sub-section (1) of section 6 and may nominate in the prescribed form a person for purposes of section 9.

(2) When the notice and the certificate referred to in sub-section (1) are received, the employer shall permit the woman who has given the notice to absent herself from work in the factory or plantation on and from the day following that on which such notice and certificate are received until the expiration of 6 weeks after the day of her delivery.

(3) An employer shall pay the maternity benefit as provided in section 5 to a woman entitled thereto under this Act in eight equal weekly installments; and the payment of the first installment thereof shall be made within seven days of the giving of the notice together with the certificate referred to in sub-section (1) by such woman.

(4) If an employer is satisfied on the report of a medical practitioner or medical officer-in-charge of the clinic or hospital referred to in sub-section (2) of section 6 that a woman has ceased, according to the provisions of section 4, to be entitled to maternity benefit, such employer may discontinue the payment of maternity benefit payable to such woman under sub-section (3).

(5) Any woman who considers herself aggrieved at any cessation of payment of maternity benefit under sub-section (4) may, within thirty days of the date of payment of the last instalment of maternity benefit paid to her under sub-section (3), apply in the prescribed manner to the Inspector of Factories who, after giving both parties an opportunity of being heard, may reject the application, or direct the employer to pay to the woman the remaining portion of the maternity benefit, as he deems fit. An appeal from the decision of the Inspector of Factories shall, within thirty days thereof, lie in the prescribed manner to the Labour Commissioner whose decision shall be final.

9. (1) If a woman entitled to maternity benefit under this Act dies on the day of her delivery or during the period thereafter in respect of which she is entitled to the maternity benefit, the liability of the employer under section 4 shall not, by reason of her death, be discharged, and he shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and, if the child does not survive her, the person nominated by her under sub-section (1) of section 8 or, if she has made no such nomination, to her next-of-kin as determined by the employer whose decision shall be final.

(2) If a woman dies during the period in respect of which she is entitled to maternity benefit but before giving birth to a child, the employer shall be liable only for the payment of half the amount of maternity benefit due under section 5. Any amount due at the death of the woman shall be paid to the person nominated by her under sub-section (1) of section 8, or, if she has made no such nomination, to her next-of-kin as may be determined by the employer whose decision shall be final.

10. (2)(a) No notice of dismissal given without sufficient cause by an employer to a woman within a period of six months before her delivery shall have the effect of depriving her of any maternity benefit to which, but for such notice, she may have become entitled under this Act.

11. If a woman-

- (a) after she has been permitted by her employer under sub-section (2) of section 8 to absent herself from work in a factory or plantation, does any work, other than that provided for under section 7, before the date of her delivery, or
- (b) works in a factory or plantation or elsewhere during the 6 weeks immediately following the day of her delivery.

she shall be liable, on conviction, to a fine not exceeding twenty-five (25) taka.

12. (1) If any employer contravenes any provision of this Act, he shall, on conviction, be liable to a fine which may extend to five hundred taka.

## 5. PUBLIC SAFETY AND DANGEROUS SUBSTANCES

### 5.1 Public Safety Laws

#### THE EXPLOSIVES ACT, 1884 (Act No. IV of 1884)

*An Act to regulate the manufacture, possession, use, sale, transport and importation of Explosives.*

4. In this Act, unless there is something repugnant in the subject or context, -

(1) "explosive"

(a) means gunpowder, nitre-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, colored fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined :

(2) "manufacture" includes the process of dividing into its component parts, or otherwise breaking up or unmasking, any explosive, or making fit for use any damaged explosive, and the process of re-making, altering or repairing any explosive:

(4) "carriage" includes any carriage, wage, cart, truck, vehicle or other means of conveying goods, or passengers by land, in whatever manner the same may be propelled.

6. (1) Notwithstanding anything in the rules under the last foregoing section, the Government may, from time to time by notification in the official Gazette,-

(a) prohibit, either absolutely or subject to conditions, the manufacture, possession, use, sale, transportation or importation of any explosive which is of so dangerous a character that, in the opinion of the Government it is expedient for the public safety to issue the notification.

(2) The officers of customs at every port or border check-post shall have the same power in respect of any explosive with regard to the importation of which a notification has been issued under this section and the vessel or

carriage containing the explosive as they have for the time being in respect of any article the importation of which is prohibited or regulated by the law relating to customs and the vessel or carriage containing the same; and the enactments for the time being in force relating to customs or any such article or vessel or carriage shall apply accordingly.

(3) Any person manufacturing, possessing, using, selling, transporting or importing an explosive in contravention of a notification issued under this section shall be punishable with imprisonment for a term which may extend to ten years and shall not be less than two years and also with a fine which may extend to fifty thousand taka, in default of which with a further imprisonment for a term which may extend to one year, and in the case of importation by water or land, the owner and master of the vessel or carriage in which the explosive is imported shall, in the absence of reasonable excuse, each be punished with imprisonment for a term which may extend to ten years and shall not be less than two years and also with a fine which may extend to fifty thousand taka, in default of which with a further imprisonment for a term which may extend to one year.

8. (1) Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any carriage or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident any explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the vessel, or the person in charge of the carriage, as the case may be, shall within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the Chief Inspector of Explosives in Bangladesh and to the officer in charge of the nearest police-station.

(2) Whoever in contravention of sub-section (1) fails to give notice of any accident shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to five thousand taka, in default of which with a further imprisonment for a term which may extend to one month, and, if the accident is attended by loss of human life, with imprisonment for a term which may extend to one year and also with a fine which may extend to ten thousand taka, in default of which with a further imprisonment which may extend to two months.

12. Whoever abets, within the meaning of the Penal Code, the commission of an offence punishable under this Act, or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

16. Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules:

Provided that a person shall not be punished twice for the same offence.

## **THE EXPLOSIVE SUBSTANCES ACT, 1908** (Act No. VI of 1908)

*An Act further to amend the law relating to explosive substances.*

2. In this Act the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement.

**3. Punishment for causing explosion likely to endanger life, person or property.**-Any person who unlawfully or maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to person or property shall, whether any injury to person or property has been actually caused or not, be punishable with death, or with imprisonment for life, to which fine may be added, or with imprisonment for a term which may extend to ten years and shall not be less than five years, to which fine may be added.

**3A. Punishment for causing explosion with intent to commit offence.**-Any person who causes by any explosion substance an explosion with intent to commit or, to enable any other person to commit, an offence punishable under any law for the time being in force shall, whether any offence has been actually committed or not, be punishable with imprisonment for a term which may extend to seven years and shall not be less than three years, to which fine may be added.

4. Any person who unlawfully or maliciously-

- (a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosive in Bangladesh of a nature likely to endanger life or to cause serious injury to person or property; or

- (b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to person or property in Bangladesh, or to enable any other person by means thereof to endanger life or cause serious injury to person or property in Bangladesh;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with imprisonment for a term which may extend to twenty years and shall not be less than three years, to which fine may be added.

**5. Punishment for exploding, making or possessing explosives under suspicious circumstances.**-Any person who explodes or makes or knowingly has in his possession or under his control any explosive substances, under such circumstances as to give rise to a reasonable suspicion that he has exploded it for committing an offence or is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he exploded it or made it or had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to fourteen years and shall not be less than two years, to which fine may be added;

6. Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procurers, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

## **THE WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1913 (Act No. V of 1913)**

*An Act to prohibit the importation, manufacture and sale of matches made with white phosphorus.*

2. In this Act, "white phosphorus" means the substance commonly known as white or yellow phosphorus.

4. (1) No person shall use white phosphorus in the manufacture of matches.

(2) Any person who uses, or permits the use by any person under his control, of white phosphorus in the manufacture of matches, shall be punishable with fine which may extend to two hundred taka.

5. (1) Every person who manufactures matches shall allow an Inspector of Factories appointed under the Factories Act, 1965, at any time to take for analysis sufficient samples of any material in use or mixed for use, in such manufacture;

Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part.

(2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred taka.

6. (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus.

(2) Any person who contravenes the provisions of sub-section (1) may, on complaint to a Sub-divisional Magistrate or Magistrate of the first class, be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Magistrate may direct.

## **THE POISONS ACT, 1919** (Act No. XII of 1919)

*An Act to consolidate and amend the law regulating the importation, possession and sale of poisons.*

2. (1) The Government may by rule regulate within the whole or any part of Bangladesh the possession for sale and the sale, whether wholesale or retail, of any specified poison.

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

- (a) the grant of licences to possess any specified poison for sale, wholesale or retail, and the fixing of the fee (if any) to be charged for such licences;
- (b) the classes of persons to whom alone such licences may be granted;
- (c) the classes of persons to whom alone any such poison may be sold;
- (d) the maximum quantity of any such poison which may be sold to any one person;
- (e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same;
- (f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale; and

- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

3. The Government may, by notification in the official Gazette, prohibit, except under and in accordance with the conditions of a licence, the importation into Bangladesh across any customs frontier defined by the Government of any specified poison, and may by rule regulate the grant of licences.

4. (1) The Government may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restriction on the possession thereof desirable.

(2) In making any rule under sub-section (1), the Government may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extended to one thousand Taka, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

6. (1) Whoever-

- (a) commits a breach of any rule made under section 2; or
- (b) imports without a licence into Bangladesh across a customs frontier defined by the Government any poison the importation of which is for the time being restricted under section 3; or
- (c) breaks any condition of a license for the importation of any poison granted to him under section 3;

shall be punishable,-

- (i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred Taka, or with both; and
- (ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. (1) The District Magistrate, the Sub-divisional Magistrate and in a Metropolitan Area, the Police Commissioner, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any



poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure, 1889, relating to search warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

## **THE PUBLIC SAFETY ORDINANCE, 1953** **(Ordinance No.LXXVIII of 1953)**

*An Ordinance to provide for special measures for ensuring public safety and the maintenance of public order, the suppression of prejudicial acts endangering communal harmony or the safety or stability, and for maintaining supplies and services essential to the life of the community.*

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

- (2) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by the Government;
- (4) "prejudicial act" means any act which is intended or is likely-
  - (a) to endanger communal harmony, public safety or the maintenance of public order;
  - (b) to organize, further or help the illegal acquisition possession or use of-
    - (i) arms, ammunition or military stores as defined in the Arms Act, 1878;
    - (ii) explosive substances as defined in the Explosive Substances Act, 1908;
    - (iii) corrosive substances or liquids;
    - (j) to impede, delay, restrict or interfere with the means of transport or locomotion, or any work necessary for the supply or distribution of any essential commodity, or the maintenance of supplies and services essential for the community;
    - (m) to encourage or incite any person or class of persons or the public generally to refuse or defer payment of any land-revenue, rent, tax, rate or cess or other dues or amount payable to Government, any local authority or person, or

payable under any law or custom having the force of law for any services rendered to the community;

- (o) to stock or store anything in excess of the maximum quantity of that thing allowed to be held in stock or storage at any one time by any person by or under any law for the time being in force;
- (p) to cause the selling or buying of anything at a price greater than the maximum price fixed by or under any law for the time being in force;

5. If any person to whom any provision of this Ordinance relates or to whom any order made in pursuance of any such provisions is addressed or relates or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made-

- (a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation possession or control, to comply, or to secure compliance with such provision or order, or
- (b) evades, or attempts to evade, by any means such provision or order

he shall be deemed to have contravened such provision or order, and in this Ordinance the expression "contravention" with its grammatical variations includes any such failure, evasion or attempt to evade.

6. (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to-

- (a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purpose of Government of any local authority;
- (b) any railway (as defined in the Railways Act, 1890), aerial ropeway (as defined in the Bengal Aerial Ropeways Act, 1923), road, canal, bridge, culvert, causeway, port, dockyard, light-house, aerodrome, or telegraph line or post (as defined in the Telegraph Act, 1885);
- (c) any rolling stock of any railway or any vessel or aircraft;
- (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine, or factory; or
- (e) any place or area prohibited or protected under this Ordinance or any other law for the time being in force.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of any person to do anything which he is under a duty, either to the Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person contravenes any of the provisions of this Section, he shall be punishable with imprisonment for a term which may extend to seven years or with fine, or with both.

7. (1) No person shall, without lawful excuse, -

- (a) do any prejudicial act; or
- (b) make, print, publish, possess or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or
- (c) make, print, produce, publish, possess or distribute any publication containing, or communicate to any person by any means whatsoever, any confidential information.

(3) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

20. (1) The Government may, for the purpose of securing the public safety or the maintenance of public order, by general or special order, prohibit, restrict, regulate or impose condition on-

- (i) the use or operation in any street, square, public place or other open space of any apparatus for amplifying the human voice, or any reproduction of the human voice such as a megaphone or an electrically operated loud-speaker; and
- (ii) the use, operation or driving in any street, square, public place or other open space of any vehicle which carries or has attached to it any apparatus referred to in clause (i).

(2) Any police officer may take such steps and use such force as may be reasonable necessary for securing compliance with any order made under this section and may seize any apparatus or vehicle in respect of which any contravention of any order, has, in the opinion of such officer, occurred:

34. (1) If in the opinion of the Government it is necessary or expedient so to do for securing the public safety, the maintenance of public order or for maintaining supplies and services essential to the life of the community, it may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning.

Provided that no property used for the purpose of religious worship shall be requisitioned under this section.

(3) Whenever in pursuance of sub-section (1), the Government requisitions any movable property, the owner thereof shall be paid such compensation as the Government may determine:

Provided that where the owner of such property, being aggrieved by the amount of compensation so determined makes an application for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as an arbitrator appointed in this behalf by the Government may determine...

## 5.2 Carriage of Dangerous Cargo

### THE DANGEROUS CARGOES ACT, 1953

(Act No. V of 1953)

*An Act to make further provision for the safety of ports in respect of the transit, working and storage of dangerous cargoes and matters incidental thereto.*

2. In this Act, -

- (1) "dangerous cargoes" means any cargoes containing-
  - (a) any goods shown as explosives in the Comprehensive Classified List of Government Explosives compiled and issued by the Explosive Stowage and Transport Committee which has been accepted and approved by the Government or any ammunition; or
  - (b) petroleum, as defined in clause (a) of section 2 of the Petroleum Act, 1934, when the flashing point of such petroleum is below on hundred and fifty degrees Fahrenheit;
  - (c) prohibited dangerous goods, that is to say, goods classified as dangerous in the Government Stowage Instructions as revised from time to time by the Board of Trade or the Ministry of Transport in the United Kingdom and accepted, modified or supplemented by the Government; or
  - (d) any cargoes which are liable to fire or explosion and which are declared by the Central Government by notification in the official Gazette to be dangerous cargoes for the purposes of this Act.

3. The Government may make such orders as appear to it to be necessary or expedient for securing the safety of any port and preventing or dealing with explosions and fires on vessels carrying dangerous cargoes within the limits of any port, and generally for the transit working and storage of dangerous cargo and matters incidental thereto.

5. The existence of an emergency or apprehended emergency due to fire or explosion shall be declared by the Fortress Commander on the advice of the Chief of Naval Staff.

6. Without prejudice to any other powers which may be conferred on him under this Act, the Chief of Naval Staff may-

- (a) issue orders requiring measures to be taken for the safety of vessels in a port and against or in respect of fire;
- (b) issue orders to the owner or master of any vessel in port requiring him,-
  - (i) to take such steps as may be mentioned in the order for the detection and combating of fire;
  - (ii) to do, or to refrain from doing, such things as may be mentioned in the order in order to secure the safety of the vessel or prevent it from endangering other vessels or property;
  - (iii) to scuttle or beach the vessel in such position as may be specified in the order if the vessel is on fire or has suffered damage by fire or otherwise and constitutes, in the opinion of the Chief of Naval Staff, a danger to other vessels or obstructs the proper working of the port;
- (c) issue orders requiring any work to be done on any land, or anything to be placed in, on or over any land, within the limits of a port, and such work may include the demolition or the rendering useless of anything placed in, or over such land and the removal from such land of anything so demolished or rendered useless.

8. Without prejudice to any powers conferred upon him under this Act or by or under any law for the time being in force the Deputy Conservator of a port shall have power to order the master of any vessel in port other than a tanker-

- (a) to place at his disposal such proportion, not exceeding three quarters, of the crew of the vessel as the Deputy Conservator requires for the outbreak pose of preventing or extinguishing an outbreak of fire in the port;
- (b) to take such steps as he may direct to extinguish any fire in his vessel.

In this section "Deputy Conservator" means the person who is for the time being discharging the duties of Deputy Conservator of the port.

9. (1) Any contravention of or attempt to contravenes, and any abetment of or attempt to abet the contravention of any provisions of this Act, or the rules made thereunder or any order under this Act or the rules shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand taka or with both.

## 6. DISPLACEMENT, RELIEF AND REHABILITATION

### THE BENGAL RURAL POOR AND UNEMPLOYED RELIEF ACT, 1939 (Bengal Act X of 1939)

*An Act to provide for the relief of the rural poor and unemployed.*

3. (1) In every union there shall be a Poor Fund (hereinafter referred to as the Fund), to which shall be paid all sums received as voluntary contributions and all other receipts referred to in section 13.

(2) For the purpose of collecting such contributions and in addition to such other methods of collection as may be determined by the committee referred to in section 4, Poor Boxes shall, in the manner determined by the committee, be placed in the office of the union board and in such other places in the union as the committee may determine.

6. (1) Every committee shall prepare and maintain a poor and an unemployed list (hereinafter referred to as the List) in which shall be entered-

- (a) the names of all persons (other than dependants) within the union who are not assessed to union rate; and
- (b) the names of all wage-earners (other than dependants) who have been unemployed for a period exceeding one month and have no means of subsistence other than their wages.

7. During periods of distress and scarcity, and at such periods of the year as may be decided by the committee, each chaukidar shall, within the area of his jurisdiction, visit daily the houses of all persons named in the List, and if he finds that any such person or any dependent of any such person has been without food for a period of more than twenty-four hours, he shall immediately report the fact to the ... committee as may be authorised by the committee to receive such reports.

8. (1) On receipt of a report submitted under section 7 or by any other reliable person ... shall grant relief from the Fund to each person whose name has been so reported.

**THE DISPLACED PERSONS (COMPENSATION AND  
REHABILITATION) ACT, 1958**  
(Act No. XXVIII of 1958)

*An Act to provide for the payment of compensation to certain displaced persons and the rehabilitation of others, and for matters incidental thereto or connected therewith.*

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

(3) "displaced person" means any person who, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances in any area now forming part of or occupied by India, has, on or after the first day of March, 1947, left, or been displaced from, his place of residence in such area and has subsequently become a citizen of Bangladesh, or is residing therein, and includes any person who, being a resident of any territory outside India, is for that reason unable to manage, supervise or control any property belonging to him in India or in any area occupied by India, and also includes the successors-in-interest of any such person;

(5) "local" means a citizen of Bangladesh other than a displaced person;

4. (1) For the purpose of payment of compensation to claimants in respect of immovable property other than agricultural land, a compensation pool consisting of the following shall ... be constituted...

(2) Immovable evacuee property attached to any charitable, religious or educational trust or institution, and such other evacuee property as may be specified in this behalf by the Government by notification in the official Gazette, shall not form part of the compensation pool constituted under sub-section (1).

6. (1) For the purposes of rehabilitation of displaced persons other than claimants, a rehabilitation pool consisting of such contribution, ... as may be prescribed, from the compensation pool, shall be constituted.

(2) The rehabilitation pool constituted under sub-section (1) shall be utilised in such manner as may be prescribed.

10. (1) Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner or any other officer authorised in writing in this behalf by him may transfer or dispose of any property out of the compensation pool on evaluation basis, or by sale by means of auction or otherwise, in accordance with the provisions of the Schedule.

(2) Notwithstanding anything contained in sub-section (1), the Government may order the transfer in public interest of any property out of the compensation pool in such manner as it may deem proper.

11.(1) The Chief Settlement Commissioner shall, from time to time, by notification in the official Gazette, invite applications for the payment of compensation under this Act from such claimants as may be specified in the notification.

12.(1) On receipt of an application under section 11, the authority concerned shall, after making enquiry in the prescribed manner,-

- (a) determine the amount of public dues, if any, of the nature described in sub-clause (a) of clause (10) of section 2 and of the nature described in the other sub-clauses thereof, recoverable from the applicant; and
- (b) ascertain the amount of compensation to which the applicant is entitled, separately under the compensation pool and the rent pool, having due regard to the prescribed scales of compensation, the nature and value of his verified claim and other circumstances of the case.

(2) The authority concerned shall then determine the net amount payable to the applicant from the compensation pool and from the rent pool after deducting the public dues recoverable from him and such settlement fees as may be prescribed and shall issue certificates to the applicant to that effect in the prescribed form.

15.(1) A claimant, other than a claimant convicted under section 14 of the Registration of Claims (Displaced Persons) Act, 1956, shall be entitled to receive payment out of the compensation and rent pools to the extent of the amounts shown in the certificates issued to him under sub-section (2) of section 12, subject to such Scale of compensation, if any, as may be prescribed from time to time.

16.(1) Subject to the provisions of this Act and the rules made thereunder, the Government may, by order in writing, require the Chief Settlement Commissioner or any in this behalf to prepare, in anticipation of the settlement of claims, one or more schemes-

- (a) for the grant of interim compensation to widows, orphans or old or infirm persons against verified claims in accordance with the prescribed scale;
- (b) for the transfer of immovable property on evaluation basis or otherwise to claimants, non-claimants or locals in accordance with the provisions of the Schedule; or
- (c) for the making of deferred payments, in accordance with the provisions of the Schedule, by persons to whom property is transferred under this Act.

16A. (1) Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner shall prepare one or more schemes for the administration, maintenance, management and disposal of property included in the trust pool.



## **THE DISPLACED PERSONS (LAND SETTLEMENT) ACT, 1958**

**(Act No. XLVII of 1958)**

*An Act to provide for the permanent settlement of displaced persons on land and for matters incidental there to or connected there with.*

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

- (1) "allotment" means an allotment of agricultural land made to a displaced person under this Act or under any scheme, in lieu of any claim registered and verified;
- (3) "Land" means evacuee property consisting of land held for agricultural purposes or for purposes subservient to agriculture or for pasture, including gardens, unsurveyed land and trees or buildings and other structures standing thereon and includes all rights of evacuees in such land ....;
- (9) "Settlement" means conferment on a displaced person of any permanent right in, or title to, any land under this Act, whether such right of title be proprietary, occupancy, tenancy or of any other kind.

5.(1) For the purpose of granting compensation to displaced persons whose claims have verified, one or more compensation pools ... be constituted ....

14.(1) Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner, or any other officer specially empowered by the Government in this behalf, shall prepare one or more schemes for allotment to displaced persons against their verified claims of land in the Compensation Pools constituted under section 5.

15.(1) A Settlement Authority specially empowered by the Chief Settlement Commissioner in this behalf, shall, in respect of such verified claims against which no allotment has been made before the commencement of this Act, proceed to make an allotment to the displaced person concerned in accordance with any of the schemes executed under section 14.

(2) Subject to the provisions of sub-section (1) of section 11, an allotment to a displaced person under sub-section (1) shall be made on the basis of his entitlement as determined under this Act or the rules made thereunder.

16. Notwithstanding anything contained in any other law for the time being in force, the land on which a displaced person is permanently settled under this Act shall vest absolutely in such person.

## 7. LAND USE, ADMINISTRATION AND MANAGEMENT

### 7.1 Ownership and Categories

#### 7.1.1 Private Ownership and Titles

##### 7.1.1.1

### BANGLADESH LAND HOLDING LIMITATION ORDER, 1972 (P. O No. 98 of 1972)

*An Order to provide for the reduction of maximum quantity of land that may be held by a family or a body in Bangladesh and for matters ancillary thereto.*

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

- (a) "body" means body of individuals, whether incorporated or not, and includes any company, firm, society, association, organization or authority, by whatever name called;
- (b) "family" in relation to a person includes such person and his wife, son, unmarried daughter, son's son and son's unmarried daughter :

Provided further that in the cases of lands held under wakf, wakf-al-al-aulad, debutter or any other trust where the beneficiaries have no right to alienate such lands as their personal property, all such beneficiaries together shall be deemed to constitute a separate family in relation to such land;

- (e) "land" includes land covered with water at any time of the year, benefits arising about of land and things attached to the earth or permanently fastened to anything attached to the earth;

3. Notwithstanding anything to the contrary in any other law for the time being in force,-

- (a) no family or body shall be entitled to retain any land held by it in excess of one hundred standard bighas in the aggregate and all lands held by it in excess of that quantity shall be surrendered to the Government; and
- (b) no family or body shall be entitled to acquire any land by purchase, inheritance, gift, *heba* or otherwise which, added to the land already held by it exceeds one hundred standard bighas in the aggregate:

Provided that the limitation imposed by clause (a) shall not apply to any land held under wakf, debutter or any other religious or charitable trust, if the

income from such land is exclusively dedicated to religious or charitable purposes without reservation of any pecuniary benefit for any individual:

Provided further that if the income from any such land is partly dedicated to religious or charitable purposes and partly reserved for the pecuniary benefit of any individual, only such portion of the land to be selected in the prescribed manner, shall be exempted from such limitation, as would yield the income exclusively dedicated to religious or charitable purposes.

4. The Government may relax the limitations imposed by article 3, to such conditions as it thinks fit, in the following cases, namely: -

- (a) a co-operative society of farmers where the members thereof surrender their ownership in the lands unconditionally to the society and cultivate the lands themselves;
- (b) land used for cultivation of tea, rubber or coffee or covered by orchards;
- (c) an industrial concern where such realization is considered necessary in the public interest.

#### 7.1.1.2

### **TRANSFER OF PROPERTY ACT, 1882**

**(Act No. IV of 1882)**

*An Act to amend the law relating to the Transfer of Property by Act of Parties.*

5. In the following sections "transfer of property" means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself and one or more other living persons; and "to transfer property" is to perform such act.

In this section "living person" includes a company or association or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals.

6. Property of any kind may be transferred, except as otherwise provided by this Act or by any other law for the time being in force.

54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.

58. (a) A mortgage is the transfer of an interest in specific immovable property for the purpose of securing the payment of money advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

(b) Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.

(c) Where the mortgagor ostensibly sells the mortgaged property-

on condition that on default of payment of the mortgage-money on a certain date sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale ...:

105. A lease of immoveable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

118. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange".

122. Gift is the transfer of certain existing moveable and immoveable property made voluntary and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.

Such acceptance must be made during the lifetime of the donor and while he is still capable of giving.

If the donee dies before acceptance, the gift is void.

**STATE ACQUISITION AND TENANCY ACT, 1950**  
(Act No. XXVIII of 1950)

*An Act to provide for the acquisition by the State of the interests of rent-receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the State after such acquisition and other matters connected therewith.*

3. (1) At any time after the commencement of this Act, it shall be lawful for the Government to acquire, by notification in the Official Gazette, with effect from such date as may be specified in the notification ..., -

- (i) all interests of such of the rent-receivers as may be specified in the notification, in their respective estates, *taluks*, tenures, holding or tenancies, as the case may be, in any district, part of a district or local area.

20. (1) On the acquisition of the interests of rent receivers in any area under Chapter V, no rent-receiver, cultivating *raiyyat*, cultivating under-*raiyyat* or non-agricultural tenant shall be entitled to retain possession of any of his *Khas* lands in such area except as provided in sub-section (2).

(2) A rent-receiver, a cultivating *raiyyat*, a cultivating under-*raiyyat*, or non-agricultural tenant shall be entitled to retain, as a tenant under the Government, possession of-

- (a) lands covered by his homestead or any other building belonging to him with necessary adjuncts thereto, other than such building or part of a building outside his homestead as is used primarily as office or *cutchery* for the collection of rents of any estate, *taluk* or tenure and may be decided to be acquired by the Government;
- (b) lands in his *khas* possession of the following classes, namely:-
  - (i) lands used for agricultural or horticultural purposes including tanks,
  - (ii) lands which are cultivable or which are capable of cultivation on reclamation, and
  - (iii) vacant non-agricultural lands.

(4) Notwithstanding anything contained in sub-section (2), a rent-receiver, a cultivating *raiyyat* or a cultivating under-*raiyyat* or a group of rent-receivers, cultivating *raiyyats* or cultivating under-*raiyyats* who has or have undertaken large scale farming on a co-operative basis or otherwise by the use of power driven mechanical appliances, or large scale dairy farming may, if he is or they are certified in that behalf by the prescribed Revenue Authority, retain possession of and hold such quantity of lands in excess of the limit specified in

the said sub-section as may be specified in the certificate granted by such Revenue Authority:

4A. Notwithstanding anything contained in sub-section (2), a person or persons holding land for the purposes of the cultivation and manufacture of tea or coffee or the cultivation of rubber or a company holding land for the cultivation of sugarcane for the purpose of manufacture of sugar by that company may, if he or it is or they are certified in that behalf by the prescribed Revenue Authority, retain possession of and hold such quantity of land in excess of the limit specified in the said sub-section as may be specified in the certificate granted by such Revenue Authority:

86. (1) If the lands of a holding or a portion of such lands are lost by diluvion, the rent or the land development tax of holding shall, on application or intimation made by the tenant in the prescribed form to the Revenue-officer, be abated by such amount as may be considered by the Revenue-officer to be fair and equitable in accordance with the rules made in this behalf by the Government and the act of such loss by diluvion shall be recorded in accordance with such rules, which shall be treated as proof of title to the lands when the same re-appear *in situ*.

(2) Notwithstanding anything contained in any other law for the time being in force, the right, title and interest of the original tenant or his successors-in-interest shall subsist in the lands of a holding or portion thereof during the period of loss by diluvion if such lands re-appear *in situ* within thirty years of their loss.

(3) Notwithstanding the right, title and interest under sub-section (2), the right to immediate possession of the lands re-appeared shall first be exercised by the Collector, either on his own motion or on an intimation made in writing by the tenant or his successors-in-interest whose land was so lost or by any other person.

(6) The land allotted under sub-section (5) shall be free of salami but shall be subject to the condition that the tenant or his successors-in-interest shall be liable to pay such fair and equitable rent and land development tax as may be determined by the Revenue Officer.

(7) The provision of this section shall not apply to cases of re-appearance of land caused or accelerated by any artificial or mechanical process as a result of development works undertaken by the Government or any authority empowered or authorised by or under any law to undertake such development works.

87. (1) Notwithstanding anything contained in any other law for the time being in force, when any land has been gained by gradual accession, whether from the recess of a river or of the sea, it shall, subject to the provisions of sub-

section (2), be considered an increment to the holding of the *raiyat* to whose land it is thus annexed; and such *raiyat* shall be entitled to hold such land subject to the payment of such fair and equitable rent as may be determined for such land by the Revenue-officer.

(2) If, when the whole or any part of the land which has been gained by such gradual accession is added to the total area of land including non-agricultural land, if any, held at the time by the *raiyat* to whose land it is so annexed, the aggregate of the areas of land held by him exceeds the limit laid down in section 90, then such excess shall not be considered as an increment to the holding of such *raiyat* but shall be at the disposal of the Government:

97. (1) The Government may from time to time, by notification, declare that the provisions of this section shall, in any district or local area, apply to such of the following aboriginal castes or tribes as may be specified in the notification, and that such castes or tribes shall be deemed to be aboriginals for the purposes of this section, and the publication of such notification shall be conclusive evidence that the provisions of this section have been duly applied to such castes or tribes, namely:-

Santals, Bhuiyas, Bhumijes, Dalus, Garos, Gonds, Hadis, Hajangs, Hos, Kharias, Kharwars, Kochs (Dhaka Division), Koras, Maghs (Bakarganj District), Mal and Sauria Paharias, Maches, Mundas, Mundais, Oraons and Turis.

(2) Except as provided in this section, no transfer by an aboriginal *raiyat* of his right in his holding or in any portion thereof shall be valid unless it is made to another aboriginal domiciled or permanently residing in Bangladesh who is a person to whom the transfer of such holding or portion thereof can be made under section 90.

(3) If in any case an aboriginal *raiyat* desires to transfer holding or any portion thereof by private sale, gift or will to any person who is not such an aboriginal, he may apply to the Revenue-officer for permission in that behalf, and the Revenue-officer may pass such order on the application as he thinks fit.

(4) Every transfer referred to in sub-section (3) shall be made by registered deed; and before the deed is registered and the holding or any portion thereof is transferred, the written consent of the Revenue-officer shall be obtained to the terms of the deed and to the transfer.

(5) An aboriginal *raiyat's* power to mortgage his land shall be restricted to only one form of mortgage, namely, a complete *usufructuary*.

(6) An aboriginal *raiyat* may enter with another aboriginal, domiciled or permanently residing in Bangladesh, who is a person with whom a complete *usufructuary* mortgage can be entered into under sub-section (1) of section 95, into a complete *usufructuary* mortgage in respect of any land comprised within

his holding for any period which does not and cannot, in any possible event, by any agreement express or implied, exceed seven years:

Provided that every mortgage so entered into shall be registered under the Registration Act, 1908.

(7) Any transfer made by an aboriginal *raiyat* in contravention of the provisions of this section shall be void.

(8) (a) If a transfer of a holding or any portion thereof is made by an aboriginal *raiyat* in contravention of the provisions of this section, the Revenue-officer may, on his own initiative or on application made in that behalf, by an order in writing, eject the transferee from such holding or portion:

Provided that the transferee shall be given an opportunity of showing cause against such ejection before the order is passed.

(b) When the Revenue-officer has passed any order under clause (a), he shall either (i) restore the transferred land to the aboriginal or his heir or legal representative or, (ii) failing the transferor or his heir or legal representative, declare that the land has vested in the Government and the Revenue-officer may settle the land with another aboriginal.

(9) Notwithstanding anything contained in any other law for the time being in force, no decree or order shall be passed by any Court for the sale of the right of any aboriginal *raiyat* in his holding or any portion thereof, nor shall any such right be sold in execution of any decree or order:

Provided that any holding belonging to an aboriginal may be sold, according to the provisions of this Act, in execution of a certificate for the recover of the arrears of rent of the holding.

(10) The Government may, by notification, declare that this section shall, in any district or local area, cease to apply to any caste or tribe to which in may have been applied under sub-section (1).

## **THE NON-AGRICULTURAL TENANCY ACT, 1949**

**(Act XXIII of 1949)**

*An Act to make better provision relating to the law of landlord and tenant in respect of certain non-agricultural tenancies.*

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

- (4) "Non-agricultural land" means land which is used for purposes not connected with agriculture or horticulture and includes any land which is held on lease for purposes not connected with agriculture



or horticulture irrespective of whether it is used for any such purposes or not, but does not include-

- (b) land which was originally leased for agricultural or horticultural purposes but is being used for purposes not connected with agriculture or horticulture without the consent either express or implied of the landlord, if the period for which such land has been so used is less than twelve years; and
  - (c) land which is held for purposes connected with the cultivation or manufacture of tea:
- (5) "Non-agricultural tenant" means a person who holds non-agricultural land under another person with the consent of that person and is, or but for a special contract would be liable to pay rent to such person for that land and also includes the successors-in-interest of the former but does not include any person who holds any such land on which any premises have been created, or are owned, by the person to whom such occupier is, or but for a special contract would be, liable to pay rent for such occupation.

**Explanation.**-In this clause "premises" means any building such as a house, manufactory, warehouse, stable, shop or hut whether constructed of masonry, bricks, concrete, wood, mud, metal or any other material whatsoever and includes any land appertaining to such building.

3. (1) There shall be, for the purposes of this Act, the following classes of non-agricultural tenants, namely: -

- (a) tenants; and
- (b) under-tenants.

(2) "Tenant" means a person who has acquired from a proprietor or a tenure-holder a right to hold non-agricultural land for any of the purposes provided in this Act, and includes also the successors-in-interest of persons who have acquired such a right.

(3) "Under-tenant" means a person who has acquired a right to hold non-agricultural land for any of the purposes provided in this Act either immediately or mediately under a tenant and include also the successors-in-interest of persons who have acquired such a right.

4. A non-agricultural tenant may hold non-agricultural land for-

- (a) homestead or residential purposes;
- (b) manufacturing or business purposes; or
- (c) religious or other purposes.

5. A non-agricultural tenant shall be deemed to hold any non-agricultural land-

- (a) for homestead or residential purposes if such tenant is entitled, under the terms of any agreement between himself and the landlord to use or is actually using such land for homestead or residential purposes;
- (b) for manufacturing or business purposes if such tenant is entitled, under the terms of any agreement between himself and landlord, to use or is actually using such land for carrying on therein any commercial or industrial enterprise or any trade or business; and
- (c) for religious or other purposes if such tenant is entitled, under the terms of any agreement between himself and landlord, to use or is actually using such land for a religious purpose or for any purpose not connected with agriculture or horticulture other than-
  - (i) the purposes specified in clauses (a) and (b), and
  - (ii) the exercise of any forest-rights or rights over fisheries or rights to minerals in such land.

6. (1) A tenant holding non-agricultural land may use such land in any manner which is not inconsistent with any of the purposes for which non-agricultural land may be held under this Act and which does not materially impair the value of such land.

(2) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 7 or section 8 apply shall be entitled-

- (a) to erect any structure including any pucca structure;
- (b) to erect a mosque, a temple or any other place of worship;
- (c) to dig any tank; and
- (d) to plant, enjoy the flowers, fruits and other products of, and fell and utilize or dispose of the timber of, any tree on such land.

(3) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 9 apply shall be entitled-

- (a) to erect any structure other than a pucca structure;
- (b) to plant, and enjoy the flowers, fruits and other products of, any tree, and
- (c) to fell, and utilize or dispose of the timber of any tree planted by him on such land.

72. (1) A tenant holding any land not being non-agricultural land which is situated within any area to which this Act extends or his landlord, may apply to

the Collector for the conversion of such land into a tenancy to which the provisions of this Act apply and, on receipt of such application, the Collector shall, by order in writing, direct such conversion subject to payment of such rent not exceeding twice the rent for the time being payable for such land, as the Collector may fix:

Provided that no landlord shall be entitled to apply under this sub-section except in the case where such land is being used by the tenant by whom it is held for any purpose not connected with agriculture or horticulture without the express or implied consent of the landlord.

### 7.1.1.3 Waste Land

## THE ACQUISITION OF WASTELAND ACT, 1950 (East Bengal Act XIX of 1950)

*An Act to provide for the acquisition for public purposes of waste land in Bangladesh.*

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

- (2) "waste land" means any land including marshy tracts, water courses, and jungle areas, which has not grown a crop for five consecutive years or more immediately preceding the date of publication of the notification under section 3 in respect of such land, but does not include-
  - (i) any land which has been acquired before such date or has been land held from before such date for industrial or building purposes or for the purposes of trade or business;
  - (ii) any land which as been held from before such date for purposes connected with the cultivation or manufacture of tea;
  - (iii) any land used for homestead purposes together with any garden appertaining to a homestead;
- (4) "public purpose" includes-
  - (a) the production of food; or
  - (b) the afforestation of land; or
  - (c) the carrying out of irrigation or drainage schemes; or
  - (d) the provision of sites for the setting up of model villages; or
  - (e) the reclamation of land for bringing it under cultivation; or

- (f) the settlement of land with any person or persons, in order to provide them with a means of livelihood or with holdings of an economic size or in order to enable such person or persons to carry on large scale farming on a co-operative basis or otherwise by the use of power- driven mechanical appliances.

3. (1) Whenever it appears to the Government that any waste land (hereinafter in this Act referred to as land) is needed or is likely to be needed for any public purpose, a notification to that effect shall be published in the Official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places on or near the land.

(2) Thereupon it shall be lawful for any officer either generally or specially authorized by the Government in this behalf, and for his servants and workmen, -

- (a) to enter upon and survey and take levels of the land;
- (b) to dig or bore into the sub-soil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;
- (d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches;
- (f) and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any fence or jungle.

### **THE CULTURABLE WASTE LAND (UTILIZATION) ORDINANCE, 1959 (E.P. Ordinance XIII of 1959)**

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

- (ii) "food crops" include vegetables and fruits;
- (iii) "culturable Waste land" means any land classified in the record-of-rights published under the Bengal Tenancy Act, 1885 or the East Bengal State Acquisition and Tenancy Act, 1950, as *nutan patit*, *puratan patit*, *layek patit*, *garlayek patit* or *layek jangal* and includes any land which, in the opinion of the Collector, has not been cultivated during the last two preceding years and no preparation for its cultivation has been made on the day of making a

declaration under section 3, but does not include land forming part of, or conterminous with, any homestead, farm-house or any place of worship.

3. The Collector may declare that the provisions of this Ordinance shall apply to any culturable waste land and on and from the day of making such declaration the possession of such culturable waste land shall vest in the Collector for a period not exceeding one year from the date of such declaration:

Provided that no such subsequent declaration for any year shall be made more than three months in advance or for a period of more than one year.

4. When the possession of any culturable waste land has vested in the Collector, he may lease it out on such terms and conditions as he thinks proper to any person or persons for purpose of cultivation for production of food crops for the period for which the possession has vested in the Collector.

5. No person shall be entitled to claim any compensation from the Collector on account of any declaration made under section 3 or for leasing out such culturable waste land to any other person by Collector under section 4.

7. (1) Where the owner wishes to cultivate himself the culturable waste land, in respect of which a declaration has been made under section 3, after the expiry of the period for which the possession has vested in the Collector, he may, not later than three months before the expiry of the period, serve a notice on the Collector to that effect accompanied by security deposit of Tk.50 per acre and in such case such land shall be released by the Collector at the end to the above mentioned period and the possession thereof shall vest back in the owner.

(2) When possession of any such land has vested back in the owner under subsection (1), the owner who, fails to cultivate such land and raise any food crop therein, his security deposit shall be forfeited and such land shall also be forfeited to the Government.

#### **7.1.1. 4 Land Reform**

### **THE LAND REFORMS ORDINANCE, 1984** (Ordinance No. X of 1984)

*An Ordinance to reform the law relating to land tenure, land holding and transfer with a view to maximizing production and ensuring a better relationship between land owners and bargadars.*

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

- (a) "bargadar" means a person who under the system generally known as *adhi*, *barga* or *bhag* cultivates the land of another person on condition of delivering a share of produce of such land to that person;
- (e) "homestead" means a dwelling house with out-houses, tanks and enclosures immediately connected with it covering an area of not more than one standard bigha:

Provided that where such area exceeds one standard bigha, the excess land shall not be deemed to homestead;

6. Any land used as a homestead by its owner in the rural area shall be exempted from all legal processes, including seizure, distress, attachment or sale by any officer, court or any other authority and the owner of such land shall not be divested or dispossessed of the land or evicted therefrom by any means:

8. (1) Subject to any other provisions of this Ordinance, no person shall allow another person to cultivate his land and no person shall cultivate the land of another person on condition of sharing the produce of such land between them unless they execute a contract for such cultivation in such form and manner as may be prescribed.

11. (1) No owner shall be entitled to terminate a barga contract except in execution of an order, made by the prescribed authority, on the ground that-

- (a) the bargadar has, without any reasonable cause, failed to cultivate the barga land;
- (b) the bargadar has, without any reasonable cause, failed to produce any crop equal to the average output of such crop in any land similar to the barga land in the locality;
- (c) the bargadar has used the barga land wholly or partly for any purpose other than agriculture;
- (d) the bargadar has contravened any provision of this Ordinance or the rules or orders made thereunder;
- (e) the bargadar has surrendered or voluntarily abandoned his right of cultivation;
- (f) the barga land is not under personal cultivation of the bargadar;
- (g) the owner requires the barga land *bona fide* for personal cultivation.

(2) If the owner, without reasonable cause, fails to bring under personal cultivation any land on termination of a barga contract under sub-section (1)(g) or allows such land to be cultivated by some other bargadars within twenty-

four months of the date of such termination, the prescribed authority may, on an application made by the evicted bargadar, restore the possession of the land to such bargadar who shall thereupon continue to cultivate the land till the expiry of the period of barga contract or termination of barga contract under this Ordinance.

12. (1) The produce of any barga land shall be divided in the following manner, namely:-

- (a) one-third shall be received by the owner of the land;
- (b) one-third shall be received by the bargadar for the labour;
- (c) one-third shall be received by the owner or the bargadar or by both in proportion to the cost of cultivation, other than the cost of labour, borne by them.

(4) If the owner refuses to accept the share of the produce tendered to him by the bargadar or to give a receipt thereof, the bargadar shall give intimation of such fact in writing to the prescribed authority.

(5) The prescribed authority shall, on receipt of such intimation, serve a notice upon the owner, in such form and manner as may be prescribed, asking him to take delivery of the produce within seven days from the date of service of the notice.

### **7.1.2 State Ownership and Khas**

**Note:** See the Constitution of the People's Republic of Bangladesh (Article. 143), State Acquisition and Tenancy Act, 1950 and the Alluvial Lands Act, 1920 (7.1.1.2), Acquisition of Waste Land Act, 1950 (7.1.1.3). Under these laws the resources belong to the State either on the basis of broader laws like the State Acquisition and Tenancy Act, 1950 or on application of a specific law like the Acquisition and Requisition of Immovable Ordinance, 1982 through which lands are brought under the title of the State from private ownership.

## 7.1.3 Properties Dedicated for Religious Purposes

### THE MUSSALMAN WAKF VALIDATING ACT, 1913

(Act No. VI of 1913)

*An Act to declare the rights of Mussalmans to make settlements of property by way of "wakf" in favour of their families, children and descendants.*

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

- (1) "Wakf" means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable.

3. It shall be lawful for any person professing the Mussalman faith to create a wakf which in all other respects is in accordance with the provisions of Mussalman law, for the following among other purposes: -

- (a) for the maintenance and support wholly or partially of his family, children or descendants; and
- (b) where the person creating a wakf is a hanafi Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated :

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognized by the Mussalman law as a religious, pious or charitable purpose of a permanent character.

4. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or charitable purpose of a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf.

5. Nothing in this Act shall affect any custom or usage whether local or prevalent among Mussalmans of any particular class or sect.

**Note:** See also the provisions of the different schools of Hindu laws providing for religious settlement of property in favour of the creator.



## 7.2 Land Use

### 7.2.1 Urban Sector

**Note:** The provisions having bearing on this sector have been stated in all the urban local government laws and other laws like Paurashava Ordinance, 1977 (14.2), the Building Construction Act, 1952 (15.2), the Chittagong Development Authority Ordinance, 1959, the Khulna Development Authority Ordinance, 1961 and the Rajshahi Development Authority Ordinance, 1976 (15.5).

### 7.2.2 Rural

#### **THE DEVELOPMENT ACT, 1935** **(Bengal Act XVI of 1935)**

*An Act to provide for the development of lands in Bangladesh and to impose a levy in respect of increased profits resulting from improvement works constructed by the Government.*

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

- (1) "agricultural lands" include lands used for the growing of vegetables and the like but does not include fruit gardens, orchards or home-stead lands;
- (4) "dead or decayed river" includes any river into which, or along any part of which, water has ceased to flow as freely as it would have flowed if it had not been diverted or obstructed whether owing to natural causes or as a result of interference by man, and includes also any depression which at one time formed part of a riverbed but through which there is no longer any perennial flow of water;
- (5) "improvement work" means any work of improvement constructed before the 26th day of March, 1971, by the Government or constructed or proposed to be constructed after that date by the Government which the Government has, by notification, declared to be an improvement work for the purposes of this Act.

3. Whenever, in the opinion of the Government, any improvement work has increased or is likely to increase the profits from the produce from any agricultural land, or to increase the outturn of such produce, within any area, the Government may, by notification, declare its intention to impose an improvement levy within that area.

29. Notwithstanding anything contained in the Irrigation Act, 1876, no person shall have a right to a supply of water under that Act in a notified area within any period prescribed in this behalf.

33. (1) The Government may, from time to time, publish by notification a list of rivers or depressions which it intends to declare to be dead or decayed rivers.

34. No person shall be entitled to claim any compensation under this or any other Act for any injury, damage or loss caused by a deal or decayed river which has been revived as a result of an improvement work, or by any other river into which it flows or spills, unless the injury, damage or loss is such as would have rendered the Government liable to pay compensation had the river not been revived.

**Explanation.**-A dead or decayed river is said to be revived when an increased volume of water is, by any means whatsoever, caused to flow freely into or along any part of such dead or decayed river.

35. Subject to the provisions of section 34, whenever-

- (a) any damage is caused as a result of the prohibition, removal or modification of an obstruction under section 31 or section 32; or
- (b) any land or right of property is injuriously affected by any improvement work in respect of which an improvement levy is imposed under this Act.

the person by whom any damage or loss is sustained shall not be entitled to claim any compensation for such damage or loss under any other Act, but such person may, not later than six months after the first occurrence of the injury in respect of which the claim is preferred, prefer to the Collector a claim for compensation.

## **7.3 Resources Acquired through Application of Law**

### **THE ACQUISITION AND REQUISITION OF IMMOVABLE PROPERTY ORDINANCE, 1982 (Ordinance No. II of 1982)**

*An Ordinance to consolidate and amend the law relating to acquisition and requisition of immovable property.*

**3. Publication of preliminary notice of acquisition of property.**-Whenever it appears to the Deputy Commissioner that any property in any locality is needed or is likely to be needed for any public purpose or in the public interest,

he shall cause a notice to be published at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired:

Provided that no property used by the public for the purpose of religious workshop, graveyard and cremation ground shall be acquired.

**4. Objection against acquisition.**-(1) Any person interested in any property which has been notified under section 3 as being needed or likely to be needed for a public purpose or in the interest of the public may, within fifteen days after the publication of the notice, object to the acquisition of the property.

**5. Final decision regarding acquisition.**-(1) The Government or, as the case may be, the Divisional Commissioner, after considering by the Deputy Commissioner under section 4(3), shall make a decision about the acquisition of the property and such decision of the Government or, as the case may be, the Divisional Commissioner shall be final.

(2) When the Government or, as the case may be, the Divisional Commissioner makes a decision for acquisition of the property under sub-section (1), such decision shall be conclusive evidence that the property is needed for a public purpose or in the public interest.

**7. Award of compensation by Deputy Commissioner.**-(1) On the date so fixed, or on any other date to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the statement, if any, which any person has made pursuant to any notice given under section 6 and into the value of the property at the date of the publication of the notice under section 3, and into the respective interests of the persons claiming the compensation and shall make an award of-

- (a) the compensation which, in his opinion, shall be allowed for the property;
- (b) the apportioned of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.

**8. Matters to be considered in determining compensation.**-(1) In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall take into consideration-

- (a) the market value of the property at the date of publication of the notice under section 3:

Provided that in determining such market value, the Deputy Commissioner shall take into consideration the average value, to be calculated

in the prescribed manner, of the properties of similar description and with similar advantages in the vicinity during the twelve months preceding the date of publication of the notice under section 3;

- (b) the damage that may be sustained by the person interested, by reason of the taking of any standing crops or trees which may be at the property of the time of taking possession thereof by the Deputy Commissioner;
- (c) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of severing such property from his other property;
- (d) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of the acquisition injuriously affecting his other properties, movable or immovable, in any other manner, or his earnings;
- (e) if, in consequence of the acquisition of the property, the person interested is likely to be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and
- (f) the damage that may be resulting from diminution of the profits of the property between the date of service of notice under section 6 and the date of taking possession of the property by the Deputy Commissioner.

(2) In addition to the market value of the property as provided in sub-section (1), the Deputy Commissioner shall in every case award a sum of fifty per centum on such market value in consideration of the compulsory nature of the acquisition.

**12. Abatement or revocation of acquisition proceedings.**-(1) Notwithstanding anything contained in this Ordinance, where in any case compensation has not been paid or deposited within a period of six months from the date of decision of the Government or, as the case may be, the Divisional Commissioner for acquisition of any property under section 5 for no fault of the person interested, all proceedings in respect of such acquisition shall, on the expiry of that period, stand abated and a decision by the Deputy Commissioner to that effect shall be published in the official Gazette.

**13. Acquisition of part of a house or building.**-The provisions of this Part shall not be applied for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building should be so acquired:

Provided further that, if any question arises as to whether any property proposed to be taken under this Part does or does not form part of a house, manufactory or building within the meaning of this section, the decision of the Deputy Commissioner shall be final.

**17. Use of acquired property.**-(1) No property acquired under this part shall, without the prior approval of the Government, be used for any purpose other than the purpose for which it is acquired.

(2) If any requiring person uses any acquired property in contravention of the provision of sub-section (1), or does not use it for the purpose for which it is acquired, he shall be liable to surrender the property to the Deputy Commissioner on being directed by him to do so.

**18. Requisition of property.**-(1) When any property is required temporarily for a public purpose or in the public interest, the Deputy Commissioner may, with the prior approval of the Government, by order in writing, requisition it:

Provided that no such approval shall be necessary in the case of emergency requirement of any property:

Provided further that, save in the case of emergency requirement for the purpose of maintenance of transport or communication system, no property which is *bona fide* used by the owner thereof as the residence of himself or his family or which is used either for religious worship by the public or as an educational institution or orphanage or as a hospital, public library, graveyard or cremation ground shall be requisitioned.

(3) Except with the prior approval of the Government, no property shall be kept under requisition for a period exceeding two years from the date of taking over possession of such property.

আদালত অন্তর্বর্তী নিষেধাজ্ঞা আদেশ আইন, ১৯৮৯  
(১৯৮৯ সনের ৩২ নং আইন)

আদালতের অন্তর্বর্তী নিষেধাজ্ঞা আদেশ প্রদানের ক্ষমতা সংহতকরণকল্পে প্রণীত আইন।

২। আদালতের অন্তর্বর্তী নিষেধাজ্ঞা আদেশ প্রদান ক্ষমতা সংহতকরণ।-(১) আপাততঃ বলবৎ অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, যেক্ষেত্রে কোন আদালতে বিচারাধীন কোন মামলায় বা অন্যবিধ কোন আইনগত কার্যধারায় সরকার বা কোন স্থানীয় কর্তৃপক্ষের বিরুদ্ধে বা সরকার বা কোন স্থানীয় কর্তৃপক্ষের কার্যাবলীর সহিত সংশ্লিষ্ট দায়িত্ব পালনরত কোন ব্যক্তির বিরুদ্ধে অস্থায়ী বা অন্তর্বর্তী নিষেধাজ্ঞা বা অন্য কোন প্রকার অন্তর্বর্তী আদেশ প্রার্থনা করা হইয়াছে এবং যেক্ষেত্রে অনুরূপ অন্তর্বর্তী আদেশ-

- (ক) কোন উন্নয়ন কর্মসূচী বাস্তবায়নের জন্য কোন ব্যবহার কিংবা কোন উন্নয়নমূলক কার্যের প্রতিকূলতা বা বাধা সৃষ্টি করিতে পারে; অথবা
- (কক) খাদ্য দ্রব্য পরিবহণ, সংরক্ষণ, সরবরাহ, ক্রয় বা বিক্রয় সংক্রান্ত কোন কার্যে প্রতিকূলতা বা বাধা সৃষ্টি করিতে পারে; অথবা
- (খ) অন্য কোনভাবে জনস্বার্থের পক্ষে ক্ষতিকর হইতে পারে।

সেক্ষেত্রে যাহার বিরুদ্ধে অনুরূপ আদেশ প্রার্থনা করা হইয়াছে তাহাকে উক্ত প্রার্থনা সম্পর্কে যুক্তিসংগত নোটিশ দান এবং তাহার বা তাহার দ্বারা ভারপ্রাপ্ত কোন ব্যক্তির বক্তব্য শ্রবণ করার সুযোগ দান না করা পর্যন্ত এবং দফা (ক), বা (খ) তে উল্লিখিত প্রতিক্রিয়া সৃষ্টি করিবে না বলিয়া আদালতের নিকট সন্তোষজনকভাবে প্রতীয়মান না হওয়া পর্যন্ত আদালত অনুরূপ কোন অন্তর্বর্তী আদেশ দান করিবে না।

ব্যাখ্যাঃ এই ধারায় “স্থানীয় কর্তৃপক্ষ” বলিতে যে কোন পৌর কর্পোরেশন, জেলা পরিষদ, পৌরসভা, থানা পরিষদ, ইউনিয়ন পরিষদ বা কোন আইন, বিধি, প্রবিধান, আদেশ বা কোন রেজুলিউশন দ্বারা প্রতিষ্ঠিত কোন কর্পোরেশন, বোর্ড, কর্তৃপক্ষ বা অন্য কোন প্রকার সরকারী সংস্থাকে বুঝাইবে।

(২) যেক্ষেত্রে আদালত কোন মামলায় বা অন্যবিধ কোন আইনগত কার্যধারায় কোন ব্যক্তির বিরুদ্ধে যুক্তিসংগত নোটিশ এবং তাহার বা তাহার দ্বারা ভারপ্রাপ্ত কোন ব্যক্তির বক্তব্য শ্রবণের সুযোগ না দিয়া অস্থায়ী বা অন্তর্বর্তী নিষেধাজ্ঞা বা অন্য কোন প্রকার অন্তর্বর্তী আদেশ দান করে সেক্ষেত্রে, আদালত উক্ত ব্যক্তির বক্তব্য শ্রবণের সুযোগ দিয়া উক্ত অন্তর্বর্তী আদেশ জারীর তারিখের সাত দিনের মধ্যে অন্তর্বর্তী আদেশ দান সম্পর্কে প্রার্থনাটি চূড়ান্ত নিষ্পত্তি করিবে এবং যদি, উক্ত ব্যক্তির আবেদন ব্যতীত অন্য কোন কারণে, উক্ত সময়ের মধ্যে প্রার্থনাটি সম্পর্কে চূড়ান্ত নিষ্পত্তি করা না যায় তাহা হইলে ঐ সময় অতিক্রান্ত হওয়ার সাথে সাথে অন্তর্বর্তী আদেশটি অকার্যকর হইবে।

**যমুনা বহুমুখী সেতু প্রকল্প (ভূমি অধিগ্রহণ) আইন, ১৯৯৫**  
(১৯৯৫ সনের ১৪নং আইন)

যমুনা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে ভূমি অধিগ্রহণের বিধান করার উদ্দেশ্যে প্রণীত আইন।

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

(গ) “জনস্বার্থ বিরোধী উদ্দেশ্য” অর্থ ক্ষতিপূরণ হিসাবে বা অন্যভাবে আর্থিক সুবিধালাভের উদ্দেশ্যে বা যমুনা বহুমুখী সেতু প্রকল্প বাস্তবায়নের বিয়্য সৃষ্টি বা বিলম্বিতকরণের যে কোন ব্যবস্থাকে বুঝাইবে;

৩। যমুনা বহুমুখী সেতু প্রকল্পের জন্য ভূমি অধিগ্রহণ।-এই আইনের বিধান সাপেক্ষে, যমুনা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে যমুনা বহুমুখী সেতু প্রকল্প আইনের section 9-এর অধীন প্রয়োজনীয় জমি ভূমি অধিগ্রহণ আইনের বিধান অনুযায়ী অধিগ্রহণ করা হইবে।

৫। বিশেষ বিধান।-(১) যমুনা বহুমুখী সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে অধিগ্রহণাধীন বা অধিগ্রহণ হইতে পারে এমন ভূমির উপর জনস্বার্থ বিরোধী উদ্দেশ্যে নির্মিত বা নির্মাণাধীন ঘর-বাড়ী বা অন্য কোন প্রকার স্থাপনার জন্য বা একই উদ্দেশ্যে কোন ঘর-বাড়ী বা স্থাপনার বা ভূমির শ্রেণী পরিবর্তন করা হইলে উক্তরূপ পরিবর্তনের জন্য কোন ব্যক্তি ক্ষতিপূরণ পাওয়ার অধিকারী হইবে না।

(২) ভূমি অধিগ্রহণ আইনের section 8-এর অধীন ক্ষতিপূরণ নির্ধারণকালে জেলা প্রশাসক যদি এই মর্মে সন্তুষ্ট হন যে, যমুনা সেতু প্রকল্প বাস্তবায়নের লক্ষ্যে অধিগ্রহণাধীন বা অধিগ্রহণের সম্ভাবনা ছিল এমন কোন ভূমির উপর নির্মিত বা নির্মাণাধীন কোন ঘর-বাড়ী বা অন্য কোন প্রকার স্থাপনা জনস্বার্থ বিরোধী উদ্দেশ্যে নির্মাণ করা হইয়াছে বা নির্মাণাধীন আছে বা একই উদ্দেশ্যে কোন ঘর-বাড়ী বা স্থাপনা বা ভূমির পরিবর্তন করা হইয়াছে, তাহা হইলে তিনি উক্তরূপ ঘর-বাড়ী বা স্থাপনা বা পরিবর্তনকে উক্ত section 8-এর অধীন ক্ষতিপূরণ প্রদানের জন্য বিবেচনা করিবেন না এবং এইরূপ ক্ষতিপূরণের দাবী, যদি থাকে, প্রত্যাখ্যান করিবেন।

**Note:** See also Article 47 of the Constitution of the People's Republic of Bangladesh, 1972 and the Jamuna Multipurpose Bridge Authority Ordinance 1985 (16.3).

## 7. 4 Land Dispute in the Chittagong Hill Areas

### পার্বত্য চট্টগ্রাম ভূমি-বিরোধ নিষ্পত্তি কমিশন আইন, ২০০১ (২০০১ সনের ৫৩ নং আইন)

পার্বত্য চট্টগ্রাম অঞ্চলের ভূমি সংক্রান্ত কতিপয় বিরোধ দ্রুত নিষ্পত্তির লক্ষ্যে একটি কমিশন গঠন ও আনুষঙ্গিক বিষয়ে বিধান প্রণয়নকল্পে প্রণীত আইন।

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

- (ঘ) “পার্বত্য চট্টগ্রাম” অর্থ খাগড়াছড়ি, রাঙ্গামাটি, বান্দরবান পার্বত্য জেলাসমূহ;
- (ঙ) “পার্বত্য জেলা” অর্থ রাঙ্গামাটি, বান্দরবান ও খাগড়াছড়ি পার্বত্য জেলা;
- (ঝ) “ভূমি” বলিতে পার্বত্য জেলাধীন পাহাড় এবং জলে ভাসাসহ সমুদয় জমি বুঝাইবে;

৩। কমিশনের গঠন।-(১) এই আইনের উদ্দেশ্য পূরণকল্পে, পার্বত্য চট্টগ্রাম ভূমি বিরোধ নিষ্পত্তি কমিশন নামে একটি কমিশন থাকিবে।

৬। কমিশনের কার্যাবলী ও ক্ষমতা।-(১) কমিশনের কার্যাবলী নিম্নরূপ হইবে, যথাঃ-

- (ক) পুনর্বাসিত শরণার্থীদের ভূমি সংক্রান্ত বিরোধ পার্বত্য চট্টগ্রামের প্রচলিত আইন ও রীতি অনুযায়ী নিষ্পত্তি করা;
- (খ) আবেদনে উল্লিখিত ভূমিতে আবেদনকারী, বা ক্ষেত্রমত সংশ্লিষ্ট প্রতিপক্ষের, স্বত্ব বা অন্যবিধ অধিকার পার্বত্য চট্টগ্রামের প্রচলিত আইন ও রীতি অনুযায়ী নির্ধারণ এবং প্রয়োজনবোধে দখল পুনর্বহাল;
- (গ) পার্বত্য চট্টগ্রামে প্রচলিত আইন বহির্ভূতভাবে কোন ভূমি বন্দোবস্ত প্রদান করা হইয়া থাকিলে উহা বাতিলকরণ এবং উক্ত বন্দোবস্তজনিত কারণে কোন বৈধ মালিক ভূমি হইতে বেদখল হইয়া থাকিলে তাহার দখল পুনর্বহাল;

তবে শর্ত থাকে যে, প্রযোজ্য আইনের অধীনে অধিগ্রহণকৃত ভূমি এবং রক্ষিত (Reserved) বনাঞ্চল, কাণ্ডাই জলবিদ্যুৎ প্রকল্প এলাকা, বেতবুনিয়া ভূ-উপগ্রহ এলাকা, রাষ্ট্রীয় মালিকানাধীন শিল্প কারখানা ও সরকার বা স্থানীয় কর্তৃপক্ষের নামে রেকর্ডকৃত ভূমির ক্ষেত্রে এই উপ-ধারা প্রযোজ্য হইবে না।

(২) উপ-ধারা (১) এ বর্ণিত কার্যাবলী পার্বত্য চট্টগ্রামে সীমিত থাকিবে।

(৩) উক্ত কার্যাবলী সুষ্ঠুভাবে সম্পাদনের নিমিত্ত কমিশন যে কোন সরকারী বা সংবিধিবদ্ধ সংস্থার কর্তৃপক্ষকে প্রয়োজনীয় তথ্য, উপাত্ত বা কাগজপত্র সরবরাহের এবং প্রয়োজনে উক্ত কর্তৃপক্ষের যে কোন কর্মকর্তাকে স্থানীয় তদন্ত, পরিদর্শন বা জরিপের ভিত্তিতে প্রতিবেদন দাখিলের নির্দেশ দিতে পারিবে এবং উক্ত কর্তৃপক্ষ বা কর্মকর্তা উহা পালনে বাধ্য থাকিবেন।



(৪) কমিশন বা চেয়ারম্যান বা কমিশন কর্তৃক ক্ষমতা প্রদত্ত কোন সদস্য যে কোন বিরোধী ভূমি সরেজমিনে পরিদর্শন করিতে পারিবেন।

৯। কমিশনের আবেদন দাখিল ১-এই আইনের অধীনে ভূমি বিরোধ নিষ্পত্তির জন্য সংশ্লিষ্ট আবেদনকারী তাহার দস্তখত বা টিপসহিযুক্ত দরখাস্ত সাদা কাগজে বাংলা ভাষায় লিখিয়া কমিশনের নিকট দাখিল করিবেন।

১৬। কমিশনের সিদ্ধান্তের আইনগত প্রকৃতি এবং চূড়ান্ততা ১-ধারা ৬ (১)-এ বর্ণিত কোন বিষয়ে দাখিলকৃত আবেদনের উপর কমিশন প্রদত্ত সিদ্ধান্ত দেওয়ানী আদালতের ডিক্রী বলিয়া গণ্য হইবে, তবে উক্ত সিদ্ধান্তের বিরুদ্ধে কোন আদালত বা অন্য কোন কর্তৃপক্ষের নিকট আপীল বা রিভিশন দায়ের বা উহার বৈধতা বা যথার্থতা সম্পর্কে কোন প্রশ্ন করা যাইবে না।

## 7.5 Land Administration and Management

বাংলাদেশ ভূমি ব্যবস্থাপনা ম্যানুয়্যাল, ১৯৯০

### খাস কৃষি জমির বন্দোবস্ত

৪১। কৃষি জমির সুখম বন্টনের মাধ্যমে জমির সর্বোচ্চ ব্যবহার, কৃষি উৎপাদন ও সামাজিক ন্যায়-বিচার প্রতিষ্ঠার লক্ষ্যে “ভূমি সংস্কার” সরকারের একটি মৌলিক অঙ্গীকার। খাস জমি চিহ্নিত করিয়া ভূমিহীন ও প্রায় ভূমিহীন চাষী পরিবারের মধ্যে খাস কৃষি জমি বিতরণ এবং বাস্তবহারা পরিবারসমূহের মধ্যে বসতবাড়ী নির্মাণের জন্য খাস অকৃষি জমি বন্টন “জাতীয় ভূমি সংস্কার” কার্যক্রমের প্রাথমিক স্তর।

৪২। সরকারী খাস জমি বলিতে ব্যক্তি, সংস্থা বা অন্যান্য সরকারী বিভাগের মালিকানা বহির্ভূত ভূমি মন্ত্রণালয়ের নিয়ন্ত্রণাধীন খাস জমি বুঝাইবে এবং নিম্নোক্ত শ্রেণীর জমি ইহার অন্তর্ভুক্ত হইবে :

- (ক) কালেক্টরের ১নং খতিয়ান বা ৮নং রেজিস্টারের অন্তর্ভুক্ত সকল জমি।
- (খ) নদী বা সমুদ্রগর্ভ হইতে জাগিয়া উঠা চরের জমি যাহা সিকস্তি জমির পুনরাবির্ভাব (পয়স্তীই) হউক অথবা সম্পূর্ণভাবে নূতন চরই হউক (জমিদারী অধিগ্রহণ ও প্রজাস্বত্ব আইনের ৮৬ ধারা)।
- (গ) বাংলাদেশ ল্যান্ড হোল্ডিং লিমিটেশন অর্ডার, ১৯৭২ (১৯৭২ সালের ৯৮নং আদেশ) এর ৩ ধারা মোতাবেক পরিবার/সংস্থার মালিকানাধীন ১০০ বিঘার অতিরিক্ত সরকারের নিকট সমর্পণযোগ্য জমি।
- (ঘ) সরকার কর্তৃক নিলামে ক্রীত জমি।
- (ঙ) জমিদারী অধিগ্রহণ ও প্রজাস্বত্ব আইন, ১৯৫০ এর ৯২ ধারা মোতাবেক অধিগ্রহণকৃত জমি।
- (চ) মালিকানা ও দাবীদারবিহীন জমি। এবং

(ছ) সরকারী বিভাগ বা বিধিবদ্ধ সংস্থার জন্য অধিগ্রহণকৃত জমির মধ্যে যে পরিমাণ জমি অব্যবহার্য থাকার কারণে সরকার পুনঃগ্রহণ করিয়াছেন।

৪৩। নিম্নোক্ত শ্রেণীর জমির বন্দোবস্তযোগ্য খাস কৃষি জমির অন্তর্ভুক্ত হইবে এবং ভূমি সংস্কার কার্যক্রমের আওতায় ভূমিহীনদের মধ্যে বন্টন করিতে হইবে :

- (ক) ৮নং রেজিস্টারের ২য় অংশভুক্ত সকল বন্দোবস্তযোগ্য খাস কৃষি জমি।
- (খ) জমিদারী অধিগ্রহণ ও প্রজাস্বত্ব আইন, ১৯৫০ এর ৯২ ধারা মোতাবেক পরিত্যক্ত ও বাকী করের দায়ে সরকার কর্তৃক নিলামে ক্রীত জমি।
- (গ) রাষ্ট্রপতির ১৯৭২ সালের ৯৮ নম্বর আদেশ মোতাবেক ১০০ বিঘার অতিরিক্ত ব্যক্তি/সংস্থার মালিকানাধীন সমর্পিত জমি।
- (ঘ) নদী বা সমুদ্রগর্ভ হইতে জাগিয়া উঠা চরের জমি যাহা সিকস্তি জমি পয়ত্তীই হউক বা নতুন চরই হউক।
- (ঙ) অন্য যে কোন আইনে সরকারের নিকট সমর্পিত জমি।
- (চ) ৮নং রেজিস্টারের ১ম অংশের অন্তর্ভুক্ত জমি যাহার প্রকৃতি পরিবর্তিত হওয়ায় কালেক্টর কর্তৃক বন্দোবস্তযোগ্য বলিয়া ঘোষিত হইয়াছে।

৫৩। খাস জমি বন্দোবস্তির ক্ষেত্রে নিম্নোক্ত শ্রেণীর পরিবারসমূহ ভূমিহীন পরিবার বলিয়া গণ্য হইবে :

- (ক) যে পরিবারের বসতবাটি এবং কৃষি জমি কিছুই নাই, কিন্তু পরিবারটি কৃষি নির্ভর;
- (খ) যে পরিবারের বসতবাটি আছে, কিন্তু কৃষি জমি নাই অথচ পরিবারটি কৃষি নির্ভর; এবং
- (গ) যে পরিবারের বসতবাটি ও কৃষি জমি উভয়ই আছে, কিন্তু উহার মোট পরিমাণ ০.৫০ একরের কম অথচ পরিবারটি কৃষি নির্ভর।

'কৃষি নির্ভর' বলিতে এইরূপ পরিবার বুঝাইবে যাহার এক বা একাধিক সদস্য কৃষি শ্রমিক হিসাবে অন্যের জমিতে নিয়োজিত আছে কিংবা অন্যের জমি বর্গা চাষ করে।

৫৪। খাস জমি বন্দোবস্তির ক্ষেত্রে নিম্নোক্ত ভূমিহীন পরিবারসমূহকে অগ্রাধিকার দেওয়া হইবেঃ

- (ক) নদী সিকস্তির ফলে ক্ষতিগ্রস্ত ও সর্বস্বান্ত পরিবার যাহার পুরুষ/মহিলা সদস্যগণ অন্যের জমিতে কৃষি মজুর বা বর্গা চাষে নিয়োজিত।
- (খ) শহীদ বা পশু মুক্তিযোদ্ধা পরিবার যাহার কর্মক্ষম পুরুষ সদস্য কৃষি মজুর বা বর্গা চাষে নিয়োজিত।
- (ঘ) সক্ষম শ্রাণুবয়স্ক পুত্রসহ বিধবা বা স্বামী পরিত্যক্তা মহিলা।

৫৫। জেলা প্রশাসক স্বীয় জেলাধীন সকল থানা মৌজাওয়ারী ভূমিহীনদের নিকট হইতে দরখাস্ত আহ্বানের একটি সময়সূচী ঘোষণা করিবেন। ... দরখাস্তের সহিত পরিবার প্রধান স্বামী/স্ত্রীর তিন কপি যুগল ছবি দাখিল করিতে হইবে। সহকারী কমিশনার (ভূমি) দরখাস্ত গ্রহণ ও প্রাপ্তি স্বীকার রসিদ প্রদান করিবেন।

৫৬। নির্ধারিত সময়ের মধ্যে ভূমিহীনদের নিকট হইতে প্রাপ্ত সকল বৈধ খাস জমি বন্দোবস্তির দরখাস্ত অগ্রাধিকার অনুযায়ী নিম্নোক্তভাবে তালিকাভুক্ত করিতে হইবে :

- (ক) সিকস্তির ফলে সর্বস্বান্ত পরিবার।
- (খ) শহীদ বা পশু মুক্তিযোদ্ধা পরিবার।
- (গ) সক্ষম পুত্রসহ বিধবা বা স্বামী পরিত্যক্তা মহিলা পরিবার।
- (ঘ) কৃষি জমি ও বাস্তুভিটাহীন পরিবার।
- (ঙ) বসতবাটি আছে অথচ কৃষি জমিহীন পরিবার। এবং
- (চ) কৃষি বসতবাটিসহ ০.৫০ একরের কম জমির মালিক পরিবার।

৭০। বন্দোবস্ত প্রাপক পরিবারের নিজস্ব জমিসহ বন্দোবস্ত জমির পরিমাণ কোন অবস্থাতেই সেচ সুবিধাপ্রাপ্ত এলাকায় ১.৫০ একর, সেচ সুবিধাহীন এলাকায় ২.০০ একরের বেশী হইবে না। খাস জমি বন্দোবস্তির ক্ষেত্রে সেচ সুবিধাপ্রাপ্ত এলাকায় ১.৫০ একর, সেচ সুবিধাহীন এলাকায় ২.০০ একর জমির সমান বলিয়া বিবেচিত হইবে।

৭১। ২০ একর বা ততোধিক খাস জমি একত্রে থাকিলে তাহা ভূমিহীন কৃষক সমবায় সমিতির সদস্যদের সহিত বন্দোবস্ত দিতে হইবে। এইরূপ ক্ষেত্রে বসতবাড়ীর জন্য স্বতন্ত্রভাবে একটি নির্দিষ্ট স্থানে সদস্য প্রতি অতিরিক্ত অনধিক ৫ কাঠা জমি বন্দোবস্তিযোগ্য দেওয়া যাইতে পারে।

৭২। ৮নং রেজিষ্টারের ১ম ভাগের অন্তর্ভুক্ত সর্বসাধারণের ব্যবহারযোগ্য জমির শ্রেণী পরিবর্তনে জেলা কালেক্টর বিশেষভাবে সতর্ক থাকিবেন। জমির শ্রেণী পরিবর্তনের সময় লক্ষ্য রাখিতে হইবে যে, কোন অবস্থাতেই যেন গোচারণ ভূমি বন্দোবস্তিযোগ্য জমিতে পরিবর্তিত না হয়। গোচারণ ভূমির অভাবে গ্রামাঞ্চলে পশুসম্পদ সংরক্ষণ ও বৃদ্ধির সংকট দেখা দিয়াছে।

### চর জমি বন্দোবস্তি

৮২। খাস জমি বিতরণের বার্ষিক কর্মসূচী বহির্ভূত খাস কৃষি জমি একসনা বন্দোবস্ত দেওয়া যাইবে।

১০১। নদী বা সমুদ্র গর্ভ হইতে কোন নতুন চর উথিত হইলে উহার উপর সরকারী স্বার্থ সংরক্ষণকল্পে কালেক্টর স্থানীয়ভাবে এবং স্থানীয় পত্রিকায় নোটিশ জারী করিয়া উক্ত চর সরকারের আইনত : খাস জমি এবং ইহাতে কাহারও কোন মালিকানা/অধিকার নাই বা থাকিবে না এই মর্মে সকলকে অবহিত করার ব্যবস্থা গ্রহণ করিবেন। এই নোটিশ পরবর্তীতে কোন দেওয়ানী/ফৌজদারী মামলায় সরকার পক্ষের সহায়ক হইবে।

## অকৃষি খাস জমি বন্দোবস্ত

১০২। শহর বা পৌর এলাকার জমি কৃষি ও অকৃষি উভয় শ্রেণীর হইতে পারে। অকৃষি জমি ১৮৮২ সালের সম্পত্তি হস্তান্তর আইন (Transfer of Property Act), ১৯৪৯ সনের অকৃষি প্রজাস্বত্ব আইন (Non-Agricultural Tenancy Act), এবং ১৯৫০ সনের জমিদারী অধিগ্রহণ ও প্রজাস্বত্ব আইনের (State Acquisition and Tenancy Act) এর বিধান বলে নিয়ন্ত্রিত হইয়া থাকে। জমিদারী অধিগ্রহণের পূর্বে যে সকল অকৃষি প্রজাস্বত্ব বিদ্যমান ছিল কেবলমাত্র ঐ সকল ক্ষেত্রে অকৃষি প্রজাস্বত্ব আইনের বিধান প্রযোজ্য হইবে। শহর বা পৌরসভার বহির্ভূত অকৃষি জমির ক্ষেত্রেও এই পরিচ্ছেদের বিধান প্রযোজ্য হইবে।

১০৩। শহর বা পৌর এলাকার অকৃষি জমি বন্দোবস্তির সময় নিম্নোক্ত বিষয়গুলির প্রতি লক্ষ্য রাখিতে হইবে :

- (ক) বন্দোবস্ত গ্রহীতাকে এরূপ স্বত্ব ভোগের নিরাপত্তা প্রদান করিতে হইবে যাহাতে তিনি ইমারত নির্মাণ জাতীয় মূলধন বিনিয়োগে উৎসাহিত বোধ করেন; এবং
- (খ) সালামী বা মূল্য এমনভাবে নির্ধারণ করিতে হইবে যাহাতে পার্শ্ববর্তী অনুরূপ সুযোগ সুবিধাপূর্ণ এলাকাঙ্ক জমির মূল্যের সমান হয়।

## অর্পিত সম্পত্তি ব্যবস্থাপনা

২৭৩। অর্পিত সম্পত্তি নিম্নরূপে শ্রেণী বিভক্ত করা হইল :

- (ক) কৃষি জমি;
- (খ) পতিত অকৃষি জমি;
- (গ) গ্রামাঞ্চলে কাঁচা বা পাকা বাড়ী/ঘর;
- (ঘ) শহরাঞ্চলে কাঁচা বা পাকা বাড়ী/ঘর;
- (ঙ) দোকান/গুদাম ঘর ইত্যাদি;
- (চ) ফলের বাগান;
- (ছ) পুকুর, দীঘি, বিল, জলাশয়;
- (জ) অর্পিত সম্পত্তিতে অবস্থিত অস্থাবর সম্পত্তি বা যাহা ভূমির সহিত গ্রথিত।

### **Management Agencies:**

There are at least 11 ministries and 26 government agencies directly involved in land administration and management.

## **LIST OF AGENCIES RELATED TO LAND MANAGEMENT**

### **Ministries/Agencies Related to Land Management**

Ministry of Agriculture	<ol style="list-style-type: none"><li>1. Department of Agricultural Extension</li><li>2. Cotton Development Board</li><li>3. Soil Resources Development Institute</li><li>4. Bangladesh Jute Research Institute</li><li>5. Bangladesh Agricultural Development Corporation (Seed Multiplication farms and Agricultural Estates)</li><li>6. Bangladesh Agricultural Research Institute</li><li>7. Bangladesh Institute of Nuclear Agriculture</li><li>8. Bangladesh Rice Research Institute</li><li>9. Sugarcane Research and Training Institute</li></ol>
Ministry of Environment and Forest	<ol style="list-style-type: none"><li>1. Forest Department</li><li>2. Bangladesh Forest Industries Development Corporation (Rubber Plantation Projects)</li></ol>
Ministry of Irrigation, Water Development and Flood Control	<ol style="list-style-type: none"><li>1. Bangladesh Water Development Flood</li></ol>
Ministry of Communication	<ol style="list-style-type: none"><li>1. Department of Road and Highways</li></ol>
Ministry of Defense	<ol style="list-style-type: none"><li>1. Survey of Bangladesh</li><li>2. Space and remote Sensing Organization</li></ol>
Ministry of Trade and Commerce	<ol style="list-style-type: none"><li>1. Bangladesh Trade Research Institute</li></ol>
Ministry of Industries	<ol style="list-style-type: none"><li>1. Bangladesh Sugar Mills Corporation (Sugar Mill Farms)</li></ol>
Ministry of Works	<ol style="list-style-type: none"><li>1. Department of Housing and Settlement</li><li>2. Directorate of Urban Developments</li><li>3. RAJUK, CDA, KDA, Rajshahi Development Board</li></ol>
Ministry of Electricity, Fuel and Mineral Resources	<ol style="list-style-type: none"><li>1. Geological Survey of Bangladesh</li></ol>
Ministry of Land	<ol style="list-style-type: none"><li>1. Land Administration Board</li><li>2. Directorate of Land Records and Survey</li></ol>
Ministry of Local Government and Rural Development	<ol style="list-style-type: none"><li>1. All City Corporation</li><li>2. All Paurashava</li></ol>

## 8. AGRICULTURE AND AGRO-CHEMICALS

### 8.1 Agriculture and Irrigation

#### THE CANALS ACT, 1864 (Bengal Act V of 1864)

*An Act to amend and consolidate the law relating to the collection of tolls on canals and other lines of navigation, and for the construction and improvement of lines of navigation in Bangladesh.*

1. The following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the contexts, that is to say, -

the word "vessel" shall include any ship, barge, boat, raft, timber, bamboos or floating materials propelled in any manner;

the words "line of navigation" shall mean any navigable channel subject to the provisions of this Act;

the word "Channel" shall include any river, canal, khal, nala or waterway, whether natural or artificial.

2. It shall be lawful for the Government, from time to time, by notification to that effect published in the Official Gazette, to declare that the provisions of this Act shall apply to any navigable specified in such notification;

and from and after such publication the provisions of this Act shall apply to, and be in force as regards, such navigable channel.

3. It shall be lawful for the Government from time to time, to authorize any person to make and open any navigable channel, or to clear and deepen any navigable channel, and to stop any watercourse, or make any tracking path, or do any other act necessary for the making or improvement of any such channel; and any navigable channel made under this section shall be rendered subject to the provisions of this Act in the manner prescribed in the last preceding section.

The Government may take possession, as for a public purpose, of any land that may be necessary for the execution of any of the above-mentioned works, under the provisions of any Act in force for the taking possession of land for public purposes.

**THE IRRIGATION ACT, 1876**  
**(Bengal Act III of 1876)**

*An Act to provide for irrigation in Bangladesh.*

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

- (1) "canal" includes-
  - (a) all canals, channels and reservoirs hitherto constructed, maintained or controlled by Government for the supply or storage of water, or which may hereafter be so constructed, maintained or controlled;
  - (b) all works, embankments, structures, supply and escape channels connected with such canals, channels or reservoirs;
  - (c) all village-channels as defined in clause (2) of this section;
  - (d) all drainage-works as defined in clause (3) of this section;
  - (e) any part of a river, stream, lake, natural collection of water or natural drainage-channel to which the Government has applied the provisions of Part II of this Act, or of which the water has been applied or used before the passing of this Act for the purpose of any existing canal;
  - (f) all lands on the banks of any canal as defined in articles (a), (b), (c), (d) and (e) of this clause, which have been acquired by Government.
- (2) "village-channel" means any channel by which water is led from a canal directly into the fields to be irrigated, and includes all subsidiary works connected with any such channel, except the sluice or outlet through which water is supplied from a canal to such channel;
- (3) "drainage work" means any work in connected with a system of irrigation which has been or may hereafter be made or improved by the Government for the purpose of the drainage of the country, whether under the provisions of Part IV of this Act or otherwise, and includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works connected therewith, but does not include works for the removal of sewage from towns;
- (4) "flood-embankment" means any embankment constructed or maintained by the Government in connection with any system of irrigation-works for the protection of lands from inundation, or

which may be declared by the Government to be maintained in connection with any such system; and includes all groins, spurs, dams and other protective works connected with such embankments.

4. Nothing contained in the Embankment and Drainage Act, 1952, shall apply to any canal or flood embankment as defined in this Act.

6. Whenever it appears expedient to the Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the government for the purpose of any existing or projected canal,

the Government may, by notification in the Official Gazette, declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

7. At any time after the day so named, any canal-officer acting under the orders of the Government in this behalf may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water.

8. As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section II may be made before him.

A copy of section 11, 12 and 13 shall be annexed to every such notice.

9. When any claim for compensation is made before the Collector in accordance with the last preceding section, the Collector shall issue a notice requiring all persons interested in the matter in respect of which compensation is claimed to appear personally or by agent before him at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the property affected, and the amount and particulars of their claims to compensation for such interests.

11. No compensation shall be awarded for any damage caused by;

- (a) stoppage or diminution of percolation or floods;
- (b) deterioration of climate or soil;
- (c) stoppage of navigation, or of the means of rafting timber or watering cattle.

But compensation may be awarded in respect of any of the following matters: -



- (d) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or underground, in use at the date of the issue of the notification under section 6;
- (e) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification;
- (f) stoppage or diminution of supply of water through any natural channel which has been used for purpose of irrigation within the five years next before the date of the said notification;
- (g) damage done in respect of any right to a water-course or the use of any water to which any person is entitled under the Limitation Act, 1908 Part IV;
- (h) any other substantial damage, not falling under any of the above clauses (a), (b) or (c), and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

In determining the amount of compensation under this section, regard shall be had to the diminution in the market value, at the time of awarding compensation of the property in respect of which compensation is claimed; and, where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

12. If any supply of drinking-water is substantially deteriorated or diminished by any works undertaken in accordance with a declaration made by the Government under section 6, the canal-officer shall be bound to provide within convenient distance an adequate supply of good drinking-water in lieu of that so deteriorated or diminished, and no person shall be entitled to claim any further compensation in respect of the said deterioration or diminution.

19. Any person on whom notice may be served under the same last preceding section, and any person interested in any property in respect of which such notice has been issued, may, within six weeks of the service of such notice, apply to the Court stating his objection to the amount of compensation as fixed by the Collector under the last preceding section, and the amount which he claims as compensation.

35. In case of any accident being apprehended or happening to a canal or flood-embankment, any canal-officer, or any person acting under his general or special orders in this behalf, may enter upon any lands adjacent to such canal or flood-embankment, and may execute all works which may be necessary for the purpose of preventing such accident, or repairing any damage done.

37. In every case of entry upon any land or building under section 7, section 33, section 34 or section 35, the canal-officer or person making the entry shall ascertain and record the nature of any crop, tree, building or other property to which damage has been done, and the extent of the damage done to any such property, and shall tender compensation to the proprietors or occupiers for all damage done to the same by the entry or by any works executed.

40. Whenever it appears to the Government that injury to the public health or public convenience, or to any canal, or to any land for which irrigation from a canal is available, has arisen or may arise from the obstruction of any river, stream or natural drainage-course, the Government may, by notification published in the Official Gazette prohibit, within limits to be defined in such notification, the formation of any such obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or natural drainage-channel as is comprised within such limits shall be held to be a drainage-work as defined in section 3.

43. Whenever it appears to the Government that any drainage works are necessary for the public health, or for the improvement or proper cultivation or irrigation of any lands in districts to which the provisions of the Embankment and Drainage Act, 1952, do not, apply, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Government may cause a scheme for such works to be drawn up and carried into execution....

49. Any person may, with the permission of a canal-officer, construct a new village-channel if he has obtained of the consent of the owners and occupiers of the land required therefor.

59. Every owner of a village-channel shall be bound

- (a) to construct and maintain all works necessary for the passage across such village-channel of canals, village-channels, drainage-channels and public roads existing at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands;
- (b) to maintain such village-channel in a fit state of repair for the conveyance of water;
- (c) to allow the use of it to others on such terms as may be declared equitable by the canal-officer as hereinafter prescribed.

66. Any person not an owner of a village-channel, desiring to have a supply of water through such village-channel, may make a private arrangement

with the owners for the conveyance of water, or may apply to the canal-officer for authority to use such village-channel.

67. On receipt of such application the canal-officer shall serve notice on the owners to show cause why such permission should not be granted, and, if no objection be raised, or if any objections be raised and found invalid, shall authorize the conveyance of such supply on such conditions as may appear to him equitable.

93. Whoever, voluntarily and without proper authority, does any of the acts following, that is to say:-

- (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal or drainage-work, or by any means raises or lowers the level of the water in any canal or drainage work;
- (3) being responsible for the maintenance of a village channel, or using a village channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner;
- (4) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;
- (5) destroys, defaces or moves any level-mark or water-gauge fixed by the authority of a public servant;
- (6) destroys or removes any apparatus, or part of any apparatus, for controlling or regulating the flow of water in any canal or drainage-work;
- (7) passes, or causes animals or vehicles to pass, in a across any of the works, banks or channels of a canal contrary to rules made under this Act after he has been desired to desist therefrom;
- (8) without the permission of the canal-officer causes, or knowingly and wilfully permits, any cattle to graze upon any flood-embankments, or tethers, or causes or knowingly and wilfully permits any cattle to be tethered upon any such embankments, or roots up any grass or other vegetation growing on any such embankments, or removes, cuts or in any way injures or causes to be removed, cut or otherwise injured, any trees, bushes, grass or hedge intended for the protection of such embankment;
- (9) violate any ruke made under the Act, for breach whereof a penalty may be incurred

shall in case the offence shall not amount to mischief within the meaning of the Penal Code, and on conviction before a Magistrate, be liable to a fine not exceeding fifty taka or to imprisonment for a term not exceeding one month, or with both.

94. Whoever, without the authority of the officer, -

- (1) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy or endanger the stability of, any flood-embankment;
- (2) opens, shuts or obstructs, or attempts to open, shut or obstruct, any sluice in any such embankment;
- (3) makes any dam or other obstruction for the purpose of diverting or opposing the current of a river on the banks whereof are flood-embankments, or refuses or neglects to remove any such dam or obstruction when so required by the canal-officer;

shall, in case the offence shall not amount to mischief within the meaning of the Penal Code, and on conviction before a Magistrate, be liable to a fine not exceeding two hundred taka, or to imprisonment for a term not exceeding six months.

## **THE AGRICULTURAL AND SANITARY IMPROVEMENT ACT, 1920** (Bengal Act VI of 1920)

*An Act to consolidate and amend the law relating to the construction of drainage and other works for the improvement of the agricultural and sanitary conditions of certain areas in Bangladesh.*

- (11) "tenant" means a person, whether resident or non-resident in the local area, who holds land or premises for any purposes whatsoever under another person, and is, or but for a special contract would be, liable to pay rent for that land or premises to that person, and includes any rent-free holder or temporary occupant of land or premises.

3. Whenever an application is received by the Collector from a local authority or local authorities, or any person, or person, recommending the undertaking of any work for the improvement, or for the prevention of the deterioration, of the agricultural or sanitary condition of any area, or if the Collector is himself of opinion that the undertaking of any such work is necessary, he shall cause such inquiries as he may deem necessary to be made and shall thereafter consult the local authority or local authorities concerned.

4.(1) On completion of the necessary inquiries and after consultation, when necessary, with the local authority or local authorities, the Collector shall-

- (a) if he considers that the proposed work should not be done, pass an order to that effect; or
- (b) if he considers that the work proposed or modified should be done, take action as hereinafter provided.

(2) An appeal shall lie to the Commissioner against every order by the Collector under clause (a) of sub-section (1) within thirty days of such order; and the decision of the Commissioner thereon shall be final.

6. As soon as possible after the receipt of the scheme, the Collector shall publish a notice in the prescribed manner calling for objections or suggestions thereon by any local authorities, or person interested, within such time as may be prescribed.

8. (1) The Collector may;

- (a) reject the scheme...;
- (b) subject to such rules as may be prescribed in this behalf, accept it with such modifications as he may deem necessary, and shall determine, in the prescribed manner, the method in which, and the conditions subject to which, the cost of the work shall be financed and distributed.

(2) An appeal shall lie to the Commissioner against every order by the Collector under sub-section (1) within thirty days of such order; and the decision of the Commissioner thereon shall be final.

10.(1) On the expiry of the period fixed by the notice published under section 6, the committee shall proceed in the prescribed manner to consider any objections or suggestions in regard to the scheme received by the Collector, and may either accept the scheme with such modifications as it may deem necessary, or reject it.

(2) Whenever a scheme has been accepted by the committee, it shall frame proposals, in the prescribed manner, regarding the method in which, and the conditions subject to which, the cost of the work shall be financed and distributed.

23. Whenever any land, other than land taken or acquired for the purpose of this Act, or any right of fishery, right of drainage, right of the use of water, or other right of property, is injuriously affected by any act done, or any work executed under this Act, the person in whom such property, or right is vested may prefer a claim by petition to the Collector, for compensation;

Provided that the refusal to execute any work for which application is made, and the refusal of permission to execute any work for the execution of which the permission of the Collector or any other authority is required under this Act, shall not be deemed acts on account of which a claim for compensation can be preferred under this section.

24.(1) No claim under section 23 shall be entertained which is made later than three years after the completion of the work by which such right is injuriously affected.

25. When any such claim is made, proceedings shall be taken with a view to determine the amount of compensation, if any, which should be made and the person to whom the same should be payable....

26. In any such case which is referred by the Collector to the Court for the purpose of determining whether any, and, if so, what amount of compensation should be awarded, the Court shall take into consideration;

**First,** the market value of the property or right injuriously affected at the time when the act was done or the work executed;

**Secondly,** the damage sustained by the claimant by reason of such act or work injuriously affecting the property or right;

**Thirdly,** the consequent diminution of the market value of the property or right injuriously affected when the act was done or the work executed;

**Fourthly,** whether any person has derived, or will derive, benefit from the act or work in respect of which the compensation is claimed or from any work connected therewith, in which case they shall set off the estimated value of such benefit, if any, against the compensation which would otherwise be decreed to such person:

Provided that the Court shall not take into consideration-

**First,** the degree of urgency which has led to the act or work being done or executed;

**Secondly,** any damage sustained by the claimant, which, if caused by a private person, would not in any suit instituted against such person justify a decree for damages.

28. All outlets and water-channels, natural or artificial, included in a scheme under this Act, whether reconstructed, cleared, altered, enlarged, excavated or cut under this Act or not, and the construction and maintenance of embankments and dams and works therein, or connected therewith, shall be subject to the law for the time being in force regulating the construction and maintenance of public embankments rivers, channels and outlets.

29. All lands which are taken, or acquired permanently under this Act for the purpose of a scheme, and any work constructed under this Act, and all water-channels, embankments and dams included within the scheme, whether reconstructed, cleared, altered, enlarged, excavated, or cut under this Act, or not, shall be vested in the Collector on behalf of the Government, or subject to such conditions as may be prescribed, in such local authority, or person as the Government, may by general or special order, direct :

Provided that when the total cost of any work has been paid by any local authority, or person, the said lands and works, including any water-channels, embankments and dams, shall, subject to such conditions as may be prescribed, vest in such local authority, or person.

30. The local authority, or person in whom the lands or works, water-channels, embankments and dams are vested shall be responsible for their maintenance, subject to such rules as may be prescribed:

Provided that if the collector is satisfied that such maintenance is being neglected, or that it is desirable, in the public interest, that such maintenance should be undertaken by the Government, he shall report, through the Commissioner, to the Government, who may direct that the duty of maintenance be undertaken by the Government.

32.(1) Any person who, without lawful authority, creates, or causes to be erected, any weir or other obstruction in any outlet or water-channel, or cultivates the bed of a water channel, so as to obstruct natural drainage, shall, upon conviction before a Magistrate, be liable to a penalty not exceeding two hundred Taka for every such offence.

(2) It shall be in the discretion of such Magistrate to direct any such offender to remove or pay for the entire cost of the removal of any such obstruction.

33. The Commissioner, the Collector, and a committee appointed under section 9 shall have all such powers as are conferred on a Civil Court by the Code of Civil procedure, 1908, for the purpose of compelling the attendance of witnesses and the production of evidence, and for the purpose of examining witnesses in any inquiry, or appeal, as the case may be, which they may be empowered to make or entertain under this Act.

34. No proceeding under this Act shall be defeated or invalidated by reason of any defect or omission in the publication or service of any notification, notice or order, unless material injury is done to any person by such defect or omission.

**THE TANKS IMPROVEMENT ACT, 1939**  
(Bengal Act No. XV of 1939)

*An Act to provide for the improvement of tanks in Bangladesh for purposes of irrigation.*

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

- (1a) "agricultural land" includes land used for the growing of vegetable and the like and also waste land which is capable of cultivation but does not include a fruit garden, an orchard or any homestead land;
- (2) "Collector" includes a Thana Nirbahi Officer and any officer appointed by the Government to exercise all or any of the functions of a Collector under this Act;
- (7) "tank" means a reservoir, or place which has been used as a reservoir, for the storage of water whether formed by excavation, for the storage of water whether formed by excavation or by the construction of one or more embankments or place where water naturally accumulates, and includes any part of a tank and the banks thereof except such portions of the banks as are homestead, garden or orchard lands.

3. If the Collector is of opinion that any tank has fallen into disrepair or disuse, he may serve a notice in the prescribed form and manner on the person having control over the tank requiring him to carry out within a period specified in the notice such improvements of the tank as the Collector considers necessary for the proper utilisation of the tank for purposes of irrigation.

4.(1) If the improvements referred to in section 3 are not carried out to the satisfaction of the Collector within the period specified in the notice issued under that section or within such further period as the Collector may, on application made to him in this behalf, think fit to allow, the Collector may, by a notice to the person having control over the tank and otherwise published in the prescribed form and manner, declare the tank to be a derelict irrigation work.

5. After the notice declaring a tank to be a derelict irrigation work has been confirmed under section 4 the Collector, if he thinks fit, may at any time-

- (a) take possession of the tank and carry out the improvements, specified in the notice under section 3; or
- (b) authorise under section 6 a local authority, co-operative society, or any other person interested to take such action.

6.(1) Any local authority or co-operative society, or any other person who, in the opinion of the Collector, has an interest in a derelict tank, may, if



authorised by the Collector by an order in writing in this behalf, take possession of such tank and carry out the improvements specified in the notice under section 3.

(2) In making any order under sub-section (1) the Collector shall, except for sufficient reason to be recorded in writing, give preference to the sole owner or any co-sharer owner of the tank who has submitted an application stating that he is willing to carry out the said improvements or he may make an order in favour of more than one such co-sharer owner jointly.

6A.(1) If any authorised person considers it necessary for the purpose of carrying out the improvements in a derelict tank to take possession of any land adjoining such tank, he may;

- (a) if he is Collector, take possession of such land by order in writing; and
- (b) if he is not the Collector, apply in the prescribed manner to the Collector to be empowered to take possession of such land and the Collector may, if he is satisfied after considering the application that such land is required for carrying out the improvements, empower the authorised person by order in writing to take possession of such land :

7.(1) If any authorised person;

- (a) fails to carry out the improvements to the satisfaction of the Collector within such time as may be specified in the order under section 6; or
- (b) fails, in the opinion of the Collector, to proceed with the improvements with due diligence or to maintain the tank in proper condition; or
- (c) with or without the permission of the Collector gives up possession of the tank or abandons the work of improvement; or
- (d) is, in the opinion of the Collector, guilty of any serious negligence or misconduct in relation to the tank or to persons having any right or interest in the tank or in the use of water thereof; or
- (e) fails to comply with any order passed under section 26 or section 27;

the Collector may cancel the order made under section 6 as well as any order made under clause (b) of sub-section (1) of section 6A, and thereupon all rights and powers of the said authorised person in respect of the tank and in respect of any land of which possession is taken as a result of an order made

under clause (b) of sub-section (1) of section 6A shall cease and determine, and the Collector shall take possession of the tank and such land.

(2) After taking possession of the tank and such land under sub-section (1) the Collector shall either appoint another authorised person to carry out the improvements or carry them out himself.

9 A. An authorised person shall be entitled to remain in possession of any land adjoining a derelict tank of which possession is taken under section 6A as long as such person remains in possession of such derelict tank under section 8.

13. Where, at the time of the taking of possession of a derelict tank by an authorised person, any person has a right, on payment of any rent or charge, to catch fish in the tank fruits from trees on, or other produce from, the banks of the tank the authorised person shall, at such times and in such manner as may be prescribed, pay to the said person such compensation as the Collector, after such inquiry as he thinks fit, may determine. Such compensation shall not be less than the amount of the rent or charge which the said person continues to be liable to pay to the owner or any tenant of the tank and shall be deemed to be a full and complete satisfaction for all loss suffered by such person as a result of the interference with the exercise of his right.

14.(1) Where the bed or any part of the bed of a tank has been leased out to cultivators for agricultural purposes the authorised person shall pay compensation to such cultivators, and thereupon such lease shall be terminated. The amount of compensation payable to each cultivator shall be such amount as the Collector, after such inquiry as he thinks fit, deems fair and equitable but not less than salami paid by such cultivator for the lease.

14A.(1) Where the owner of a derelict tank is not the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (3) of section 9B, the authorised person shall, at such times and in such manner as may be prescribed, pay to the person in possession of such land at the time of taking or retaking possession thereof such compensation as the Collector, after such inquiry as he thinks fit, may determine. Such compensation shall not be less than the amount of the rent which the person so dispossessed is liable to pay in respect of the land and shall be deemed to be a full and complete satisfaction for all loss suffered by such person as a result of the interference with his possession.

(2) Where the owner of a derelict tank is also the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (3) of section 9B, the authorised person shall-

- (a) in the case where such land is in the actual possession of the owner thereof, pay at such times and in such manner as may be prescribed

to such owner such rent as the Collector, after such inquiry as he thinks fit, may determine :

Provided that where the authorised person is the owner of such land in actual possession thereof, no such payment of the rent determined by the Collector under this Clause shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvement in the tank; and

15.(1) During the period of possession no person shall without the permission of the Authorised Officer use or occupy the tank or use the water thereof except for drinking or other domestic purposes or catch fish in the tank or take fruits from the trees on, or other produce from, the banks of the tank, except such portion of the banks as are homestead, garden or orchard lands.

(2) ... [N]o person shall without the permission of the authorised person use or occupy such land or take fruits from trees on, or other produce from, such land.

16. During the period of possession all rights to use the water of the tank for irrigation purposes shall vest in the authorised person and no person shall use the water of the tank for such purposes except with the permission of the authorised person.

16A.(1) When the possession of any tank has been taken under section 5 or section 6 the Collector shall determine in the prescribed manner the maximum area of land to the limits of which irrigation from the said tank may practicably be extended (hereinafter referred to as the maximum irrigation area) and the collector shall publish a notice in the prescribed form and manner defining the limits of the maximum irrigation area so determined.

18.(1) During the period of possession the authorised person may, subject to the provisions of this Act and the previous permission of the Collector, lease to any person for a period not extending beyond the period of possession any part of the banks of the tanks or any right to take fruit from trees on, or other produce from, such banks or any right to rear and catch fish in the tank.

(2) During the period any land of which possession is taken under section 6A or retaken under sub-section (3) of section 9B remains in the possession of an authorised person, such authorised person may, subject to the provisions of this Act and the previous permission of the Collector, lease to any person for a period not extending beyond the said period of possession any part of the said land or any right to take fruits from trees on, or other produce from such land.

(4) All sums realised by the authorised person under any lease granted under this section shall be applied to the recovery of all costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in

the tank and by the Collector in carrying out the purposes of this Act in respect of the tank together with interest on such costs at the rate of fifteen per centum per annum.

19A. Notwithstanding anything contained in the Bengal Tenancy Act, 1885, no person shall acquire any occupancy right in any part of the banks of, or in any land adjoining, a tank leased out to such person under section 18 and no person who held any part of the banks of any tank under a lease under section 18 at any time since the commencement of this Act shall be deemed to have acquired any occupancy right therein.

20. Every authorised person who takes possession of a derelict tank under the provisions of this Act shall maintain the same in proper condition, and if, in the opinion of the Collector, he fails to do so the provisions of sections 5 and 6 shall be applicable as if the maintenance of the tank in proper condition were an improvement specified in the notice under section 3 or the Collector may, if he thinks fit, arrange for the maintenance thereof from the authorised person.

26. Any person aggrieved by any action or decision of an authorised person, other than the collector, may appeal to the Collector who after giving such authorised person an opportunity to be heard in the matter, shall pass such order thereon as he thinks fit.

35. Whoever contravenes any of the provisions of section 15, or sub-section (1) of section 16 shall be punished with fine which may extend to five hundred taka.

## **THE BANGLADESH IRRIGATION WATER RATE ORDINANCE, 1983 (Ordinance No. XXXI of 1983)**

*An Ordinance to consolidate and amend the law relating to the imposition of a water rate for supply, regulation or storage of water for irrigation or drainage.*

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

- (b) "Board" means the Bangladesh Water Development Board constituted by the Bangladesh Water and Power Development Boards Order 1972 (P.O. No. 59 of 1972);
- (c) "canal" means any canal, channel, including field channel, plot channel and intake channel, river, stream, water course, reservoir, pump and tubewells constructed, installed, maintained or controlled by the Government or by the Board or by the Corporation for

supply, regulation or storage of water for the purpose of irrigation or drainage, and includes any work, embankment, structure, supply or escape channel connected with any canal, channel or reservoir, and any land on the banks of any canal as defined in this clause;

- (d) "Corporation" means the Bangladesh Agricultural Development Corporation established under the Bangladesh Agricultural Development Corporation Ordinance, 1961 (E.P. Ord. XXXVII of 1961);

**3. Ordinance to override other laws.**-The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law or in any contract for the time being in force.

**4. Imposition of water rate.**- (1)Whenever the Government is of opinion that lands within any area be benefited or are likely to be benefited by water supplied or regulated by the Government or by the Board or by the Corporation through any canal during any financial year, the Government may, by notification, declare its intention to impose in such area, hereinafter referred to as the notified area, a water rate for such financial year;

Provided that the water rate so specified for a crop season shall not exceed such rate as may be prescribed:

Provided further that the water rate intended to be imposed may vary from one notified area to another notified area.

(2) On the publication of a notification under sub-section (1), any person interested in any land likely to be affected by the imposition of the water rate referred to in the notification may, within a period of one month from the date of publication of the notification, prefer objections to the Government to the inclusion of such land in the area in respect of which the declaration has been made under sub-section (1).

(3) On the expiry of the period referred to in sub-section (2) for preferring objections, the Government may, after considering the objections, if any, received within such period, by notification,-

- (a) withdraw the declaration intending to impose a water rate; or
- (b) declare that a water rate in the area in respect of which the declaration under sub-section (1) was made or any part thereof shall be imposed.

**5. Determination of water rate etc.**-(1) The water rate to be imposed in a notified area shall be determined by such authority or in such manner as may be prescribed:

Provided that the water rate so determined may vary from one notified area to another area and from one year to another year.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any custom, usage or contract, a water rate determined under sub-section (1), shall be payable in respect of all agricultural lands in the notified area.

**6. Remission.**-(1) If, for any reason, there is, in any financial year, a total or partial failure of crops in any land in the notified area, the Government may grant total or partial remission of the water rate in respect of such lands.

**8. Free Passage of water for irrigation or drainage.**-(1) For the purpose of irrigation or drainage of lands in the notified area, the owners or occupiers of such lands shall be bound to afford free passage for water through or over all lands in their possession and for that purpose, to allow, when so required by the Deputy Commissioner, by an order in writing, construction and maintenance of such channels as may be necessary:

Provided that the capacity of such channels shall not exceed in any case two cusecs of flow.

(2) If any person refuses to comply with an order under sub-section (1) the Deputy Commissioner may cause the channel to be constructed or maintain and may impose a penalty which may extend to five times the water rate assessed on such land.

(3) Notwithstanding anything contained in any other law for the time being in force, no person shall be entitled to claim any compensation for any damage or loss which may be caused as a result of construction or maintenance of any channel under sub-section (1) or sub-section (2):

Provided that he shall be entitled to remission of water rate in respect of that portion of land which is affected by such construction or maintenance of channels.

**9. Penalty for diversion of normal flow of water by obstruction, etc.**-(1) If, without any written permission of the Deputy Commissioner, any obstruction is put in any channel referred to in section 8 or other canal or any cut is made on the bank thereof as a result of which the normal flow of water through such channel or canal is diverted for the purpose of irrigating any land or for storing water for any purpose, the Deputy Commissioner may;

- (a) take such measures as he may consider necessary to remove such obstruction or to close such cut; and
- (b) impose a penalty, which may extend to ten times the water rate assessed for the financial year during which the obstruction is put or the cut is made, on the persons who are the owners or the occupiers of lands irrigated by, assessed to water rate under section 7 who are the owners or occupiers of the lands irrigated by, or filled up with,

water so diverted, after giving them an opportunity of showing cause against the imposition of such penalty:

Provided that no such penalty shall be imposed on any person who proves to the satisfaction of the Deputy Commissioner that such obstruction was put or such cut was made without his knowledge or consent.

(2) Any person aggrieved by an order imposing a penalty under this section may, within thirty days from the date of receipt of the order, appeal to such appellate authority as may be prescribed, and the decision of the appellate authority in such appeal shall be final.

10. **Prevention of unauthorised use or waste of water.**-(1) It shall be the duty of the owners or occupiers of lands in the notified area to take proper precautions for the prevention of waste of the water supply through any canal in the area or use of such water in an unauthorised manner.

(2) If water supplied through a canal be suffered to run to waste, the person by whose act or neglect such water is suffered to run to waste shall be liable to pay a penalty which may extend to ten times the water rate that could be charged if the water so wasted were supplied in bulk.

(3) If water supplied through a canal in the area be used in an unauthorised manner, the person by whose act or neglect such use has occurred shall be liable to pay a penalty which may extend to five times the water rate assessed on the land in which such water is used or on which such water has flowed.

**Note:** Rules have been framed under section 15 of this Ordinance as Irrigation Water Rate Rules, 1992.

## 8.2 Pest and Quality Control

### THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914 (Act No. II of 1914)

*An Act to prevent the introduction into Bangladesh of any insect, fungus or other pest, which is or may be destructive to crops.*

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

- (a) "crops" includes all agricultural or horticultural crops and all trees, bushes or plants;
- (c) "infection" means infection by any insect, fungus or other pest injurious to a crop.

3.(1) The Government may, by notification in the official Gazette, prohibit or regulate, subject to such restrictions and conditions as it may impose, the import into Bangladesh, or any part thereof, or any specified place therein, of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects.

(2) A notification under this section may specify any article or class of articles or any insect or class of insects either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported or otherwise.

4. A notification under section 3 shall operate as if it had been issued under section 16 of the Customs Act, 1969, and the officers of Customs at every Port shall have the same powers in respect of any article with regard to the importation of which such a notification has been issued as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the Customs Act, 1969.

5.(1) The Government may make rules for the detention, inspection, disinfection or destruction of any insect or class of insects or of any article or class of articles in respect of which a notification has been issued under section 3 or of any article which may have been in contact or proximity thereto, 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 that may extend to one thousand taka.

## **THE AGRICULTURAL PESTS ORDINANCE, 1962** (Ordinance No. VI of 1962)

*An Ordinance to provide for the prevention of spread of agricultural pests in Bangladesh.*

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

- (b) "agricultural pest" means a pest, insect or weed mentioned in the Schedules I, II, III and IV to this Ordinance ;
- (d) "crops" include all agricultural or horticultural crops and all trees, bushes or plants;
- (e) "infested crop" means a crop affected by any agricultural pests;



- (h) "occupier" means the person in actual possession of land and includes the manager or managing agent or bargadar or any other person authorised by the occupier;
- (i) "preventive measures" means the measures prescribed by the Provincial Government to eradicate and to prevent the spread of any agricultural pests;

3. The Government may, by notification in the Official Gazette, prohibit;

- (a) the employment of such methods of cultivation as held the spread of agricultural pests either generally or with respect to any particular; or
- (b) the transport or sale of any infested crop.

4. Every occupier of land in which any crop is cultivated shall be bound to carry out the preventive measures as may be prescribed in respect of such crop.

5. The Government may, by notification, appoint such person as it thinks fit to be Inspector for the purposes of this Ordinance within such local areas as may be specified in such notification.

6. An inspector appointed under section 5 may, subject to any rules made in this behalf by the Government,-

- (a) at any time enter and inspect any land, building, place, vessel or vehicle for the purpose of exercising the powers or performing the duties conferred or imposed on him by or under this Ordinance;
- (b) seize any infested crop and destroy or cause to be destroyed such crop in such manner as may be prescribed;
- (c) seize any infested crop or by a requisition in writing direct the occupier or the person in-charge of such crop not to sell or dispose of or pick or collect or move the seized crop from such place as may be specified in the requisition without the written permission or such authority as may be prescribed in this behalf.

7.(1) Whenever an Inspector is satisfied that preventive measures have not been duly carried out by the occupier of any land he shall call upon such occupier by notice in writing to carry out such measures within fifteen days of the receipt of such notice.

(2) The occupier may within seven days from the service upon him of the notice under sub-section (1) prefer an appeal to the Collector against such notice.

(3) The authority before whom the appeal is preferred may extend the time specified in the notice issued under sub-section (1) and shall, after giving the

occupier an opportunity of being heard, pass such order on the appeal as he thinks fit.

(4) Every order passed under sub-section (3) shall be final.

8.(1) If an occupier on whom a notice has been served under sub-section (1) of section 7 does not comply with such notice within the time specified therein or where an appeal has been preferred by him under sub-section (2) of that section, does not comply with the order passed on such appeal within seven days, the Inspector may carry out or cause to be carried out the preventive measures not undertaken, at the cost of the occupier and for such purpose may take with him or depute or employ such subordinates or other persons as he deems fit.

9.(1) Whenever it appears to the Government that the whole of Bangladesh or any part thereof is affected or threatened by an agricultural pest and that immediate action is necessary, the Government may, by notification in the Official Gazette, declare the whole of Bangladesh or such area as affected area and take such remedial and preventive measures in respect of such area as may be necessary.

10. Whoever contravenes the provisions of section 3 shall be punished for a first offence with fine which may extend to five hundred taka, and for every subsequent offence with imprisonment which may extend to three months or with fine which may extend to one thousand taka or with both.

11.(1) Any person aggrieved by an order of seizure or destruction may, within seven days of such order, appeal to the Deputy Commissioner.

(2) Any order passed on appeal under sub-section (1) and if no appeal is preferred, the order of the Inspector shall be final.

## SCHEDULE I.

[See section 2 (b)]

### Parasites.

Sl. No.	Name	Host	Common name of disease
1.	Helminthosporium oryzae	Rice	Leaf spot, seedling blight
2.	Sclerotium oryzae	Do	Sterm-rot.
3.	Piricularia oryzae	Do	Blast.

Sl. No.	Name	Host	Common name of disease
4.	<i>Fusarium oniliforme</i>	Do	Bakanae of Foot-rot
5.	<i>Ditylenchus angustus</i> (Nematode)	Do	Ufra, Dak Pora.
6.	<i>Radopholus oryzae</i> (Nematode)	Do	Mentak.
7.	<i>Colletotrichum falcatum</i> <i>Phyalospora tucumanenses</i>	Sugarcane	Red-rot.
8.	<i>Ceratostomella paradoxa</i>	Do	Sett rot.
9.	<i>Hendersonina sacchari</i>	Do	Collar-rot.
10.	<i>Leptosphaeria sacchari</i>	Do	Ring spot.
11.	<i>Helminthosporium Sacchari</i>	Do	Eye spot.
12.	<i>Carcospora longipes</i>	Do	Brown band.
13.	<i>Macrophomina phaseoli</i>	Jute	Stem-rot.
14.	<i>Diplodia corchori</i>	Do	Black bank.
15.	<i>Meloidogyne javanicum</i>	Do	Root-knot.
16.	<i>Phytophthora infestans</i>	Potato	Lete Blight.
17.	<i>Alternaria solani</i>	Potato	Early blight.
18.	Leaf roll virus	Do	Leaf roll
19.	<i>Sclerotium rolfsii</i>	Do.	Stem-rot
20.	<i>Pseudomonas salanaceraum</i>	Tomato	Wilt.
21.	<i>Phytophthora infestans</i>	Do.	Late blight.
22.	<i>Alternaria salani</i>	Do.	Early blight.
23.	Leaf roll virus	Do.	Leaf roll.
24.	<i>Ceroospora nicotianae</i>	Tobacco	Leaf spot.
25.	Tobacco mosaic virus	Do.	Mosaic.
26.	Orobanche (Phanerogamic parasite)	Do.	Orobanche.
27.	<i>Phythium</i> sp.	Do.	Damping offb.
28.	<i>Phytophthorr parasitea</i>	Betal Vine	Leaf rot.
29.	<i>Sclerotium rofsii</i>	Do.	Root-rot.
30.	<i>Colletorichum capsici</i>	Do.	Anthracnose.
31.	<i>Thielaviopsis paradoxa</i>	Betelnut	Wilt.
32.	(a) <i>Cercospora personata</i>	Groundnut	Tikka.

Sl. No.	Name	Host	Common name of disease
	(b) <i>Cercospora arachidicola</i>	Do	
33.	<i>Sclerotium rolfsii</i>	Do.	Stem-rot.
34.	<i>Macrophomina phaseoli</i>	Do.	Root-rot.
35.	<i>Vermicularia capsici</i>	Chilli	Die-back.
36.	<i>Choanephora cucurbitarum</i>	Do.	Soft-rot.
37.	<i>Glomerella cingulata</i>	Do.	Ripe-rot.
38.	<i>Puccinia graminis tritici</i>	Wheat	Black stem rust.
39.	<i>Puccinia triticina</i>	Do.	Orange rust.
40.	<i>Puccinia glumarum</i>	Do.	Yellow rust.
41.	<i>Ustilago tritici</i>	Do.	Loose smut.
42.	<i>Gomerella gossypi</i>	Cotton	Anthranose.
43.	<i>Cercospora gossypina</i>	Do.	Leaf spot.
44.	<i>Fusarium oxysporum f. vasinfectum</i>	Do.	Wilt.
45.	<i>Rhizoctonia sp...</i>	Do.	Root-rot.
46.	<i>Xanthomonas malvacearum</i>	Do.	Angular leaf spot.
47.	<i>Helminthosporium turcicum</i>	Maiza	Leaf blight.
48.	<i>Gibberella spp.</i>	Do.	Ear rot.
49.	<i>Colletotrichum graminicolum</i>	Jowar	Red leaf spot
50.	<i>Sphaecelotheca soigni</i>	Do.	Smut.
51.	<i>Phyllachora sorghi</i>	Do.	Black spot.
52.	<i>Fusarium oxysporum f.cubense</i>	Banana	Planama disease (wilt).
53.	<i>Gloeosporium musarum</i>	Do.	Finger end rot.
54.	Banana virus	Do.	Bunchy top.

## SCHEDULE II.

### See Section 2 (b)

#### Insects

Sl. No.	Scientific name	Family (in English)	Common name Plants	Host
1.	<i>Pseudaletia unipuncta</i> Raw	Noctuidae, Lepidoptera	Rice Ear-cutting Rice caterpillar	Rice
2.	<i>Spodoptera boisd, mauritia</i>	Noctuidae, Lepidoptera	Rice Swarming caterpillar	Do
3.	(a) <i>Schoenobius biquinctifera</i> Walk (b) <i>Chiloptroea auricilia</i> Dudge (c) <i>Chiloptroea polychrysa</i> Mey	Pyralidae, Lepidoptera Pyralidae, Lepidoptera Pyralidae, Lepidoptera	Rice Stem borer Rice Stem borer Rice Stem borer	Do Do Do
4.	<i>Hispa Br Mifera</i> Oliy	Noctuidae, Lepidoptera	Rice Hispa	Do
5.	(a) <i>Nephotettix bipunctatus</i> Fab (b) <i>N. Apicalis</i> Motsen (c) <i>Selinocephalus virescens</i> Dist. (d) <i>Sogata distincta</i> Dist.	Jassidae, Remiptera Cic dellidae, Hemiptera Jassidae, Hemiptera Delphacidae, Hemiptera	Rice Leaf Hopper Rice Leaf Hopper Rice Leaf Hopper Rice Leaf Hopper	Do Do Do Do
6.	<i>Leptocorisa acute</i> Thun bg	Coreidae, Hemiptera	Rice bug	Do
7.	<i>Ripersia oryzae</i> Green	Coccidae, Hemiptera	Rice mealy bug	Do
8.	<i>Nymphula depunctalis</i> Guen	Pyralidae, Lepidoptera	Rice case worm	Do
9.	<i>Cnaphalocrocis medinalis</i> Guen	Pyralidae, Lepidoptera	Rice leaf roller	Do
10.	<i>Oxva</i> sp.	Acrididae, Orthoptera	Rice grass hopper	Do
11.	<i>Oscinella frit</i> L.	Chbropidae, Diptera	Paddy leaf-gall fly	Do
12.	<i>Polippidas agna</i> Moore	Hesperiidae, Lepidoptera	Rice skipper	Do

Sl. No.	Scientific name	Family (in English)	Common name Plants	Host
13.	<i>Scirpophaga excerptialis</i> Walk (probably)	Pyralidae, Lepidoptera	Sugarcane top borer	Sugarcane
14.	<i>Chilo tumidicostalis</i> Hampson	Pyralidae, Lepidoptera	Sugarcane Stemborer	Do
15.	<i>Tanyemachus sciurus</i> Oliv	Curculionidae, Coleoptera	Sugarcane leaf eater	Do
16.	<i>Pyrrilla perpusilla</i> Walk	Lophophidae, Hemiptera	Sugarcane leaf hopper	Do
17.	<i>Pyrrilla pusana</i> Dist	Lophophidae, Hemiptera	Sugarcane leaf hopper	Sugarcane
18.	<i>Asamangulia cuspidata</i> Walk	Hispidae, coleoptera	Sugarcane Hispa	Do
19.	<i>Diaorisia obliqua</i> Walk	Arctiidae, Lepidoptera	Maily caterpillar	Jute
20.	<i>Cosmophila sabulifera</i> Guen	Noctuidae, Lepidoptera	Semilooper	Do
21.	<i>Apton corchori</i> Marsh	Curculionidae, colepoptera	Jute apion	Do
22.	<i>Labgma exigua</i> Guen	Noctuidae, lepidoptera	Indigo caterpillar	Do
23.	<i>Prodenia litura</i> FB	Ditto	Jute Prodenia	Do
24.	<i>Trachys pacifica</i> Kerr	Buprestidae, coleoptera	Jute Buprestid	Do
25.	<i>Ferrisia virgata</i> ckl	Coccidae, Heiptera	Mealybug	Do
26.	<i>Agrotis ypsilok</i> Hfn	Noctuidae, lepidoptera	Curworm	Do
27.	<i>Brachytrpes portentosus</i> licht	Gryllidae Orthoptera	Cricket	Do
28.	<i>Scopula cmmasaria</i> Walk	Geometridae, lepidoptera	Jute scopula	Do
29.	<i>Tersonemus latus</i> Bank	Tetranychidae, Acarina	White mite	Do
30.	<i>Tetranychus bioculatus</i> W.M.	Ditto	Red mite	Do
31.	<i>Prodenia litura</i> F	Noctuidae, Lepidoptera	Tobacco Caterpillar	Tobacco
32.	<i>Agrotis ypsilon</i> Hfn.	Ditto	Curworm	Do
33.	<i>Nesidiocoris tenuis</i> Rent	Miridae, Hemiptera	Leaf hopper	Do
34.	<i>Oregma</i> sp	Aphididae, Hemiptera	Aphis	Do

Sl. No.	Scientific name	Family (in English)	Common name	Host
35.	Gonocephalum tuberculatum Hope	Tenebrionidae, coleoptera	Plants Surface beetle	Do
36.	Heliothis assueta Guen	Noctuidae, Lepidoptera	Leaf eating caterpillar	Do
37.	Plusia signata F	Ditto	Semilooper	Do
38.	Thrips sp	Thripidae, Thysanoptera	Thrips	Do
39.	Sylepta derogata F	Pyralidae, lepidoptera	Leaf roller	Cotton
40.	Dysercus cingulatus Fb	Pyrrh coridae, Hemiptera	Red cotton bug	Do
41.	Earias fabia Oran	Agrotidae, lepidoptera	Spotted Ballworm	Do
42.	Platyedra gossyprella Saund	Gelechiidae, lepidoptera	Pink Ballworm	Do
43.	Kolla mimica Dist	Jassidae, Hemiptera (Cicadellidae)	Leaf hopper	Cotton
44.	Telingana curvispina Stall	Membracidae, Hemiptera	Hooded Hopper	Do
45.	Myllocerus discolor Boh	Curculionidae coleoptera	Leaf eating beetle	Do
46.	Chrotogonus Sp	Acrididae, Orthoptera	Grass hopper	Do
47.	Cerococcus hibici Green	Coccidae, Hemiditera	Scale insect	Do
48.	Ferrusum virgata Ckll	Ditto	Mealybug	Do
49.	Nipaeococcus vestato Mask	Ditto	Scale	Do
50.	Sphenoptera gossypii Kerr	Buprestidae, coleoptera	Cotton Stembores	Do
51.	Pheidole sp	Formicidae, Hymenoptera	Brown ants	Do
52.	Camponotus compressus Fb	Formicide Hymenoptera	Black ants	Do
53.	Aphis gossypii	Aphididae, Hemiptera	Aphis	Do
54.	Lipahis pseudhrassocae (Davis)	Aphididae, Hemiptera	Aphis	Mustard
55.	Crodolomia binotalis Zell	Pyralidae, Lepidoptera	Mustard caterpillar	Do
56.	Athalia lugens proxima Klug	Tenthredinidae, Hymenoptera	Saw fly	Do

**SCHEDULE III**  
**[See section 2(b)]**  
**Heeds**

Sl. No.	Scientific name	Family (in English)	Common name Plants	Host
1.	<i>Eichornia crassipens</i> Solms	Poteneriaceae	Water hyacinth	Paddy
2.	<i>Celosia argentea</i> L.	Amarantaceae	Thanthane	Do
3.	<i>Mimosa pudica</i> L.	Leguminosae	Leggabati	Do
4.	<i>Leerisa hexandra</i> Sw	Gramineae	Floating grass	Do
5.	<i>Cynodon dactylon</i> Pers	Ditto	Doub	Do
6.	<i>Oryza sativa</i> var <i>atur</i> L.	Ditto	Jhora dhan	Paddy
7.	<i>Cyperus rotundus</i> L.	Cyperaceae-c	Mutha	Do
8.	<i>Amarantus spinosus</i> L.	Amarantaceae	Kata nate	Do
9.	<i>Oldenlandia conyngosa</i> L.	Rubiaceae	Khetpapia	Do
10.	<i>Panicum crusgallii</i> L.	Gramineae	Ghuma, Bareshama	Do



## SCHEDULE IV

[See section 2(b)]

### Name of pests which attack Silk Worms Diseases of Silk Worms

Sl. No.	Name of diseases	Organism causing the diseases
1.	Pebrine	Nosema bombycis Naegali
2.	Muscardine (or Red Muscardine)	(a) Beauveria Bassiana (Ral some) (b) Beauveria densa (LK)(=b. Tanella Del).
3.	Flacheria	Bacillus bombycis auctt
4.	Serratia infection	Serratia narcaecens Bizio
5.	Cocobacillus infection	Diplococcus bombycis paillet
6.	Streptococcus infection	Streptococcus bombycis auctt (Micrococcus bombycis cohn)
7.	Green Muscardine	Metarrhizium anisopliae (Metch)
8.	Jaundice of silk worm	Borrelina bombycis paillet

### Diseases of Mulberry

Sl. No.	Name of diseases	Organism causing the diseases
1.	Powdery Mildew	Phyllactinia corylea
2.	Violet Root Rot	Helicobasidium Mompa
3.	White Root Rot	Rosellinia necatrix
4.	Megare	Gibberella noricola

## **THE AGRICULTURAL PESTICIDES ORDINANCE, 1971** **(Ordinance No. II of 1971)**

*An ordinance to regulate the import, manufacture, formulation, sale, distribution and use of pesticides.*

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

- (a) "adulterated" when used with reference to a pesticide, means any pesticide the strength or purity of which falls below the professed standard or quality which is expressed on its label or under which it is sold or a pesticide any valuable ingredient of which has been wholly or partially extracted;
- (b) "advertise" means to make known by publication or distribution of any advertisement, circular or other notice;
- (c) "brand" means the trade name applied by an importer, manufacturer, formulator or vendor to the goods imported, manufactured or sold by him;
- (e) "formulation" means the process by which a pesticide is converted, by mixing with other substances, into a form in which it is ready to be used;
- (f) "fungi" means all rusts, smuts, mildews, moulds, yeasts, and similar forms of plant life prescribed in this behalf and includes bacteria affecting plant life;
- (h) "guarantee" means the statement indicating the strength, effectiveness and other qualities of a brand of a pesticide which an importer, manufacturer, formulator, vendor or person holding stock for sale of a brand of a pesticide is required to submit under the rules at the time of applying for the registration of the brand;
- (k) "insect" means any of the small invertebrate animals commonly known as insects and includes such forms of animal life as may be prescribed;
- (n) "pesticide" means any substance or mixture of substances used or represented as a means for preventing, destroying repelling, mitigating or controlling, directly or indirectly, any insect, fungus, bacterial organism, nematodes, virus, weed, rodent, or other plant or animal pest but does not include a substance which is a 'drug' within the meaning of the Drugs Act, 1940.

**4. Pesticides to be registered.**-No person shall import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale or in any manner advertise any brand of pesticide which has not been registered in the manner hereinafter provided.

**5. Application for registration of pesticide.**-(1) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale or advertise any brand of a pesticide may apply to the Government for the registration of the brand under such name as he may indicate in the application.

(4) Upon the receipt of an application under sub-section (1), the Government may register a brand of a pesticide by the name indicated in the application, if it is satisfied that;

- (a) the brand is not such as would tend to deceive or mislead the purchaser with respect to the guarantee relating to the pesticide or its ingredients or the method of its preparation; or
- (b) the guarantee relating to the pesticide or its ingredients is not the same as that of another registered brand or is not so similar thereto as to be likely to deceive; or
- (c) it is effective for the purpose for which it is sold or represented to be effective; or
- (d) it is not generally detrimental or injurious to vegetation, except weeds, or to human or animal health, even when applied according to directions.

**7. Cancellation of registration.**-If, at any time after the registration of the brand of a pesticide, the Government is of opinion that the registration has been secured in violation of any of the provisions of this Ordinance or the rules or that the pesticide is ineffective against pests or hazardous to vegetation, other than weeds, or to human or animal life, the Government may, after giving to the person on whose application it had been registered an opportunity of being heard, cancel the registration.

**8A. Requirement of licence.**-(1) Any person may, after obtaining a licence granted by the licensing authority import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise in any manner any brand of registered pesticide.

(2) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise any brand of registered pesticide may apply for a licence to the licencing authority.

**9. Importation may be prohibited.**-If any pesticide imported into is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if its

sale in any way contravenes any of the provisions of this Ordinance, the Government may, by notification in the official Gazette, prohibit the further import of the pesticide into Bangladesh.

**10. Labelling of packages.**-No person shall sell or offer or expose for sale, or advertise or hold in stock for sale any pesticide unless each package containing the pesticide, and every tag or label durably attached thereto, is branded or marked in printed characters in such form and in such manner as may be prescribed.

**14. Government Analyst.**-The Government may, by notification in the official Gazette, appoint as many persons as it deems fit to be Government Analysts for pesticides and, where it appoints more than one person to be Government Analysts, shall specify in the notification the local limits within which each one of them shall perform the functions of Government Analyst.

**15. Inspectors.**-The Government may, by notification in the official Gazette, appoint from amongst the officers of the Government employed for work relating to plant protection such number as it deems fit to be Inspectors within such local limits as may be specified in the notification.

**16. Powers of Inspectors.**-An Inspector may, within the local limits for which he is appointed, enter upon any premises where pesticides are kept or stored, whether in containers or in bulk, by or on behalf of the owner, including premises belonging to a bailee, such as a railway, a shipping company or any other carrier, and may take samples therefrom for examination. No compensation shall be payable for a reasonable quantity taken as a sample.

**17. Procedure of Inspectors.**-(1) Where an Inspector takes a sample of a pesticide for the purpose of test or analysis under section 16, he shall intimate such purpose in writing in the prescribed form to the person from whose possession he takes it and in the presence of such person unless he wilfully absents himself), shall divide the sample into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked:

Provided that, where the pesticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Inspector may, and if the pesticide be such that it is likely to deteriorate or be otherwise damaged by exposure shall, take three of the said containers after suitably marking the same and, where necessary, sealing them.

(2) The Inspector shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it, and shall retain the remainder and dispose of the same as follows :

- (i) he shall forthwith send one portion or container to the Government Analyst for test or analysis; and

(ii) he shall send the second portion or container to the Government.

**18. Report of Government Analyst.**-(1) The Government Analyst to whom a sample of any pesticide has been forwarded by an Inspector under subsection (2) of section 17 shall deliver to the Inspector, in triplicate in the prescribed form, a signed report of the result of the test or analysis conducted by him.

(6) A certificate of analysis prepared by the Pesticide Laboratory shall be conclusive evidence of the facts stated therein.

**20. Purchaser of pesticide may have it tested or analyses.**-(1) Any person who has purchased a pesticide may apply to a Government Analyst to conduct a test or analysis of the pesticide.

(3) The Government Analyst to whom an application is made ... shall conduct the test or analysis and issue to the applicant a report signed by him of the test or analysis.

**21. Offences and penalties.**-Any person who;

- (a) sells, offers or exposes for sale, holds in stock for sale or advertises a registered brand of a pesticide which is not of the nature, substance or quality which it is represented to be by the brand or mark on the package containing it or, as the case may be, on the tag or label attached thereto; or
- (b) falsely represents a pesticide in an advertisement; or
- (c) contravenes any of the provision of this Ordinance or the rules for the contravention of which no other penalty is provided in this Ordinance,

shall be punishable, for the first offence, with fine which may extend to one thousand Taka and for every subsequent offence with fine which shall not be less than two thousand Taka or more than three thousand Taka and in default of payment of any such fine which imprisonment for a term which may extend to one year.

**22. Manufacturer's warranty to dealers.**-Whoever gives fails warranty to a dealer or purchaser in respect of a pesticide, that it complies in all respect with the provisions of this Ordinance shall, unless he proved that when he gave the warranty he had good reason to believe the same to be true, be punishable with fine which may extend to one thousand Taka.

**23. Unlawful use of registration number, lowering of pesticidal value or hindering the Inspector from performing his duty.**-Any person who;

- (a) unlawfully uses any registration number assigned or as if it had been assigned under this Ordinance; or

- (b) wilfully alters the composition of a pesticide by mixing any other substance therewith after the said pesticide has been placed on the market by the manufacturer, importer or vendor, or
- (c) wilfully obstructs, hinders, resists, or in any way opposes any Inspector in performing his duties under this Ordinance;

shall be punishable with fine which shall not be less than two thousand and five hundred Taka or more than five thousand Taka or with imprisonment for a term which shall not be less than one year or more than two year.

**25. Power of Court to order forfeiture.**-If any person is convicted of an offence punishable under this Ordinance committed by him in respect any pesticide, article or thing, the Court convicting him may further direct that the pesticide, article or thing shall be forfeited to the Government.

**29. Power to make rules.**-(1) The Government may, in consultation with the Pesticide Technical Advisory Committee and after previous publication in the official Gazette, make rule for carrying the provisions of this Ordinance into effect.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide all or any of the following matters, namely;

- (j) the pesticides that are generally detrimental or injurious to vegetation, domestic animals or public health even when used according to directions;
- (k) the pesticides that are to be labelled "Poison" and their antidotes;
- (l) the requirements for the safe storage of pesticides;
- (m) the quantities of different brands of pesticides which a person may hold in stock at any one time and the premises in which, and the conditions subject to which, he may hold them in stock;
- (n) the precautions for the protection of workers against risk of poisoning by pesticides arising from their working-
  - (i) in connection with the use of such pesticides; or
  - (ii) on land on which such pesticides are being or have been used;
- (o) the restrictions or conditions as to the purposes for which, the circumstances in which, or the methods or means by which, a pesticide may be used;
- (p) the restrictions or conditions involving a general prevention or limitation of the use of any pesticide;
- (q) the provision, and keeping available and in good order, of facilities for washing and cleaning and of other things needed for protecting

- persons, clothing, equipment and appliances from contamination with pesticides or for removing sources of contamination therefrom contamination with pesticides or for removing sources of contamination therefrom;
- (r) the observance of precautions against poisoning by pesticides including the use of things provided in pursuance of the rules, and abstention from eating, drinking and smoking in circumstances involving risk or poisoning by pesticides;
  - (s) intervals between, or limitations of, periods of exposure to risk of poisoning by pesticides;
  - (t) the observance of special precautions in the case of persons who, by reason of their state of health, age, or other circumstances, are subject to particular risk of poisoning by pesticides or of injury therefrom, or imposing, in case of person so subject, prohibitions or restrictions on employment of workers;
  - (u) the measures for detecting and investigating cases in which poisoning by pesticides has occurred;
  - (v) the provisions of effective facilities for prevention of poisoning by pesticides and first aid treatment; and
  - (w) the provision of instruction and training in the use of things provided in pursuance of the rules and in the observance of precautions against poisoning by pesticides.

**THE SEEDS ORDINANCE, 1977**  
**(Ordinance No. XXXIII of 1977)**

*An Ordinance to provide for regulating the quality of certain seeds for sale and for matters connected therewith.*

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

- (a) "agriculture" means food and fibre crop production and includes horticulture;
- (g) "kind" means one or more related species or sub-species or crop plants each individually or collectively known by one common name, such as cabbage, paddy or wheat;
- (j) "Seeds" means, except those used for drugs and narcotics, any of the following classes of seeds used for sowing or planting-

- (i) seeds of food crops including edible oil seeds and seeds of fruits and vegetables;
- (ii) seeds of fibre-crops;
- (iii) seeds of flower and ornamental plants;
- (iv) seeds of forage crops;

and includes seedlings, and tubers, bulbs, rhizomes, root cuttings, all types of grafts and other vegetatively propagated materials.

- (kk) "Seed Dealer" means a person or a company or an organization carrying on the business of selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety.

**3. National Seed Board.**-(1) The Government shall, as soon as may be after the commencement of this Ordinance, constitute a Board to be called the National Seed Board to advise the Government on matters arising out of the administration of this Ordinance and to carry out the other functions assigned to it by or under this Ordinance.

**4. Government Seed Laboratory.**-The Government may establish a Seed Laboratory to be called the Government Seed Laboratory or declare, by notification in the official Gazette, any Seed Laboratory as the Government Seed Laboratory for the purposes of this Ordinance.

**5. Power to specify kinds or varieties of seeds.**-If the Government after consultation with the Board, is of opinion that it is necessary or expedient to regulate the quality of seed of any kind or variety to be sold and used for the purposes of agriculture, it may, by notification in the official Gazette, specify such kind or variety to be a notified kind or variety for the purposes of the Ordinance and different kinds or varieties may be notified for different areas.

**6. Powers to specify the standards of seed quality.**-After consultation with the Board, the Government may, by notification in the official Gazette, specify-

- (a) the standard regarding the germination percentage, purity percentage, moisture content and such other components of seed quality with respect to any seed of any notified kind or variety;
- (b) the mark or label to indicate that such seed conforms to the standard specified under clause (a) and the particulars which such mark or label may contain.

**7. Regulation of sale of seeds of notified kinds or varieties.**-No Seed Dealer shall carry on the business of selling, keeping for sale, offering to sell,



bartering or otherwise supplying any seed of any notified kind or variety, unless;

- (a) such kind or variety of seed and the Seed Dealer is registered with the Board;
- (b) such seed is identifiable as its kind or variety;
- (c) such seed conforms to the standards of seed quality and the container of such seed bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified under clauses (a) and (b) of section 6;
- (d) he complies with such other requirements as may be prescribed.

**8. Seed Certification Agency.**-The Government may, by notification in the official Gazette, establish a Certification agency to be called the Seed Certification Agency to carry out the functions entrusted to it by or under this Ordinance.

**9. Grant of certificate by the Certification Agency.**-(1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the Certification Agency, apply to the certification Agency for grant of a certificate for the purpose.

**14. Powers of Seed Inspector.**-(1) The Seed Inspector may;

- (a) take samples of any seed of any notified kind or variety from-
  - (i) any person selling such seed; or
  - (ii) any person who is, in the course of conveying, delivering; or preparing to deliver such seed to a purchaser or a consignee; or
  - (iii) a purchaser or a consignee after delivery of such seed to him;
- (b) send such sample for analysis to the Seed Analyst for the area within which such sample has been taken;
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Ordinance or any rule made thereunder.

(3) The power conferred by this section includes power to break any container in which any seed of any notified kind or variety may be contained or to break open the door of any premises where any such seed may be kept for sale:

(4) Where the Seed Inspector takes any action under clause (a) of sub-section (1), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

**15. Procedure to be followed by Seed Inspectors.**-(1) Whenever a Seed Inspector intends to take sample of any seed of any notified kind or variety for analysis, he shall;

- (a) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;
- (b) except in special cases provided by rules made under this Ordinance, take three-representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

(2) When samples of any seed of any notified kind or variety are taken under sub-section (1), the seed Inspector shall-

- (a) deliver one sample to the person from whom it has been taken;
- (b) send in the prescribed manner another sample for analysis to the seed Analyst for the area within which such sample has been taken; and
- (c) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Seed Laboratory under sub-section (2) of section 16, as the case may be,

(3) If the person from whom the samples have been taken refuses to accept one of the samples, the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.

**16. Report of Seed Analyst.**-The Seed Analyst shall, as soon as may be, after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

**17. Import and Export of Seeds.**-No person shall export or import or cause to be exported or imported any seed of any notified kind or variety unless it conforms to the standards of seed quality and the container of such seeds bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified for that seed under section 6.

**18. Recognition of seed certification agencies of foreign countries.**-On the recommendation of the Board, the Government may, by notification in the official Gazette, recognise any seed certification agency established in any foreign country of the purposes of this Ordinance.

19. **Penalty.**-If any person contravenes any provision of the Ordinance or any rule made thereunder, or prevents a Seed Inspector from taking samples under this Ordinance or prevents him from exercising any other power conferred on him by or under this Ordinance, he shall, on conviction, be punishable-

- (a) for the first offence, with fine which may extend to taka one thousand; and
- (b) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term not more than thirty days and fine which may extend to taka two thousand.

20. **Forfeiture of property.**-When any person has been convicted under this Ordinance for the contravention of any of the provisions of this Ordinance or the rules made thereunder, the seed in respect of which the contravention has been committed may, if the court so orders, be forfeited to the Government.

**Note:** See also the Agricultural Produce (Grading and Marking) Act, 1937 and the Bangladesh Agricultural Produce Markets Regulation Act, 1964 mentioned in sector 3.

### 8.3 Institutions

## THE AGRICULTURAL DEVELOPMENT CORPORATION ORDINANCE, 1961 (E.P. Ordinance No. XXXVII of 1961)

*An Ordinance to establish an Agricultural Development Corporation for the purpose of increasing agricultural production in Bangladesh.*

3.(1) As soon as may be after the commencement of this Ordinance, the Government shall establish a Corporation to be called the Bangladesh Agricultural Development Corporation.

13.(1) The Corporation shall-

- (a) make suitable arrangements throughout Bangladesh, on a commercial basis, for the procurement, transport, storage and distribution to agriculturists of essential supplies such as seed, fertilizers, plant protection equipment, pesticides and agricultural machinery and implements ;
- (b) Promote the setting up of co-operative societies with a view to handing over to them its supply functions in accordance with a phased programme;

- (d) if so directed by the Government, take over and manage, on such terms and conditions as may be specified by the Government, such seed multiplication and livestock breeding farms and fruit nurseries as are owned or managed by the Government; and
- (e) assist, encourage and promote the manufacture of improved agricultural machinery and implements, but shall not itself undertake any such manufacture :

Provided that it shall, if so directed by the Government, take over, on such terms and conditions as may be specified by the Government, any concern owned or managed by the Government and engaged in such manufacture.

(2) In addition to the functions enumerated in subsection (1), the Corporation may-

- (b) assist, encourage, and promote the establishment of industries for the processing of agricultural produce, the formulating or manufacturing of insecticides, pesticides, fungicides or biologicals or the manufacturing of cattle and poultry feed;
- (c) organise the supply, maintenance and operation of lift-pumps and tubewells and set up light workshops for running repairs;
- (d) ..encourage the expansion and improvement of industries for the manufacture of diesel engines used in agriculture, the setting up of cold storage plants, the renewal and establishment of ginneries, oil expellers, jute presses and rice huskers;
- (g) carry out or cause to be carried out surveys of the problems and potentials of any area proposed to be declared a Project Area under section 23, and incur expenditure on such surveys, on the training of personnel, and on studies, experiments and technical research.

14. In a Project Area, the Corporation-

- (a) shall organise the dissemination of technical knowledge among agriculturists with a view to ensuring intensive and co-ordinated use of improved seeds, fertilizers, plant protection materials, better cultivation techniques, and credit, including supervised credit;
- (b) shall deal with all matters pertaining to land reclamation, range management, dairy industry, organisation of agriculture in new areas, harnessing of hill streams, conservation of catchments, exploitation of potential areas planned agriculture through suitable crop rotation and mixed farming, marketing and processing of agricultural produce and organisation of co-operative and block farming;

- (e) shall perform all functions, which were, immediately before the issue of notification under section 23 were being performed in such area by the Departments dealing with agriculture, animal husbandry, livestock, co-operative societies, fisheries, forests and consolidation of holdings;
- (f) may undertake distribution of water for irrigation;
- (g) may undertake anti-salinity measures;
- (h) may assist, encourage and promote the use of agricultural machinery; and
- (i) may organise, or enter into contracts for, such research as may be necessary for carrying out its functions, including research in land and water utilisation.

16. The Corporation may-

- (f) direct, in respect of any area-
  - (i) the levelling, terracing and embankment of fields;
  - (ii) the afforestation of such area or part thereof;
  - (iii) the construction of earthworks in fields or ravines;
  - (iv) the provision of drains for storm water, construction of surface field drains and subsurface drains;
  - (v) the training of streams; and
  - (vi) the execution of such other works as are necessary in the opinion of the Corporation to protect the land from the erosive action of wind or water, or for the development of such area or for the exploitation of its water resources;
- (g) direct that any work, which has been required to be done by any person under the preceding clause, and which remains undone, shall, after due notice to such person and consideration of any objection raised by him, be executed by the Corporation, and specify the portion in which the risk and expenses of such work shall be borne by such person, or by any other person who is held by the Corporation, upon due enquiry after reasonable notice to him, to be responsible for the execution of such work in whole or in part;
- (h) regulate, restrict or prohibit by general or special order in respect of any area-
  - (i) the clearing or breaking up of land for cultivation;

- (ii) the quarrying of non-mineral stone and the burning of lime or charcoal;
  - (iii) the admission, herding parking and retention of cattle;
  - (iv) the felling, girdling, lopping, tapping or burning of any tree or timber; and
  - (v) the kindling, keeping or carrying of any fire;
  - (vi) direct the growing of a particular kind or type of crops or trees in a particular area and specify the rotation of crops to be followed;
- (j) undertake the breaking of land, planting of trees, construction of water-courses and do all necessary acts to bring land vested in the Corporation under cultivation.

20.(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 borings and excavations for the discovery of water, construct channels.... and for securing the flow of water, and do all other acts which may be necessary in order to carry out all or any of the objects of this Ordinance:

Provided that when the affected land does not vest in the Corporation, the 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.

29. In schemes or projects involving acquisition and development of land or terracing or levelling of land or soil conservation or soil reclamation, the Corporation may provide for all or any of the following matters, that is to say,-

- (e) the layout and construction of market places, villages and settlements including the demolition of existing buildings and the erection or re-erection of buildings by the Corporation in default of the owners;
- (f) the provision of facilities for communication, including the layout and alteration of roads, streets, foot-paths, bridle paths, aerodromes and waterways;
- (g) the provision of open spaces, national parks, nature reserves, forests and forest parks;
- (h) the breaking up, cultivation, afforestation or plantation of lands, and the raising, lowering or reclamation of any land for the production of foodgrains, fruits, vegetables, fuel, fodder and similar other things, and the provision of means of irrigation and irrigation

channels by the Corporation, or the owners, or by the Corporation in default of the owners;

- (i) the draining, water-supply and lighting of streets and sanitation of villages and settlement, and market places;
- (j) the provision of a system of drains or sewers for the improvement of Oil-drained and insanitary localities;
- (k) the provision of fisheries, poultry farms, livestock farms, dairy farms, sheep farms, bee farms and similar other farms;
- (l) the installation, management, maintenance and encouragement of public utility undertakings, rural trades and crafts, industries, and works connected with agriculture;
- (m) the doing of all facts intended to promote the well-being and prosperity of the Project Area; and

30.(2) The Corporation shall,-

- (a) cause the said notice to be published weekly for three consecutive weeks in the Official Gazette and in a local newspaper or local newspapers with a statement of the period which shall not be less than thirty days, within which objections shall be received ....

56. Where under this Ordinance or a notice issued thereunder, the public or any person is required to do or to refrain from doing anything, a person who fails to comply with such requisition shall, if such failure is not an offence punishable under this section of this Ordinance, be liable ... to a fine ....

63. If any person, without lawful authority-

- (a) removes any fence or any timber used for propping or supporting any building, wall or other thing or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the Corporation for the purpose of carrying out any work; or
- (b) infringes any order given, removes any bar, chain or post fixed, by the Corporation for the purpose of closing any street to traffic;

he shall be punishable with fine which may extend to fifty taka.

66. If any person, without the written permission of the Corporation-

- (a) clears or breaks up for cultivation or cultivates any land which is hold by or in the possession of the Corporation and is not included in any tenancy or allocated residential enclosures, or which has been set apart for the common purposes of a town or a village community or section of the same or for a road, canal or watercourse; or

- (b) erects any building on any such land; or
- (c) fells or otherwise destroys standing trees on such land; or
- (d) otherwise encroaches on such any land; or
- (e) makes an excavation or constructs a water channel on any such land;  
he shall be punished or convicted by a Magistrate with a fine not exceeding two hundred taka.

*Explanation.*- The felling of trees planted by an owner on any village road or watercourse traversing his holding is not an offence under this section.

**THE BANGLADESH RICE RESEARCH  
INSTITUTE ACT, 1973  
(Act No. X of 1973)**

*Whereas it is expedient to provide for the establishment of a Rice Research Institute for the purpose of carrying out research for improved cultivation of lands and production and evolution of improved varieties of rice, and for matters connected therewith or incidental thereto.*

4. The functions of the Institute shall be to-

- (b) carry out research on various aspects of rice improvement and production;
- (c) establish research centres and sub-stations in different regions of Bangladesh for carrying out research on different problems of rice;
- (d) establish project areas for demonstration of new varieties of rice developed by the Institute and training of farmers for the cultivation of these varieties of rice;
- (e) publish annual reports, monographs, bulletins, and such other literatures relating to rice research and the activities of the institute;
- (f) establish a laboratory and a library in the Institute;
- (g) train extension officers and progressive farmers in modern improved techniques of rice production.



**THE JUTE RESEARCH INSTITUTE ACT, 1974**  
**(Act No. XIII of 1974)**

*An Act to establish a Jute Research Institute.*

8. The functions of the Institute shall be-

- (a) to promote agricultural, technological and economic research on Jute and allied fibres and their manufactures and dissemination of results thereof;
- (b) to organise production, testing and supply of improved pedigree of jute seeds and multiplication procurement and their distribution to recognised organisations, selected growers and such other agencies as may be approved by the Board;
- (c) to set-up research centres, sub-stations, pilot projects and farms in different regions of the country for carrying out research on different problems of jute and allied fibre crops, jute products and allied materials;
- (d) to establish project areas for demonstration of new varieties of jute developed by the Institute and to train the farmers for cultivation of those varieties of jute;
- (g) to do and perform such other activities as may be necessary for the purposes of this Act.

**THE BANGLADESH AGRICULTURAL RESEARCH  
INSTITUTE ORDINANCE, 1976**  
**(Ordinance No. LXII of 1976)**

*An Ordinance to provide for the establishment of the Bangladesh Agricultural Research Institute.*

3.(1) As soon as may be after the commencement of this Ordinance, the Government shall establish an Institute to be called the Bangladesh Agricultural Research Institute for carrying out the purpose of this Ordinance.

7. The functions of the Institute shall be to-

- (b) undertake research to ensure a stable and productive agriculture through scientific management of land and water, evolution of new varieties of various agricultural products and development of appropriate technology and pest management methods;

- (c) provide the farmers with the information necessary for carrying out their farming business efficiently;
- (d) set awake research centres, sub-stations, project areas and farms in different regions of the country for carrying out research on various problems of agriculture;
- (e) carry out demonstration tests or trial-runs of new varieties crops and their management practices.

**THE BANGLADESH INSTITUTE OF NUCLEAR  
AGRICULTURE ORDINANCE, 1984  
(Ordinance No. II of 1984)**

*An Ordinance to provide for the establishment of the Bangladesh Institute of Nuclear Agriculture.*

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish an Institute to be called the Bangladesh Institute of Nuclear Agriculture for carrying out the purposes of this Ordinance.

4. (1) The Head office of the Institute shall be located at Mymensingh.

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

(2) The Board in discharging its functions shall be guided on questions of policy by such instructions as may be given to it by the Government from time to time.

7. The functions of the Institute shall be to-

- (a) undertake research adopting nuclear techniques for the purpose of ensuring a stable and productive agriculture through evolution of new varieties of crops, scientific management of land and water, development of appropriate technology to improve quality and quantity of cross, and development of methods for control of disease and insect and management of pest;
- (b) undertake agronomic and soil-plant studies;
- (c) carry out demonstration tests or trial-runs of new varieties of crops and their management practices;

- (d) publish annual reports relating to the activities of the Institute;
- (e) publish agricultural manuals, monograms, bulletins and other literature relating to crop research;
- (i) undertake research programmes in collaboration with other national and international agencies and organisations;
- (k) perform such other functions as may be necessary for the purposes of this Ordinance.

### বাংলাদেশ কৃষি গবেষণা কাউন্সিল আইন, ১৯৯৬

(১৯৯৬ সনের ৭নং আইন)

বাংলাদেশ কৃষি গবেষণা কাউন্সিল সংক্রান্ত আইন রহিত করিয়া সংশোধিত আকারে উহা পুনঃ প্রণয়নের উদ্দেশ্যে প্রণীত আইন।

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

- (ক) “ইনস্টিটিউট” অর্থ তফসিলে উল্লিখিত কোন ইনস্টিটিউট;
- (ঙ) “কৃষি” বলিতে নিম্ন বর্ণিত কার্যাবলী অন্তর্ভুক্ত হইবে, যথা:-
  - (অ) ফলমূলসহ সকল প্রকার উদ্ভিজ্জ, ফসল উৎপাদন, উক্ত ফসল-তোলা, সংরক্ষণ এবং উহাদের প্রারম্ভিক প্রক্রিয়াকরণ ও ব্যবহার এবং তৎসংক্রান্ত কার্যাবলী;
  - (আ) বনজ সম্পদ উন্নয়ন, সংরক্ষণ ও তৎসংক্রান্ত কার্যাবলী;
  - (ই) পশু পালন, প্রজনন, পশু সম্পদ উন্নয়ন এবং তৎসংক্রান্ত কার্যাবলী;
  - (ঈ) মৎস্য, শক্ত খোলযুক্ত জলজ প্রাণী (Crustaceans) এবং সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, মনুষ্য-খাদ্য হিসাবে ঘোষিত অন্য কোন জলজ প্রাণী চাষ, প্রজনন, উন্নয়ন এবং তৎসংক্রান্ত কার্যাবলী।

৩। কাউন্সিল প্রতিষ্ঠা।-(১) এই আইন বলবৎ হইবার সংগে সংগে বাংলাদেশ কৃষি গবেষণা কাউন্সিল নামে একটি কাউন্সিল প্রতিষ্ঠিত হইবে।

৮। কাউন্সিলের উদ্দেশ্য ও কার্যাবলী।-(১) কাউন্সিলের উদ্দেশ্য হইবে জাতীয় প্রয়োজনের প্রতি লক্ষ্য রাখিয়া ইনস্টিটিউটসমূহ এবং সহযোগী সংগঠনসমূহের মাধ্যমে কৃষি বিষয়ক বিজ্ঞানে গবেষণা পরিকল্পনা, পরিচালনা, সমন্বয়, পরিবীক্ষণ (Monitoring) এবং মূল্যায়ন করা।

(২) উপ-ধারা (১) এ বর্ণিত উদ্দেশ্য অর্জনের লক্ষ্যে কাউন্সিল নিম্নবর্ণিত কার্যাবলী সম্পাদন করিবে, যথাঃ-

- (ক) কৃষি সম্পর্কিত জাতীয় নীতিমালার ভিত্তিতে গবেষণার বিষয়াবলী এবং উহাদের অগ্রাধিকার নির্ধারণ;
- (খ) কৃষি ক্ষেত্রে প্রয়োজনীয় এইরূপ গবেষণার পরিকল্পনা প্রণয়ন করা, যাহা ইনস্টিটিউটসমূহ কর্তৃক পরিচালিত গবেষণা কার্যক্রমের দিক নির্দেশক হইবে;
- (গ) কৃষি ক্ষেত্রে বিদ্যমান সমস্যা ও সম্ভাবনা এবং কৃষি গবেষণার ক্ষেত্রে বিদেশী সহায়তার ব্যবহার সম্পর্কে সরকারকে পরামর্শ প্রদান করা;
- (চ) গবেষণার মান নিশ্চিত করার উদ্দেশ্যে-
- (অ) প্রতিটি ইনস্টিটিউটের গৃহীত কার্যক্রম এবং চলমান কার্যাবলীর অগ্রগতি পরিবীক্ষণ করা;
- (আ) পাঁচ বৎসর অন্তর অন্তর প্রতিটি ইনস্টিটিউটের গৃহীত কার্যক্রম ও সম্পাদিত কার্যাবলী উক্ত ইনস্টিটিউট-বর্হিভূত একটি বিশেষজ্ঞ প্যানেল দ্বারা পুনরীক্ষণ (review) এর ব্যবস্থা করা;
- (ই) প্রতিটি ইনস্টিটিউটের গৃহীত কার্যক্রম এবং সম্পাদিত কার্যাবলী একটি অভ্যন্তরীণ বিশেষজ্ঞ প্যানেল দ্বারা সময় সময় পুনরীক্ষণের ব্যবস্থা করা;
- (ছ) নূতন গবেষণা প্রতিষ্ঠান, গবেষণা কেন্দ্র, গবেষণাস্থল, গ্রন্থাগার, তথ্য কেন্দ্র, যাদুঘর, হারবোরিয়াম (herborium), জার্ম প্লাজম (germ-plasm), উদ্ভিদ প্রবর্তন কেন্দ্র (plant introduction centre) প্রতিষ্ঠা ও পরিচালনা করা এবং ঐগুলির প্রতিষ্ঠায় বা অন্য কোন সংস্থাকে সহায়তা করা;
- (জ) সিস্টেমকে যুক্তিসংগত ও বাস্তবসম্মত রূপ দেওয়ার উদ্দেশ্যে, সিস্টেমভুক্ত ইনস্টিটিউট এবং উহাদের অধীনস্থ গবেষণাস্থল বা গবেষণা কেন্দ্র, গবেষণাগার, লাইব্রেরী, তথ্য কেন্দ্র, যাদুঘর, হারবোরিয়াম, জার্ম প্লাজম এবং উদ্ভিদ প্রবর্তন কেন্দ্র এবং অন্যান্য স্থাপনার সংখ্যা, অবস্থান ও কার্য পরিধি নির্ধারণ, পরিবর্তন বা পরিবর্ধন সম্পর্কে সরকারকে বা ক্ষেত্রমত সংশ্লিষ্ট ইনস্টিটিউটকে পরামর্শ প্রদান করা;
- (ঝ) কৃষি ক্ষেত্রে প্রযুক্তি হস্তান্তর প্রক্রিয়া পরিবীক্ষণ করা, এবং ইনস্টিটিউট ও সহযোগী সংগঠনসমূহের গবেষণালব্ধ ফলাফল ও প্রযুক্তি প্রচার এবং মাঠ পর্যায়ে প্রয়োগ ও ব্যবহারের ক্ষেত্রে উদ্ভূত সমস্যা দূরীকরণের জন্য সমযোগ্যযোগী পদক্ষেপ গ্রহণ করা বা ক্ষেত্রমত সংশ্লিষ্ট কর্তৃপক্ষকে পরামর্শ প্রদান করা;
- (ড) কৃষি ক্ষেত্রে বাংলাদেশের জন্য কার্যকর এবং উপযোগিতাসম্পন্ন উদ্ভাবন ও সরঞ্জামাদির দ্রুত পরীক্ষা, অভিযোজন ও ব্যবহার নিশ্চিত করার উদ্দেশ্যে আন্তর্জাতিক কৃষি গবেষণা সংগঠনসমূহ ও অন্যান্য দেশের কৃষি গবেষণা সংগঠনসমূহের সহিত সংযোগ রক্ষা করা;

- (ঢ) ইনস্টিটিউট এবং ক্ষেত্রমত সহযোগী সংগঠনসমূহ কর্তৃক গৃহীত গবেষণা প্রকল্প ও কার্যক্রমের সম্পাদনাস্তর মূল্যায়ন করা এবং উহাদিগকে প্রয়োজনীয় পরামর্শ প্রদান করা;
- (ণ) উপরি-উক্ত কার্যাবলী এবং এই আইনের অধীন অন্যান্য বিধানের উদ্দেশ্য পূরণকল্পে প্রয়োজনীয় ও আনুসংগিক কার্যাবলী সম্পাদন করা।
- ১০। নির্বাহী পরিষদ।-(১) কাউন্সিলের নির্বাহী পরিষদ থাকিবে, যাহা নিম্নরূপ সদস্য সমন্বয়ে গঠিত হইবে, যথাঃ-

(ক) নির্বাহী চেয়ারম্যান, পদাধিকারবলে;

(খ) সদস্য পরিচালকগণ, পদাধিকারবলে;

(গ) ইনস্টিটিউটসমূহের প্রধান নির্বাহীগণ, যে নামেই অভিহিত হউন না কেন, পদাধিকার বলে।

১২। নির্বাহী চেয়ারম্যান।-(১) কাউন্সিলের একজন নির্বাহী চেয়ারম্যান থাকিবেন, যিনি সরকার কর্তৃক নিযুক্ত হইবেন এবং যাহার চাকুরীর শর্তাবলী সরকার কর্তৃক নির্ধারিত হইবে।

(২) নির্বাহী চেয়ারম্যান কাউন্সিলের প্রধান নির্বাহী হইবেন, এবং এই আইন, বিধি ও প্রবিধানের বিধানাবলী সাপেক্ষে, তিনি তাহার ক্ষমতা প্রয়োগ ও কার্যাবলী সম্পাদন করিবেন।

### তফসিল- 'ক'

[ধারা ২ (ক) দ্রষ্টব্য]

- (১) Bangladesh Rich Research Institute (BRI)
- (২) Bangladesh Jute Research Institute (BJRI)
- (৩) Bangladesh Agricultural Research Institute (BARI)
- (৪) Bangladesh Institute of Nuclear Agriculture (BINA)
- (৫) ইক্ষু গবেষণা ও প্রশিক্ষণ ইনস্টিটিউট।

### তফসিল- 'খ'

[ধারা ২ (ক) দ্রষ্টব্য]

- (১) Livestock Research Institute (LRI)
- (২) Fisheries Research Institute (FRI)
- (৩) বাংলাদেশ চা গবেষণা ইনস্টিটিউট (বিটিআরআই)
- (৪) বাংলাদেশ বন গবেষণা ইনস্টিটিউট (বিএফআরআই)
- (৫) মৃত্তিকা সম্পদ উন্নয়ন ইনস্টিটিউট (এসআরডিআই)

বাংলাদেশ ইক্ষু গবেষণা ইনস্টিটিউট আইন, ১৯৯৬  
(১৯৯৬ সনের ১১নং আইন)

বাংলাদেশ ইক্ষু গবেষণা ইনস্টিটিউট স্থাপনকল্পে প্রণীত আইন।

- ৩। ইনস্টিটিউট স্থাপন।-(১) এই আইন বলবৎ হইবার পর যতশীঘ্র সম্ভব সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, এই আইনের বিধান অনুযায়ী বাংলাদেশ ইক্ষু গবেষণা ইনস্টিটিউট নামে একটি ইনস্টিটিউট স্থাপন করিবে।
- ৫। ইনস্টিটিউট পরিচালনা।-ইনস্টিটিউট পরিচালনা ও ইহার প্রশাসন একটি ব্যবস্থাপনা বোর্ডের উপর ন্যস্ত থাকিবে এবং ইনস্টিটিউট যে সকল ক্ষমতা প্রয়োগ এবং কার্য সম্পাদন করিতে পারিবে ব্যবস্থাপনা বোর্ডও সেই সকল ক্ষমতা প্রয়োগ ও কার্য সম্পাদন করিতে পারিবে।
- ৭। ইনস্টিটিউটের কার্যাবলী।-ইনস্টিটিউটের কার্যাবলী হইবে নিম্নরূপ, যথাঃ-
- (ক) চিনি, গুড় ও সিরাপ উৎপাদন উপযোগী শর্করা সমৃদ্ধ ফসল বা গাছের উৎপাদন কর্মসূচী প্রণয়ন করা;
  - (খ) চিনি, গুড় ও সিরাপ উৎপাদনের লক্ষ্যে অন্যান্য প্রযুক্তি ও কলাকৌশল উদ্ভাবন করা;
  - (গ) ইক্ষুভিত্তিক খামার তৈরীর উপর গবেষণা করা এবং উহার অর্থনৈতিক সুবিধা চিহ্নিত করা;
  - (ঘ) চিনি, গুড় ও সিরাপ উৎপাদন উপযোগী শর্করা সমৃদ্ধ ফসল বা গাছের ব্যবহারের কলাকৌশল সম্পর্কে ব্যবস্থা করা;
  - (ঙ) বিভিন্ন রকমের ইক্ষুর জাত সংগ্রহ করিয়া জার্ম প্লাজম ব্যাংক গড়িয়া তোলা এবং রক্ষণাবেক্ষণ করা;
  - (চ) সরকারের পূর্বানুমোদনক্রমে বিদেশী ও আন্তর্জাতিক গবেষণা, শিক্ষা ও প্রশিক্ষণ প্রতিষ্ঠানের সহিত ইক্ষু বিষয়ক যৌথ কর্মসূচী গ্রহণ করা;
  - (ছ) ইক্ষু উন্নয়ন ক্ষেত্রে গবেষণায় নিয়োজিত যে কোন ব্যক্তি বা সংস্থাকে সহযোগিতা করা;
  - (জ) ইনস্টিটিউটের গবেষণালব্ধ ফলাফল ও সুপারিশের ভিত্তিতে সাময়িকী ও প্রতিবেদন প্রকাশ করা;
  - (ঝ) সরকারের ইক্ষুনীতি নির্ধারণে সাহায্য করা এবং ইক্ষু সম্পর্কিত যে কোন বিষয়ে সরকার, স্থানীয় কর্তৃপক্ষ বা অন্য কোন প্রতিষ্ঠানকে পরামর্শ প্রদান করা;
  - (ঞ) ইক্ষু চাষীদের শিক্ষা ও প্রশিক্ষণের ব্যবস্থা করা;
  - (ট) উপরি-উক্ত কার্যাবলী সম্পাদনের জন্য প্রয়োজনীয় যে কোন পদক্ষেপ গ্রহণ করা।
- ৯। কমিটি।-বোর্ড উহার দায়িত্ব পালনে উহাকে সহায়তা দানের জন্য এক বা একাধিক কমিটি গঠন করিতে পারিবে।
- ১১। মহা-পরিচালক।-(১) ইনস্টিটিউটের একজন মহা-পরিচালক থাকিবেন।

## 9. WATER RESOURCES

### 9.1 Surface Water

#### THE EMBANKMENT AND DRAINAGE ACT, 1952 (Act I of 1953)

*An Act to consolidate the laws relating to embankment and drainage and to make better provision for the construction, maintenance, management, removal and control of embankments and water-courses for the better drainage of lands and for their protection from floods, erosion or other damage by water.*

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

- (ii) "Embankment" includes every bank, dam, wall and dyke made or used for excluding water from or for retaining water upon any land; every sluice, spur, groyne, training wall, berm or other work annexed to, or portion of, any such embankment; every bank, dam, dyke, wall, groyne or spur made or executed for the protection of any such embankment or of any land from erosion or over flow by or of rivers, tides, waves or water; and also all buildings intended for purposes of inspection and supervision, but does not include any ail or ridge surrounding or dividing a field or any public or private road;
- (iv) "Land" includes interests in land and benefits arising out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (v) "Owner", used in relation to a land, means a person who has a right, title or interest in that land, and is either in actual possession of it or has an immediate right to actual possession thereof, and includes his trustee, heirs, assigns, transferees and legal representatives, but does not include person who, under the system generally known as *adhi, barga or bhag*, cultivates such land;

Provided that where any person is, under the terms of any contract between him and the Government, liable to do any act or execute any work specified in Part II of this Act, for the benefit of any area, such person shall be deemed to be the owner in relation to any land in such area and shall be deemed to be in possession of such land;

- (vii) "Public embankment" means in embankment vested in or maintained by the Government;
- (ix) "Water-course" includes a line of drainage, weir, culvert, pipe or other channel, whether natural or artificial, for the passage of water.

4.(1) Every embankment, water-course and embanked tow-path maintained by the Government, and all land, earth, pathways, gates, berms and hedges belonging to or forming part of, or standing on, any such embankment or water-course shall vest in the Government.

(2) The embankments mentioned in Schedule A to this Act and every embankment and water-course which may be restored to or included in such Schedule under section 37 or section 38 of this Act, and every embanked tow-path as aforesaid, shall be held on behalf of the Government; and all other public embankments and water-courses shall, subject to the provision of section 65, be held by the Government on behalf of the persons interested in the lands to be protected or benefited by such embankments or water-courses, and all moneys received on account of such lands shall be credited to the cost of the construction and maintenance of such embankments and water-courses respectively.

7. Subject to the provisions of Part III, whenever it shall appear to the Engineer that any of the following acts should be done or works (including any work of repair) executed, that is to say:-

- (2) that any embankment which connects public embankments or forms by junction with them part of a line of embankments or is necessary for the protection of the neighbouring area, should be repaired;
- (3) that any embankment, or any obstruction of any kind, which endangers the stability of a public embankment or the safety of any town or village, or which is likely to cause loss of property by interfering with any water-course or with the general drainage or the flood drainage of any tract of land, should be removed or altered;
- (5) that any sluice or water-course should be made, or that any water-course should be altered for the improvement of the public health, or for the protection of any village or cultivable land;
- (6) that any road which interferes with the drainage of any tract of land should be altered or that any water-course under or through such road should be constructed;

he shall prepare or cause to be prepared estimates of the cost of such works, including such proportion of the establishment charges as may be chargeable to the works, in accordance with the prescribed rules or as may be specially directed by the Government, together with such plans and



specifications of the same as may be required. He shall also prepare or cause to be prepared from the survey map of the district, a map showing the boundaries of the lands likely to be benefited or affected by the said acts and works, and he shall issue a general notice of his intention to execute or cause to be executed such works.

8. Such general notice shall be in the prescribed form stating, as far as possible, the prescribed particulars of all lands which are likely to be affected by the proposed work and to be chargeable in respect of the expenses of executing the same and shall be published in the prescribed manner. A copy of the said estimates, specifications and plans together with a copy of the maps aforesaid, shall be deposited in the office of the Engineer and shall be open to the inspection of any person interested who shall be allowed to take copies thereof and to file objections, if any, against the execution of the proposed work, within thirty days from the date of the publication of such notice.

10.(1) After holding such inquiry, the Engineer shall proceed as follows, that is to say,-

- (a) if he considers that the proposed act or work or any modification of the same should not be done or executed, or
- (b) if he considers that the proposed act or work or any modification of the same should be done or executed,

he shall record his decision to that effect and submit a report to the Irrigation Superintending Engineer to whom he is subordinate.

11. Any person aggrieved by a decision of the Engineer under section 10 may, within thirty days from the date of its announcement, prefer an appeal to the Irrigation superintending Engineer to whom the Engineer is subordinate. After the expiry of the said period, the Irrigation Superintending Engineer shall proceed to consider the report and the appeal, if any, and after making such further inquiry, as he may deem necessary, may record an order confirming, modifying or reversing the Engineer's decision and shall, as soon as possible, forward through the Chief Engineer of Irrigation, the report submitted by the Engineer, together with his remarks or order on appeal, if any, for the consideration of the Government.

14.(1) Whenever an order shall have been passed in cases falling under clause (6) of section 7 directing that any road owned by a local authority, which interferes with the drainage of any tract of land, be altered, or that any water course be constructed under or through such road, the Engineer may require such authority to make such alteration or construct such water-course, and in the events of its failing to comply with such requisition in such manner and within such time as the Engineer may prescribe, the Engineer may cause the

road to be altered or the water-course to be constructed by the officers of the Government.

- 15.(1) (a) If any person desires that a bridge, culvert, syphon or sluice be made in any public embankment for the purpose of drainage, or
- (b) if, within any area which has been included in a notification under section 6, any person desires that any new embankment be erected, that any existing embankment be lengthened, enlarged, repaired or removed, or that the line of any embankment be altered, or the any new water course be made, or that any water-course be obstructed or diverted, he may make an application in writing to the Engineer.

(2) The application shall contain such particulars of the lands likely to be benefited or affected by the work as may enable the engineer to judge of the advantage which may be derived from the project.

(3) If it should appear to the Engineer that the work applied for is one which may be executed with advantage, the procedure mentioned in the 7th and following sections of this Act shall be followed in respect of the proposed work.

16. Whenever the Engineer shall be of opinion that the removal of any trees, houses, huts or other buildings, situated between a public embankment and the river, is necessary, or that land is required for widening an existing embanked tow-path, or for construction of a new embanked tow-path, he shall make a report to that effect to the Collector of the district concerned, accompanied by a detailed statement of the trees, houses, huts or other buildings to be removed or of the land required. The Collector shall submit such report to the Government through the Commissioner of the Division in order that proceedings may be taken for obtaining possession of such trees, houses, huts and buildings or land in accordance with the provisions of the Acquisition and Requisition of Immoveable Property Ordinance, 1982, or other law for the time being in force for the acquisition of land for public purpose.

18. The Engineer may make any repairs in and may do all acts necessary and proper for the maintenance of, any public embankment, public water-course or any other work executed or taken charge of under the provisions of this Act or of any previous similar Act.

19.(1) Whenever any person desires that a temporary road-way should be made over, or that temporary water-course should be made through, any public embankment, or that a temporary dam should be constructed in any embanked river or public water-course, he shall apply to the Engineer or to any person appointed in that behalf by the Engineers.

20. Sluices constructed in any public embankment shall be opened or shut only by or with the general or special permission of the Engineer or of the officer in the immediate charge of the embankment, under such orders, either general or special, as he may receive from the Engineer.

21.(1) It shall be lawful for the Engineer, or any person whom he may authorise in writing in that behalf, in order to carry out any of the purposes of this act, to enter upon and survey, and take levels of any land; to dig or bore into the sub-soil; to do all other acts necessary to ascertain whether the land is adapted to the purpose projected by such Engineer; to set out the boundaries ~~of the land proposed to be taken and the intended line of the work proposed to be made thereon;~~ to mark such levels, boundaries and line, by placing marks and cutting trenches; and, where otherwise the survey cannot be completed or the levels taken, to cut down and clear away any part of any standing crop, fence or jungle.

(2) The Engineer or other person so authorised shall, at the time of such enquiry, tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so tendered, he shall at once refer the dispute to the Collector whose decision thereon shall be final.

23. When any such land is rendered permanently unfit for cultivation by any such act as aforesaid, the Government shall, upon application for that purpose made by the owner thereof, acquire such lands under the provisions of the Acquisition and Requisition of Immoveable Property Ordinance, 1982, or other law for the time being in force for the acquisition of land for public purposes.

24. Whenever the Engineer shall be of opinion that any delay in the execution of any act or work specified in section 7, would be attended with grave danger to life or property, he may forthwith execute or cause to be executed such act or work:

Provided that he shall without delay prepare or cause to be prepared the estimates, specifications and plans of such act or work together with a copy of the map as provide in section 7, and shall cause general notice to be given that the act or work mentioned therein has already been commenced; and thereupon such proceedings and inquiries shall be had as in and by Part II of this Act are directed.

25. Whenever it may have been determined in the final order to be passed on any such enquiry that anything done by the Engineer under the last preceding section was unnecessary, any person who shall have sustained damage by the execution of such works shall receive compensation from the Government to be assessed according to the provisions of contained in Part IV of this Act; and, on receipt of any application to that effect by the Engineer from any person so

affected, the land or the embankments or drainage shall, so far as any alteration thereof shall appear to have been unnecessary, be, at the expense of the Provincial Government, restored as nearly as possible to the state in which they were when the Engineer commenced to act under the provisions of this Part.

28. Subject to the provisions of section 5, whenever any land other than land required or taken by the Engineer, or any right of fishery, right of drainage, right to the use of water or other right of property, shall, have been injuriously affected by any act done or any work executed under the due exercise of the powers of provisions of this Act, the person in whom such property or right is vested may prefer a claim by petition to the Collector for compensation:

Provided that the refusal to execute any work for which application is made shall not be deemed to be an act on account of which a claim for compensation can be preferred under this section.

30. When any such claim is made, proceedings shall be taken for determining the amount of compensation, if any, which should be made and the person to whom the same should be payable, as far as possible, in accordance with the provisions of the Acquisition and Requisition of Immoveable Property Ordinance, 1982, or other law for the time being in force for the acquisition of land for public purposes.

31. In every such case which is referred to the judge and assessors or to arbitrators for the purpose of determining whether any, and if so, what amount of compensation should be awarded, the judge and assessors or the arbitrators-

(i) shall take into consideration-

- (a) the market-value of the property or right injuriously affected at the time when the act was done or the work executed,
- (b) the damage sustained by the claimant by reason of such act or work injuriously affecting the property or right,
- (c) the consequent diminution of the market-value of the property or right injuriously affected when the act was done or the work executed, and
- (d) whether any person has derived, or will derive, benefit from the act or work in respect of which the compensation is claimed or from any work connected therewith, in which case they shall set off the estimated value of such benefit, if any, against the compensation which would otherwise be decreed to such person; but

(ii) shall not take into consideration-

- (a) the degree of urgency which has led to the act or work being done or executed, and

- (b) any damage sustained by the claimant, which if caused by a private person, would not in any suit instituted against such person justify a decree for damages.

56. (1) Any person,-

- (a) who, without the previous permission of the Engineer, erects, or causes or wilfully permits to be erected, any new embankment, or adds to any existing embankment, or obstructs or diverts, or causes or wilfully permits to be obstructed or diverted, any water-course, if such act interferes or is likely to interfere with, counteract or impede any public embankment or any public water-course;
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- (b) who, within the limits of the tract included in any prohibitory notification under section 6, without the previous permission of the Engineer, erects, or causes or wilfully permits to be erected, any new embankment, or adds to any existing embankment, or obstructs or diverts, or causes or wilfully permits to be obstructed or diverted any water-course; and

- (c) who abets any such act as is mentioned in clauses (a) and (b);

shall be liable, on conviction, to fine which may extend to five hundred rupees or, in default of payment, to imprisonment of either description for a period not exceeding six months.

(2) This section shall not render unlawful the repair of a breach or cut in an embankment so as to restore the embankment to the same dimensions as it had immediately before such breach occurred or cut was made; provided that-

- (i) such cut was not made under the orders of the Engineer;
- (ii) such repair is made within one year after such breach occurred or cut was made; if, however, the repair cannot be completed within this period, the sanction of the Engineer shall be obtained to the completion thereof;
- (iii) such breach or cut forms a gap or, if unrepaired may form a gap between two portions of an existing embankment which were continuous before the breach occurred or cut was made;
- (vi) the part of the embankment, in which the breach occurred or cut was made, was not erected or added to in contravention of this section or of any law for the time being in force.

57. Whoever, without due authority in this behalf, cuts through or attempts to cut through any public embankment, or destroys or attempts to destroy any such embankment, or opens or shuts or obstructs any sluice in any such embankment or any public water-course, shall be liable to imprisonment of

either description for a term which may extend to one month or to fine which may extend to two hundred Taka.

58. Whoever, without the permission of the officer in immediate charge of the embankments, makes any dam or other obstruction for the purpose of diverting or opposing the current of a river or water-course wherein or whereon there are public embankments; or,

When required by the Engineer, refuses or neglects to remove any such dam or obstruction so made by him; or, without the permission of the Engineer or of the officer in immediate charge of the Embankment previously obtained, cuts or otherwise alters the banks of any embanked river or watercourse or removes the earth from any public embankment or drives stakes into it, or, by any other wilful act, destroys or diminishes the efficiency of such embankment, or causes or knowingly and wilfully permits any cattle to graze upon any such embankment, or tethers upon any such embankment or root up any grass or other vegetation growing on any such embankment, shall be liable to imprisonment of either description for a term which may extend to six months or to fine which may extend to two hundred Taka.

**Note:** See also the Tank Improvement Act, 1939 (8.1) and the Penal Code (19).

## 9.2 Law on Ground Water

### **THE GROUND WATER MANAGEMENT ORDINANCE, 1985 (Ordinance No. XXVII of 1985)**

*An Ordinance to manage the ground water resources for agricultural production.*

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

- (a) "aquifer" means a body of saturated soil at any depth below ground level that can store and transmit sufficient quantity of water to the wells;
- (d) "deep tubewell" means a tube well called as such operated by a submersible pump set or turbine pump coupled with a prime mover capable of pumping ground water when the pumped water level depth is more than 7 meters;

- (e) "deep set handpumped tubewell" means a handpumped well used for either irrigation or water supply where the pump valve is set below the surface and operated remotely by a pump rod operated from the surface and is capable of pumping ground water when the pumped water level depth is more than 8 meters;
- (i) "shallow tubewell" means a tubewell called as such operated by a centrifugal pump coupled with a prime mover but only capable of pumping water when the vertical distance between the centrifugal pump and the pumped water level depth is within 7 meters;
- ~~(j) "static water level" means the depth from the ground level to the~~  
saturated water level beneath the ground surface where no pumping has taken place;
- (k) "suction lift handpumped tubewell" means handpumped well used for either irrigation or potable water supply when the pump valves are situated above ground level but is only capable of operation when the vertical distance between the pump valve and the pumped water level depth is within 8 meters;
- (l) "tubewell" means a deep tubewell, shallow tubewell, suction lift handpumped well or deep set handpumped well used for irrigation or water supply.

**5. Licence for tubewell.**-(1) No tubewell shall be installed in any place without a licence granted by the Thana Parishad.

(4) On receipt of the application for licence, the Thana Parishad shall direct the committee to hold a local enquiry and submit a report on the following points, namely,-

- (a) the aquifer condition of the soil where the tubewell is to be installed;
- (b) the distance of the nearest existing tubewell;
- (c) the area likely to be benefitted by the tubewell;
- (d) the likely effect on the existing tubewells including tubewells used for domestic purpose;
- (e) the suitability of the site for installation of the tubewell;
- (f) the conditions on which a licence, if any, may be granted.

(5) If, on considerations of the report of the Committee, the Thana Parishad is satisfied that the installation of the tubewell applied for-

- (a) will be beneficial to the areas for which it is to be installed; or
- (b) will not have any adverse effect upon the surrounding area; or

- (c) is otherwise feasible;

it may grant the licence applied for.

10. **Offences.**- Whoever contravenes any provision of this Ordinance or rules made thereunder shall be punishable with fine which may extend to two thousand taka.

### 9.3 Laws on Maritime Water

## TERRITORIAL WATER AND MARITIME ZONES ACT, 1974 (Act No. XXVI OF 1974)

*An Act to provide for the declaration of the territorial water and maritime zones.*

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

- (a) "conservation zone" means a conservation zone established under section 6 ;
- (b) "contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;
- (c) "continental shelf" means the continental shelf of Bangladesh referred to in section 7 ;
- (d) "economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;
- (e) "territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

3. **Territorial waters.**-(1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh which shall be the territorial waters of Bangladesh specifying in the notification the baseline-

- (a) from which such limits shall be measured; and
- (b) the waters on the landward side of which shall form part of the internal waters of Bangladesh.

(2) Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seaward from the main coast or



baseline, territorial waters shall extend to the limits declared by notification under sub-section (1) measured from the low waterline along the coast of such island, rock or composite group.

(3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the bed and subsoil of, such waters.

(4) No foreign ship shall, unless it enjoys the right of innocent passage, pass through the territorial waters.

(5) Foreign ship having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

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(6) The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7) No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

**4. Contiguous zone.**-(1) The zone of the high seas contiguous to the territorial waters and extending seaward to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation on force in Bangladesh relating to-

- (a) the security of the Republic;
- (b) the immigration and sanitation; and
- (c) customs and other fiscal matters.

**5. Economic zone.**-(1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

(2) All natural resources within the economic zone, both living and non-living, on or under the seabed and subsoil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in sub-section (2) shall be deemed to affect fishing within the economic zone by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

**6. Conservation zone.**- The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

**7. Continental shelf.**-(1) The continental shelf of Bangladesh comprises-

- (a) the seabed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and
- (b) the seabed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to sub-section (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of, a licence or permission granted by Government explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf.

Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

**Explanation.**-Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

**8. Control of pollution.**-The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

## THE TERRITORIAL WATERS AND MARITIME ZONES RULES, 1977

**3. Regulation of conduct of foreign ships in the Territorial Waters.**-(1) Passage of foreign ships through the territorial waters shall be considered prejudicial to the security or interest of Bangladesh if it engages in any of the following activities, namely:-

- (f) embarking or disembarking any person or loading or unloading of any commodity or currency in violation of any laws or rules in force in Bangladesh relating to customs, fiscal matters, ~~immigration, health or sanitation;~~
- (g) any act of wilful or serious marine pollution;
- (h) fishing;
- (i) carry out any search or survey activities.

**4. Construction of installation, etc., by the Government in the economic zone.**-The Government may construct, maintain or operate within the economic zone installations, artificial islands and other structures for carrying on any scientific research, conservation of marine environment, including pollution control, and any other activities for the economic exploitation and exploration of the zone, such as the production of energy from the tide, wind current and sun, and shall exercise such other rights as it is entitled under the international law.

**5. Regulation of conduct of persons in the economic zone.**-(1) No person shall, except under, and in accordance with the terms of, any agreement with the Government or a licence granted by the competent authority, explore or exploit fishing, mineral oil and any other natural resources, both living and non-living, of the economic zone or drill therein or construct; maintain or operate therein for any purpose whatsoever any artificial island, off-shore terminal, installation or other structure or device.

**6. Reservation of certain areas within the economic zone, etc.**-(1) The Government may, by notification in the official Gazette, declare any area within the economic zone to be a reserved area in the national interest of Bangladesh for the purpose of exploration, exploitation and economic development and for the production of energy from the tide, wind, current and sun.

(2) No person including a licensee, shall explore or exploit fishing, mineral oil and any other natural resources of the reserved area or carry out any search or excavation or conduct any research within the reserved area or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial island, off-shore terminal, installation or other structure or device.

**8. Ships to be subject to navigational regulations, etc.**-(1) Every ship used in fishing, in the economic zone shall be subject to any law relating to navigation for the time being in force.

(2) The location of nets traps set by such a ship shall be prominently displayed by such means as may be specified by the competent authority.

(3) Every such ship shall be clear of the navigation channel and specified routes of commercial vessels.

**9. Dynamiting and poisoning prohibited.**-No person shall use dynamite or other explosive substance or poison, lime or noxious material for fishing or destroying fish in the economic zone.

**10. Closed season, etc.**-Notwithstanding anything contained in these rules, the Government may, by notification in the official Gazette, declare any period to be a period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the economic zone.

**11. Power to stop, search, etc.**-(1) Where the competent authority has reason to believe that within the economic zone any ship has been, is being, or is about to be, in the process of contravening any of the provisions of these rules, it may at any time, stop any such ship, and

- (a) rummage and search or cause to be rummaged and searched any part of the ship;
- (b) examine and search or cause to be examined and searched any goods including fish thereon;
- (c) break upon or cause to be broken open the lock of any door, fixture or package for making search or cause to be searched.

(2) Where in the circumstances referred to in sub-rule (1), it becomes necessary to stop any ship, it shall be lawful for any vessel or aircraft in the service of the Government while flying her proper flag or bearing flag marks and the competent authority to summon such ship to stop, by means of an international signal, code or other recognised means, and thereupon such ship shall forthwith stop, and if it fails to do so, chase may be given thereto by any vessel or aircraft as aforesaid and if after a gun is fired as a signal the ship fails to stop, it may be fired upon.

**15. Application of customs and fiscal laws to economic zone.**-All laws, rules and regulations in force in Bangladesh relating to customs and other fiscal matters shall apply in relation to all natural resources, including fish within the economic zone, both living and non-living on or under the seabed and sub-soil or on the water surface or within the water column.

16. **Punishable for contravention of rules.**-(1) Whoever contravenes any of the provisions of these rules shall be punishable with imprisonment which may extend to one year or with fine which may extend to taka five thousand:

(2) Where the person violating any of the provisions these rules is a company, every director, manager secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly.

**Note:** See also the Marine Fisheries Ordinance, 1983 as has been referred to in section 104-A.

## 9.4 Institutions

বাংলাদেশ পানি উন্নয়ন বোর্ড আইন, ২০০০  
(২০০০ সালের ২৬ নং আইন)

*পানি সম্পদের উন্নয়ন ও দক্ষ ব্যবস্থাপনার লক্ষ্যে প্রণীত আইন।*

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

(খ) “এফসিডি প্রকল্প” অর্থ বন্যা নিয়ন্ত্রণ ও পানি নিষ্কাশণ প্রকল্প;

(গ) “এফসিডিআই প্রকল্প” অর্থ বন্যা নিয়ন্ত্রণ, পানি নিষ্কাশণ ও সেচ প্রকল্প;

(ট) “স্থানীয় কর্তৃপক্ষ” অর্থ আপাততঃ বলবৎ কোন আইনের অধীন গঠিত সিটি কর্পোরেশন, জেলা পরিষদ, পৌরসভা, উপজেলা পরিষদ অথবা ইউনিয়ন পরিষদ।

৩। বোর্ড প্রতিষ্ঠা।-(১) এই আইন বলবৎ হইবার সঙ্গে সঙ্গে বাংলাদেশ পানি উন্নয়ন বোর্ড নামে একটি সংস্থা প্রতিষ্ঠিত হইবে।

৫। বোর্ডের ক্ষমতা ও দায়িত্ব।-(১) এই আইনের বিধানাবলী সাপেক্ষে, পানি সম্পদের উন্নয়ন ও দক্ষ ব্যবস্থাপনা এবং ধারা ৬-এ বর্ণিত কার্যাবলী সম্পাদনের লক্ষ্যে বোর্ড সমগ্র বাংলাদেশ অথবা উহার যে কোন অংশে কার্যক্রম গ্রহণ করিতে পারিবে।

(২) উপ-ধারা (১) এর অধীন ক্ষমতা ও দায়িত্বের সামগ্রিকতাকে ক্ষুণ্ণ না করিয়া, বোর্ডের নিম্নবর্ণিত ক্ষমতা ও দায়িত্ব থাকিবে, যথাঃ-

(ক) কোন ব্যক্তির আইনসংগত অধিকার ক্ষুণ্ণ না করিয়া, সরকারের পূর্বানুমোদনক্রমে, সকল নদী, জলপথ ও ভূ-গর্ভস্থ পানিস্তরের পানি প্রবাহ নিয়ন্ত্রণ;

- (খ) ধারা ৬ এর বিধানাবলী অনুসারে নির্মিত সকল পানি নিয়ন্ত্রন অবকাঠামো পরিচালনা ও রক্ষণাবেক্ষণের জন্য যথাযথ মান ও নির্দেশিকা উদ্ভাবন ও প্রয়োগ;
- (ঘ) সরকার কর্তৃক অনুমোদিত প্রকল্প দলিলের ভিত্তিতে প্রকল্প প্রণয়ন, বাস্তবায়ন ও অন্যান্য সংশ্লিষ্ট বিষয়ে পরামর্শ ও সহায়তা লাভের জন্য কোন স্থানীয় সরকারী সংস্থা, স্থানীয় বা আন্তর্জাতিক পরামর্শক বা পরামর্শক প্রতিষ্ঠান এর সহিত চুক্তি স্বাক্ষর;
- (ঙ) সরকারের পূর্বানুমোদনক্রমে, বন্যা নিয়ন্ত্রণ, পানি নিষ্কাশণ ও সেচ প্রকল্পসমূহের পরিচালনা ও রক্ষণাবেক্ষণের জন্য সার্ভিস চার্জ ধার্যকরণ ও আদায়;
- (চ) যে কোন সরকারী সংস্থার পক্ষে পানি সংশ্লিষ্ট যে কোন প্রকল্প, উহার সম্পূর্ণ কারিগরী, প্রশাসনিক ও আর্থিক নিয়ন্ত্রন বজায় রাখিয়া ডিপোজিট ওয়ার্ক হিসাবে বাস্তবায়ন।

৬। বোর্ডের কার্যাবলী।-(১) সরকার কর্তৃক গৃহীত জাতীয় পানি নীতি ও জাতীয় পানি মহাপরিষদপত্রের আলোকে এবং এই ধারার অন্যান্য বিধানাবলী সাপেক্ষে, বোর্ড নিম্নবর্ণিত কার্যাবলী সম্পাদন এবং তদুদ্দেশ্যে প্রয়োজনীয় প্রকল্প প্রণয়ন, বাস্তবায়ন, পরিচালনা, রক্ষণাবেক্ষণ ও মূল্যায়ন সংক্রান্ত যাবতীয় কার্যক্রম গ্রহন করিতে পারিবে, যথা:-

কাঠামোগত কার্যাবলী :

- (ক) নদী ও নদী অববাহিকা নিয়ন্ত্রণ ও উন্নয়ন এবং বন্যা নিয়ন্ত্রণ, পানি নিষ্কাশণ, সেচ ও খরা প্রতিরোধের লক্ষ্যে জলাধার, ব্যারেজ, বাঁধ, রেগুলেটর বা অন্য যে কোন অবকাঠামো নির্মাণ;
- (খ) সেচ, মৎস্য চাষ, নৌ-পরিবহন, বনায়ন, বন্যপ্রাণী সংরক্ষণ ও পরিবেশের সার্বিক উন্নয়নে সহায়তা প্রদানের লক্ষ্যে পানি প্রবাহের উন্নয়ন কিংবা পানি প্রবাহের গতিপথ পরিবর্তনের জন্য জলপথ, খালবিল ইত্যাদি পুনঃখনন;
- (গ) ভূমি সংরক্ষণ, ভূমি পরিবৃদ্ধি ও পুনরুদ্ধার এবং নদীর মোহনা নিয়ন্ত্রন;
- (ঘ) নদীর তীর সংরক্ষণ এবং নদী ভাঙ্গন হইতে সম্ভাব্য ক্ষেত্রে শহর, বাজার, হাট এবং ঐতিহাসিক ও জাতীয় জনগুরুত্বপূর্ণ স্থানসমূহ সংরক্ষণ;
- (ঙ) উপকূলীয় বাঁধ নির্মাণ ও সংরক্ষণ;
- (চ) লবনাক্ততার অনুপ্রবেশ রোধ এবং মরুকরণ প্রশমন;
- (ছ) সেচ, পরিবেশ সংরক্ষণ ও পানীয় জল আহরনের লক্ষ্যে বৃষ্টির পানি ধারণ।

অ-কাঠামোগত ও সহায়ক কার্যাবলী :

- (জ) বন্যা ও খরা পূর্বাভাস ও সতর্কীকরণ;
- (ঝ) পানিবিজ্ঞান সম্পর্কিত অনুসন্ধান কার্য পরিচালনা এবং এতদসম্পর্কিত তথ্য ও উপাত্ত গ্রহণ, সংরক্ষণ ও বিতরণ;

- (এ) পরিবেশ সংরক্ষণ এবং উন্নয়নের লক্ষ্যে সরকারের সংশ্লিষ্ট সংস্থার সহযোগিতায় এবং সম্ভাব্য ক্ষেত্রে বোর্ডের সৃষ্ট অবকাঠামোভুক্ত নিজস্ব জমিতে বনায়ন, মৎস্য চাষ কর্মসূচী বাস্তবায়ন এবং বাঁধের উপর রাস্তা নির্মাণ;
- (ট) বোর্ডের কার্যাবলীর উপর মৌলিক ও প্রায়োগিক গবেষণা;
- (ঠ) বোর্ড কর্তৃক বাস্তবায়িত প্রকল্পের সফল সংশ্লিষ্ট সুবিধাজোগীদের মধ্যে অব্যাহত রাখার লক্ষ্যে সুবিধাজোগীদের সংগঠিতকরণ, প্রকল্পে তাহাদের অংশগ্রহণ নিশ্চিতকরণ, প্রকল্প রক্ষণাবেক্ষণ ও পরিচালনা এবং প্রকল্প ব্যয় পুনরুদ্ধার সংক্রান্ত বিভিন্ন কলাকৌশল ও প্রাতিষ্ঠানিক কাঠামো উদ্ভাবন, বাস্তবায়ন ও পরিচালনা।

(২) বোর্ড উপ-ধারা (১) এ বর্ণিত কার্যাবলী নিম্নবর্ণিত শর্তাদি পালন সাপেক্ষে সম্পাদন করিবে, যথা:-

- (ক) প্রকল্প গ্রহণের জন্য সরকার কর্তৃক নির্দেশিত মানদণ্ড অনুসরণপূর্বক প্রকল্প প্রস্তাবনা পেশকরণ;
- (খ) কারিগরী সম্ভাব্যতা যাচাইয়ের ক্ষেত্রে নতুন উপাত্ত সংগ্রহ কিংবা ভৌত ও গাণিতিক মডেল সমীক্ষার প্রয়োজন থাকিলে উহা সম্পাদন;
- (গ) প্রকল্পের পূর্ণ সফলতার জন্য যে সকল মন্ত্রণালয় ও সংস্থার অংশগ্রহণ প্রয়োজন, প্রকল্প প্রক্রিয়াকরণের শুরু হইতেই উহাদের সম্পৃক্তকরণ এবং প্রকল্পে উহাদের জন্য সুনির্দিষ্ট কার্যক্রম সন্নিবেশকরণ;
- (গ) প্রকল্প প্রণয়ন, বাস্তবায়ন ও রক্ষণাবেক্ষণে প্রকল্প এলাকার জনগনের অংশগ্রহণ সম্পর্কিত প্রতিবেদন প্রণয়ন এবং প্রকল্প দলিলে উহার প্রাতিষ্ঠানিক বিন্যাস লিপিবদ্ধকরণ;
- (ঘ) ভূমি অধিগ্রহণের ক্ষেত্রে ক্ষতিপূরণ ও পুনর্বাসন সংক্রান্ত স্বয়ংসম্পূর্ণ প্রস্তাব পেশকরণ;
- (ঙ) প্রকল্প বাস্তবায়নের ফলে কৃষিকাজ, পরিবেশ, নৌচলাচল, পানি প্রবাহ, মৎস্য সম্পদ, জনজীবন ও পারিপার্শ্বিক এলাকায় উহার প্রভাব ও বিরূপ প্রতিক্রিয়া (যদি থাকে) এবং উহার সম্ভাব্য প্রতিকার সম্পর্কে প্রতিবেদন প্রণয়ন।

৭। বোর্ডের সাধারণ পরিচালনা।-বোর্ডের বিষয়াদি ও কার্যাবলীর সাধারণ পরিচালনা ও প্রশাসন একটি পরিষদের উপর ন্যস্ত থাকিবে এবং বোর্ড যে সকল ক্ষমতা প্রয়োগ ও কার্য সম্পাদন করিতে পারিবে পরিষদও সেই সকল ক্ষমতা প্রয়োগ ও কার্য সম্পাদন করিতে পারিবে।

৯। পরিষদের ক্ষমতা ও দায়িত্ব।-(১) ধারা ৭ এর অধীন ক্ষমতা ও দায়িত্বের সামগ্রিকতা ক্ষুণ্ণ না করিয়া, এই আইনের বিধানাবলী সাপেক্ষে, পরিষদের নিম্নবর্ণিত ক্ষমতা ও দায়িত্ব থাকিবে, যথা:-

- (ক) জাতীয় পানি নীতি ও অন্যান্য দিকনির্দেশক সরকারী দলিলাদির সহিত সংগতি রাখিয়া বোর্ডের জন্য কৌশলগত দীর্ঘমেয়াদী কর্মপরিকল্পনা গ্রহণ ও উহা বাস্তবায়নের পদ্ধতি নির্ধারণ;

(২) পরিষদ-

- (ক) বোর্ড জাতীয় পানি নীতিতে বিধৃত নীতিমালা ও দিকনির্দেশনা অনুযায়ী যেন পরিচালিত হয় তাহা নিশ্চিত করিবে; এবং
- (খ) বোর্ডের জন্য স্বচ্ছ, দক্ষ ও আর্থিকভাবে সবল একটি ব্যবস্থাপনা প্রতিষ্ঠা করিবে।

১৫। ভবিষ্যত প্রকল্পের বাস্তবায়ন ও ব্যবস্থাপনা।-(১) জাতীয় পানি নীতির বিধান অনুসারে এবং উপ-আঞ্চলিক ও স্থানীয় পানি ব্যবস্থাপনা পরিকল্পনার আওতায় বোর্ড কেবল ১০০০ হেক্টরের অধিক আয়তন বিশিষ্ট প্রকল্প বাস্তবায়ন করিবে।

(২) উপ-আঞ্চলিক ও স্থানীয় পানি ব্যবস্থাপনা পরিকল্পনার সহিত সংগতিপূর্ণ হওয়া সাপেক্ষে কোন স্থানীয় কর্তৃপক্ষ কর্তৃক অনূর্ধ্ব ১০০০ হেক্টর আয়তন বিশিষ্ট এফসিডিআই প্রকল্প বাস্তবায়ন করা যাইবে এবং এই ব্যাপারে বোর্ড ও উক্ত কর্তৃপক্ষের মধ্যে বিরোধ দেখা দিলে সরকার কর্তৃক নির্ধারিত পদ্ধতিতে উহা নিষ্পত্তি করা হইবে।

(৩) অনধিক ৫০০০ হেক্টর আয়তন বিশিষ্ট প্রকল্পের ব্যবস্থাপনার দায়িত্বভার সরকার কর্তৃক এতদুদ্দেশ্যে জারীকৃত নির্দেশিকা অনুসরণে প্রকল্পের সুবিধাভোগীদের স্বার্থে গঠিত সংগঠন, যে নামেই অভিহিত হউক না কেন, এর উপর ন্যস্ত থাকিবে।

(৪) ৫০০০ হেক্টরের অধিক আয়তন বিশিষ্ট প্রকল্পের ব্যবস্থাপনা সরকার কর্তৃক এতদুদ্দেশ্যে জারীকৃত নির্দেশিকা অনুসরণে প্রকল্পের সুবিধাভোগীদের স্বার্থে গঠিত সংগঠন, বোর্ড এবং পানি সম্পদ সংশ্লিষ্ট অন্যান্য সংস্থার প্রতিনিধি সমন্বয়ে গঠিত একটি যৌথ পানি ব্যবস্থাপনা কমিটির উপর ন্যস্ত থাকিবে :

তবে শর্ত থাকে যে, সরকার প্রয়োজন মনে করিলে, উক্ত প্রকল্পের ব্যবস্থাপনা, প্রকল্প এলাকায় কর্মরত কোন বেসরকারী সংস্থার নিকট বিধি দ্বারা নির্ধারিত পদ্ধতি অনুসরণপূর্বক ঠিকা প্রদান করিতে পারিবে।

(৫) এই ধারায় উল্লিখিত যে কোন শ্রেণীর প্রকল্পের আয়তন সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা হ্রাস বা বৃদ্ধি করিতে পারিবে।

১৬। বিদ্যমান প্রকল্পের ব্যবস্থাপনা ও মালিকানা হস্তান্তর।-(১) অনূর্ধ্ব ১০০০ হেক্টর আয়তন বিশিষ্ট এফসিডি ও এফসিডিআই প্রকল্পের মালিকানা পর্যায়ক্রমে স্থানীয় কর্তৃপক্ষের নিকট হস্তান্তরিত হইবে এবং যে সমস্ত প্রকল্প উহাদের সুবিধাভোগীদের স্বার্থে গঠিত সংগঠনসমূহের দ্বারা ইতোমধ্যে সন্তোষজনকভাবে পরিচালিত হইতেছে সেইগুলি সর্বপ্রথম হস্তান্তরিত হইবে।

(২) বোর্ড কর্তৃক বাস্তবায়িত কোন প্রকল্প বা উহার অংশবিশেষ অন্য কোন উন্নয়নমূলক কাজ কিংবা উহার রক্ষণাবেক্ষণের নিমিত্তে অন্য কোন সংস্থা বা স্থানীয় কর্তৃপক্ষের নিকট হস্তান্তর করার প্রয়োজন হইলে বোর্ড, সরকার কর্তৃক নির্ধারিত শর্তাধীনে, উহা করিতে পারিবে।

(৩) বোর্ড, সরকার কর্তৃক নির্ধারিত পদ্ধতিতে ১০০০ হেক্টরের অধিক কিন্তু ৫০০০ হেক্টরের অনধিক আয়তন বিশিষ্ট প্রকল্পের ব্যবস্থাপনা পর্যায়ক্রমে উক্ত প্রকল্পের সুবিধাভোগীদের স্বার্থে গঠিত সংগঠনের নিকট অর্পণ করিবে এবং ৫০০০ হেক্টরের অধিক আয়তন বিশিষ্ট প্রকল্পের ব্যবস্থাপনা ধারা ১৫ এর উপ-ধারা (৪) এর বিধান অনুসারে গঠিত একটি যৌথ পানি ব্যবস্থাপনা কমিটির উপর ন্যস্ত করিবে।

(৪) এই ধারায় উল্লিখিত যে কোন শ্রেণীর প্রকল্পের আয়তন সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা হ্রাস বা বৃদ্ধি করিতে পারিবে।



১৭। বোর্ডের জন্য ভূমি হুকুমদখল, অধিগ্রহণ ইত্যাদি।-(১) বোর্ডের কোন প্রকল্প বাস্তবায়নের স্বার্থে কোন ভূমি প্রয়োজন হইলে উহা জনস্বার্থে প্রয়োজন বলিয়া বিবেচিত হইবে এবং তদুদ্দেশ্যে উহা Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)- এর বিধান মোতাবেক হুকুমদখল বা অধিগ্রহণ করা যাইবে।

(২) বোর্ড উহার প্রয়োজনে উপ-ধারা (১) এর অধীন হুকুমদখল বা অধিগ্রহণ ব্যতীত সরাসরি ক্রয় কিংবা ইজারার মাধ্যমে কোন ভূমির স্বত্ব অর্জন করিতে পারিবে এবং একইভাবে বিক্রয় কিংবা ইজারা বাতিলের মাধ্যমে উহার স্বত্ব ত্যাগ করিতে পারিবে।

**Note:** See also 13.6 and the Water and Sewerage Authority Act, 1996 (15.3)

### পানি সম্পদ পরিকল্পনা আইন, ১৯৯২ (১৯৯২ সনের ১২ নং আইন)

পানি সম্পদ উন্নয়ন ও উহার সুযম ব্যবহার নিশ্চিত করার উদ্দেশ্যে প্রণীত আইন।

৩। সংস্থা প্রতিষ্ঠা।-(১) এই আইন বলবৎ হইবার পর, যতশীঘ্র সম্ভব, সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা পানি সম্পদ পরিকল্পনা সংস্থা নামে একটি সংস্থা প্রতিষ্ঠা করিবে।

৫। সাধারণ পরিচালনা।-সংস্থার সাধারণ পরিচালনা ও প্রশাসন একটি পরিচালনা বোর্ডের উপর ন্যস্ত থাকিবে এবং সংস্থা যে সকল ক্ষমতা প্রয়োগ ও কার্য সম্পাদন করিতে পারিবে পরিচালনা বোর্ড সেই সকল ক্ষমতা প্রয়োগ ও কার্য সম্পাদন করিবে।

৭। সংস্থার কার্যাবলী।-সংস্থার কার্যাবলী হইবে নিম্নরূপ, যথাঃ-

- (ক) পানি সম্পদ উন্নয়নকল্পে পরিবেশগতভাবে ভারসাম্যপূর্ণ পানি সম্পদ মহাপরিকল্পনা প্রণয়ন করা;
- (খ) পানি সম্পদের বিজ্ঞানভিত্তিক ব্যবহার ও সংরক্ষণ সম্পর্কিত জাতীয় কৌশল ও নীতি নির্ধারণ করা;
- (গ) পানি সম্পদ উন্নয়ন, ব্যবহার ও সংরক্ষণের ক্ষেত্রে সংশ্লিষ্ট অন্যান্য সংস্থাকে পরামর্শ প্রদান করা;
- (ঘ) পানি সম্পদ উন্নয়ন, ব্যবহার ও সংরক্ষণে নিয়োজিত যে কোন প্রতিষ্ঠানের সমীক্ষা পরিচালনায় সহযোগিতা প্রদান, এবং প্রয়োজনে, তৎসংক্রান্ত যে কোন বিষয়ে বিশেষ সমীক্ষা পরিচালনা করা;
- (ঙ) পানি সম্পদ উন্নয়ন, ব্যবহার ও সংরক্ষণে নিয়োজিত কোন প্রতিষ্ঠান কর্তৃক গৃহীত ব্যবস্থা হইতে উদ্ভূত বিষয়ের মূল্যায়ন ও পর্যালোচনা করা এবং উক্ত বিষয়ে পরামর্শ প্রদান করা;
- (ছ) পানি সম্পদ ব্যবহার সম্পর্কিত তথ্য সংগ্রহ ও পর্যালোচনা করা এবং উহাদের প্রচারের ব্যবস্থা করা;

(জ) পানি সম্পদ বিষয়ক জাতীয়, এবং সরকারের পূর্বানুমোদনক্রমে, আন্তর্জাতিক সেমিনার, সম্মেলন ও কর্মশালায় আয়োজন ও পরিচালনা করা।

৮। মহা-পরিচালক ও পরিচালক ১-(১) সংস্থার একজন মহা-পরিচালক ও অন্যান্য দুই জন পরিচালক থাকিবে।

(৪) মহা-পরিচালক সংস্থার প্রধান নির্বাহী হইবেন এবং তিনি সংস্থার প্রশাসন পরিচালনা করিবেন।

৯। কার্য নির্বাহী পরিষদ ১-(১) সংস্থার একটি কার্য নির্বাহী পরিষদ থাকিবে, যাহা একজন চেয়ারম্যান ও অন্যান্য দুইজন সদস্য সমন্বয়ে গঠিত হইবে।

(২) মহা-পরিচালক কার্যনির্বাহী পরিষদের চেয়ারম্যান এবং পরিচালক উহার সদস্য হইবেন।

(৩) কার্য নির্বাহী পরিষদ বোর্ডকে উহার কার্যাবলী সূচারূপে সম্পাদনের পরামর্শ ও সহায়তা প্রদান করিবে, বোর্ডের যাবতীয় সিদ্ধান্ত বাস্তবায়নের জন্য দায়ী থাকিবে এবং বোর্ড কর্তৃক অর্পিত সকল ক্ষমতা প্রয়োগ ও দায়িত্ব পালন করিবে।

১১। কারিগরী কমিটি, ইত্যাদি ১-(১) পানি সম্পদ উন্নয়কল্পে মহাপরিকল্পনা প্রণয়ন এবং পানি সম্পদ উন্নয়ন ও ব্যবহারের সহিত সংশ্লিষ্ট বিভিন্ন প্রতিষ্ঠানের পারস্পরিক সমস্যা নিরসনে সংস্থাকে পরামর্শ প্রদানের জন্য বোর্ড কারিগরী কমিটি নামে একটি কমিটি গঠন করিবে।

### কোস্ট গার্ড আইন, ১৯৯৪ (১৯৯৪ সনের ২৬নং আইন)

কোস্ট গার্ড বাহিনী গঠনকল্পে বিধান প্রণয়নের জন্য প্রণীত আইন।

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

(খ) “এখতিয়ারভুক্ত এলাকা” অর্থ বাংলাদেশের জলসীমা এবং সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, নির্ধারিত জলসীমা-সম্বন্ধিত স্থলভাগ;

(গ) “জলসীমা” অর্থ বাংলাদেশের সামুদ্রিক এলাকা এবং সরকার কর্তৃক, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, নির্ধারিত অন্যান্য জল এলাকা;

(জ) “সমুদ্র সীমা” অর্থ Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974) এর অধীনে ঘোষিত territorial waters;

(ঝ) “সামুদ্রিক এলাকা” অর্থ দফা (জ) উল্লিখিত Act এ বর্ণিত বা তদধীনে ঘোষিত territorial waters, contiguous zone, continental shelf conservation zone এবং economic zone।

৩। আইনের প্রধানা ১-আপাতত: বলবৎ অন্য কোন আইনে যাহা কিছুই থাকুক না কেন, এই আইন, বিধি ও প্রবিধানের বিধানাবলী কার্যকর থাকিবে।

৪। কোস্ট গার্ড অধিদপ্তর ১-(১) এই আইনের উদ্দেশ্য পূরণকল্পে কোস্ট গার্ড অধিদপ্তর নামে একটি অধিদপ্তর থাকিবে।

(২) অধিদপ্তরের একজন মহা-পরিচালক থাকিবে ...;

৫। কোস্ট গার্ড গঠন ১-(১) এই আইনের বিধান অনুযায়ী কোস্ট গার্ড নামে একটি বাহিনী গঠন করা হইবে।

৭। বাহিনীর কার্যাবলী ১-(১) উপ-ধারা (২) এর বিধান সাপেক্ষে, বাহিনীর কার্যাবলী হইবে নিম্নরূপ, যথা :

(ক) বাংলাদেশের জলসীমায় জাতীয় স্বার্থ সংরক্ষণ করা;

(খ) বাংলাদেশের সামুদ্রিক এলাকায় অবৈধভাবে মৎস্য আহরণ প্রতিরোধ করা;

(গ) বাংলাদেশের জলসীমা দিয়া বাংলাদেশে অবৈধ অনুপ্রবেশ বা বাংলাদেশ হইতে অবৈধ গমন প্রতিরোধ করা;

(ঘ) বাংলাদেশের সমুদ্রসীমায় (Territorial Waters) আগত কোন নৌযান বা উহাতে অবস্থানরত ব্যক্তির ব্যাপারে আদালত বা অন্যবিধ কর্তৃপক্ষের পরোয়ানা বা অন্য কোন আদেশ বলবৎ করা;

(ঙ) বাংলাদেশের জলসীমায় পরিবেশ দূষণকারী কার্যকলাপ অনুসন্ধান এবং উহা প্রতিরোধের ব্যবস্থা করা;

(চ) বাংলাদেশের জলসীমায় কর্মরত ব্যক্তিগণের নিরাপত্তা নিশ্চিত করা;

(ছ) মাদকদ্রব্য পাচার এবং চোরাচালান প্রতিরোধ করা;

(জ) প্রাকৃতিক দুর্যোগকালে ত্রাণ ও উদ্ধারকার্যে অংশগ্রহণ করা এবং দূর্ঘটনা কবলিত নৌযান, মানুষ এবং মালামাল উদ্ধার করা;

(ঝ) প্রাকৃতিক দুর্যোগকালে সতর্কবাণীসহ অন্যান্য তথ্য বেতার বা অন্য কোন মাধ্যমে প্রচারের ব্যবস্থা করা;

(ঞ) যুদ্ধকালীন সময়ে নৌ-বাহিনীকে সহায়তা করা;

(ট) বাংলাদেশের জলসীমায় টহল দেওয়া;

(ঠ) সমুদ্র বন্দরের নিরাপত্তা নিশ্চিত করার জন্য সংশ্লিষ্ট কর্তৃপক্ষকে সহায়তা করা;

(ড) বাংলাদেশের জলসীমায় সংঘটিত নাশকতামূলক ও সন্ত্রাসমূলক কার্যকলাপ দমন করা এবং এতদুদ্দেশ্যে অন্যান্য কর্তৃপক্ষকে সহায়তা করা;

(ঢ) সরকার কর্তৃক নির্দেশিত অন্যান্য দায়িত্ব সম্পাদন।

## **9.5 International Water**

### **STATUTE OF THE INDO-BANGLADESH JOINT RIVERS COMMISSION, 1972**

#### **CHAPTER-1**

#### **THE CONTRACTING PARTIES**

Pursuant to the relations of friendship and co-operation that exists between India and Bangladesh,

DESIROUS of working together in harnessing the rivers common to both the countries for the benefit of the people of the two countries.

DESIROUS of specifying some questions relating to these matters,

#### **HAVE AGREED AS FOLLOWS:**

#### **CHAPTER-II**

##### **Article-1**

There shall be established an Indo-Bangladesh Joint Rivers Commission, hereinafter referred to as the Commission.

##### **Article-2**

(i) The Commission shall be constituted by each participating Government adopting a chairman and three members;

of these two shall be engineers. The Chairman and three members shall ordinarily hold office for a period of three years.

(ii) Each participating Government may also appoint such experts and advisers as it desires.

##### **Article-3**

The Chairmanship of the Commission shall be held annually in turn by Bangladesh and India.

#### Article-4

- (i) The Commission shall have the following functions, in particular:
  - (a) to maintain liaison between the participating countries in order to ensure the most effectively joint efforts in maximising the benefits from common river systems to both the countries;
  - (b) to formulate flood control works and to recommend implementation of joint projects;
  - (c) to formulate detailed proposals on advance flood warnings, flood forecasting and cyclone warnings;
  - (d) to study flood control and irrigation projects so that the water resources of the region can be utilised on an equitable basis for the mutual benefit of the peoples of the two countries; and
  - (e) to formulate proposals for carrying out co-ordinated research problem of flood control affecting both the countries.
- (ii) The Commission shall also perform such other functions as the two Governments may, by mutual agreement, direct it to do.

### CHAPTER-III

#### SUPPORTING STAFF AND SECRETARIAT ASSISTANCE

##### Article-5

Each Government will provide appropriate supporting staff and secretariat assistance to its representative in the Commission to enable them to discharge their functions in an effective manner.

### CHAPTER-IV

#### SESSIONS

##### Article-6

- (i) Subject to the provisions of this Statute, the Commission shall adopt its own rules of procedure.
- (ii) Meetings may generally take place alternatively in the countries subject to the convenience of the two Governments.

- (iii) Special meetings of Working Groups or *ad-hoc* Experts Groups duly nominated by the respective Governments may be arranged, as required, by the mutual consultation of the Members.

## **CHAPTER-V**

### **RULES OF PROCEDURE**

- (iv) The, ordinary sessions of the Commission shall be held as often as necessary generally four times a year. In addition special meetings may be convened any time at the request of either Government.

## **CHAPTER-VI**

### **GENERAL PROVISIONS**

#### **Article-8**

The Commission shall submit confirmed minutes of all meetings to the two Governments. The Commission shall also submit its annual report by the 31st January, next year.

#### **Article-9**

Decisions of the Commission shall be unanimous. If any differences arise in the interpretation of this Statute, they shall be referred to the two Governments to be dealt with on a bilateral basis in a spirit of mutual respect and understanding.

## 10. FISHERY

The regulatory regime governing fisheries in Bangladesh distinctly possess the characteristics of both substantial and procedural laws and hence may be conveniently mentioned under two separate broad heading. The substantial laws have been compiled under sector 10.1 while sector 10.2 enumerates a few regulations establishing statutory institutions and mechanism followed in the management of fisheries.

### 10.1. Substantive Laws

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#### 10.1.1 Conservation and Protection of Fish

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

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

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

- (1) "Current Jal" means fishing net made of monofilament synthetic nylon fibre of different mesh sizes;
- (2) "Fish" includes all cartilaginous, bony fishes, prawn, shrimp, amphibians, tortoises, turtles, crustacean animals, molluscs, echinoderms and frogs at all stages in their life history;
- (3) "Fishery" means any water body, natural or artificial, open or closed, flowing or stagnant (such as river, haor, baor, beel, floodplain, canal etc.) where activities for growing fish, or for conservation, development, demonstration, breeding, exploitation or disposal of fish or of living organisms related to such activities are undertaken, but does not include an artificial aquarium of fish used as decorative article, pond or tank;
- (4) "Fishery Officer" means any person whom, the Government or any officer empowered by the Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or by any rule made thereunder to be done by such officer:

Provided that, no police officer shall be so empowered;

- (5) "Fishing net" means the nets which are specially meant for catching different species of fishes from water bodies and it is one type of fishing gear made of different types of yarns including synthetic yarns of different mesh sizes other than Current Jal. The common tanning materials of net are fruit of gab (*Diospyros embryopteris*) bark of Goran (*Cerriops roxburghiana*) and Coal tar.
  - (6) "Fixed engine" means any net, cage, trap or other contrivance for catching fish, fixed in the earth or made stationary in any other way.
- 3.(1) The Government may make rules for the purposes hereinafter in this section mentioned.
- (2) The Government may, by notification, apply such rules or any of them to any water or waters.
  - (3) Such rules may-
    - (a) prohibit or regulate all or any of the following matters, that is to say,
      - (i) the erection and use of fixed engines,
      - (ii) the construction, temporary or permanent, of weirs, dams, bunds, embankments and other structures;
      - (iii) the use or method of operation of any kind of fishing net and the size of the mesh of any fishing net;
      - (iv) the manufacture, import, marketing, carrying, transporting or possessing of such fishing nets, traps, gears and other contrivances as may be specified in the rules;
    - (b) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow and arrow in inland water or within coastal territorial waters;
    - (c) prohibit the destruction of, or any attempt to destroy, fishes by the poisoning of water or the depletion of fisheries by pollution, by trade effluent or otherwise;
    - (d) prescribe the seasons during which the killing or catching of fishes of any prescribed species shall be prohibited;
    - (e) prescribe a minimum size below which no fish of any prescribed species, shall be killed or sold;
    - (f) prohibit all fishing in all waters or in any specified waters for a specified period;



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

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

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

**4A. Prohibition about Current Jal.**-(1) No person shall manufacture, fabricate, import, market, store, carry, transport, own, possess or use Current Jal.

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

**5. Penalties.**-(1) The breach of any rule made under section 3 or of any prohibition notified under section 4, shall be punishable with rigorous imprisonment for a term which shall not be less than one year and may extend to two years, or with fine which may extend to five thousand taka or with both.

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

- (a) manufacture, fabrication, import, marketing or storing of Current Jal by any person shall be punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to five years, and shall also be liable to fine which may extend to ten thousand taka; and
- (b) carrying, transporting, owning, possession or use of Current Jal by any person shall be punishable with rigorous imprisonment for a term which shall not be less than one year and may extend to three years, or with fine which may extend to five thousand taka, or with both.

**5A. Power to confiscate.**-When any person is convicted of an offence punishable under this Act or the rules made under this Act, the Court, before which he is convicted, shall direct that, any article or thing used or intended to be used in the commission of such offence, be confiscated.

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

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address, if given.

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

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

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

(4) All Fishery Officers empowered by the Government shall have the same powers of search, seizure and investigation in respect of an offence under this Act as a police officer of the rank of Sub-Inspector; and any Current Jal, seized under this Act by a Fishery Officer or police officer, shall be destroyed after the lapse of 30 days, if in the meantime no one claims the same or otherwise initiates any other proceeding regarding his lawful claim thereto.

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

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

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

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

**4. Bar to unauthorised fishing in khas managed fisheries.**-(1) On the declaration of a fishery to be a khas managed fishery under section 3, no

person shall fish in such a fishery without a valid licence for fishing issued by such authority as may be prescribed.

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

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

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

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

## 10.1.2 Private Fishery

### **THE PRIVATE FISHERIES PROTECTION ACT, 1889** **(Bengal Act II of 1889)**

*An Act for protection of the right of fishing in private waters.*

2. In this Act,-

"fish" includes shell-fish and turtles;

"fixed engine" means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way;

"private waters" means waters-

- (a) which are the exclusive property of any person; or
- (b) in which any person has an exclusive right of fishery, and in which fish are not confined but have means of ingress or egress.

3. Any person who-

- (a) fishes in any private waters, not having a right to fish therein.
- (b) erects, places, maintains or uses any fixed engine in private waters, or puts, or knowingly permits to be put, therein any matter for the permission of the person or destroying fish without the permission of the person to whom the right of fishery therein belongs;

shall be guilty of an offence, and shall be punished for a first offence with a fine not exceeding fifty taka and for a subsequent offence with imprisonment which may be simple or rigorous, for a term not exceeding one month or with a fine not exceeding two hundred taka, or both;

Provided that nothing herein contained shall apply to acts done by any person in the exercise of a bona fide claim of right, or shall prevent any person from angling with a rod and line or with a line only in any portion of a navigable river.

4.(1) Any fixed engine erected, placed, maintained or used in contravention of the last preceding section, and any fish taken by means of such engine, or otherwise in contravention of this Act, shall be forfeited.

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

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

### 10.1.3 Marine Fishery

## THE MARINE FISHERIES ORDINANCE, 1983 (Ordinance No.XXXV of 1983)

*An Ordinance to make provisions for the management, conservation and development of marine fisheries in the Bangladesh fisheries waters and to deal with certain matters connected therewith.*

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

- (a) "Bangladesh fisheries Waters" means the territorial waters and economic zone of Bangladesh as declared by the Government under the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974), and any other marine waters over which has, or claims to

have, jurisdiction under law with respect to the management, conservation and development of the marine living resources;

- (c) "fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle or aquatic mammal, and the young, fry, eggs and spawn thereof;
- (d) "fishery" means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;
- (e) "fishing" means catching, taking or killing fish by any method, and includes attempting to catch, take or kill fish by any method;
- ~~(f) "fishing vessel" means any vessel used for fishing or for processing carriage or storage of fish, and includes any vessel used in support of or ancillary to, fishing operations but does not include any vessel carrying fish as part of a general cargo unless that vessel is engaged in operations in support of, or ancillary to, fishing operations;~~
- (g) "foreign fishing vessel" means any fishing vessel other than a local fishing vessel;
  - (i) "local fishing vessel" means any fishing vessel-
    - (i) wholly owned by one or more persons who are citizens of Bangladesh; or
    - (ii) wholly owned by any company, society or other association of person established under the law of Bangladesh of which at least 51 percent of the shares are held by citizens of Bangladesh and includes any fishing vessel registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements;
    - (iii) wholly owned by the Government or by a statutory corporation establishment under a law of Bangladesh;
- (k) "skipper", in relation to a fishing vessel, means the person for the time being having command or charge of the vessel.

**3. Provisions regarding non-mechanized local fishing vessels and local fishing with limited horsepower.**-(1) The Government may, by notification in the official Gazette, exempt, subject to such conditions, if any, as may be specified therein, any local fishing vessel or class of vessels from the provisions of Part III for such period as may be specified in the notification.

(2) The Government may, by notification in the official Gazette, declare zone in which only non-mechanized local fishing vessels or mechanized local fishing vessels of such tonnage as the Government may, by notification in the

official Gazette, determine may engage in fishing operation or in which fishing operations by other fishing vessels may be restricted.

**5. Director responsible for management, etc.**-The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries and the implementation of the objectives of this Ordinance.

**7. Types, classes and numbers of fishing vessels.**-Having regard to the requirement of fisheries management and development plans, the Government may, by notification in the official Gazette, specify types, classes and number of fishing vessels that can be deployed in the Bangladesh fisheries waters:

Provided that the Government may exempt fishing vessels already permitted to operate prior to the coming into force of this Ordinance.

**8. Director to issue licences.**- The Director shall be responsible for issuing licences in respect of all marine fishing in the Bangladesh fisheries waters.

**13. Matters for which licence is valid.**-Each licence shall be valid only with respect to the species of fish and the type of fishing gear or the method of fishing or the location specified in the licence.

**14. Duty to provide information regarding catches.**-The holder of any licence shall keep detailed information of catches as well as sales in such form as may be prescribed and a copy of this information shall be furnished to the Director.

**15. Fishing vessels not to interfere with navigation.**-No fishing vessels shall be operated so as to interfere with navigational aids or with shipping in established shipping routes.

**16. Licence to be subject to certain conditions.**-(1) Each licence shall be subject to such conditions as may be specified in this Ordinance and in any rules made thereunder, and as may be otherwise endorsed upon such licence by the Director.

(2) In particular, and without limiting the generality of the foregoing subsection, the Director may attach all or any of the following terms and conditions to any licence, namely:-

- (a) the areas within which, and the period during which, fishing is authorized;
- (b) the species, size, sex, age and quantities of fish may be caught or taken;
- (c) the methods any which fish may be caught or taken;
- (d) the types, size and amount of fishing gear that may be used by the fishing vessel;

- (e) statistical and other information required to be given by the skipper to the Government , including statistics relating to catch and effort and also reports as to the position of the vessels;
  - (f) the keeping on board the fishing vessel and other means for its identification;
  - (g) the marking of the fishing vessel ad other means for its identification;
  - (h) such other matters as the Director may consider necessary or expedient for the management, conservation and development of fisheries resources of Bangladesh.
- 

(3) In addition to the terms and conditions which may be imposed on any licence under sub-section (2), the Director may make applicable to foreign fishing vessels all or any of the following terms and conditions, namely:-

- (a) entry by foreign fishing vessels into Bangladesh ports for the inspection of its catch which is subject to customs formalities and for any other purpose;
- (b) the specification of points of entry into, and departure from, the Bangladesh fisheries waters;
- (c) the protection of local fisheries;
- (d) the execution of bonds or other forms of security for the duration of the licence;
- (e) the reporting of the position by the foreign fishing vessel while within, or about to enter, the Bangladesh fisheries waters;
- (f) the directions and instructions given by the authorized officers from the Government ships or aircrafts to the foreign fishing vessel that shall be complied with by the skipper;
- (g) the installation and maintenance in working order of a transponder or other equipment on the foreign fishing vessel for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;
- (h) the carriage on board the foreign fishing vessels of specified communication equipment, specified nautical charts, nautical publications and nautical instruments;
- (i) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of the costs of doing so;

- (j) the training of citizens of Bangladesh in the methods of fishing employed by the foreign fishing vessel and the transfer to Bangladesh of technology relating to fisheries;
- (k) the conduct by the fishing vessel of specified programmes of fisheries research.

**17. Local fishing vessels to be registered.**- No licence shall be issued in respect of a local fishing vessel that is required to be registered under any law for the time being in force unless the vessels has been registered.

**18. Local fishing vessel to hold valid certificate of inspection.**-No licence shall be issued in respect of a local fishing vessel that is required to hold a valid certificate of inspection under any law for the time being in force unless such a certificate is issued in respect of that vessel.

**19. Grounds for refusing to issue licenses, etc., to local fishing vessels.**- The Director may, by order in writing, refuse to issue a licence in respect of local fishing vessel, or he may likewise suspend, cancel or refuse to renew any licence that has been issued in respect of a local fishing vessel, where he is satisfied that-

- (a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan;
- (b) it is otherwise in the best interest of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been used in contravention of the provisions of this Ordinance or of any rules made thereunder or of any conditions of the licence; or
- (d) the person applying for or holding the licence is unfit to hold a licence.

**20. No entry for foreign fishing vessels in Bangladesh fisheries waters except with licence.**-No foreign fishing vessel shall, without a license,-

- (a) enter the Bangladesh fisheries waters except for any purpose set out in section 21; or
- (b) within the Bangladesh fisheries waters.-
  - (i) fish or attempt to fish; or
  - (ii) load, unload or tranship any fish.

**21. Entry by unlicensed foreign fishing vessels into Bangladesh Fisheries waters.**-(1) Subject to the provisions of sub-section (2), a foreign fishing



vessel may enter the Bangladesh fisheries waters without a licence for the purpose of-

- (a) passage through such waters in the course of a voyage to destination outside such waters;
- (b) averting imminent danger where the vessel is in distress, to the safety of the vessel or of its crew; or
- (c) rendering assistance to persons, ships or aircraft in danger or distress; or
- (d) obtaining emergency medical assistance for a member of the crew;  
or
- (e) for any other purpose recognized by international law.

(2) Any foreign fishing vessel entering the Bangladesh fisheries waters for any purpose set out in sub-section (1) shall-

- (a) observe such rules as may be prescribed; and
- (b) return outside such waters as soon as the purpose for which it entered has been fulfilled.

**22. Foreign fishing vessels liable to fine and forfeiture if found in Bangladesh fisheries waters illegally.**-(1) Where any foreign vessel enters the Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence, the skipper, owner and charterer, if any, of such vessel shall be guilty of an offence and shall be liable to rigorous imprisonment for a term not exceeding three years and to a fine not exceeding taka one lakh.

(2) Any foreign vessel entering Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence shall be deemed to be forfeited to the Government.

**26. Use of explosives, etc.**-(1) Any person, other than a person authorized in writing by the Director, who in the Bangladesh fisheries waters,-

- (a) uses, or attempts to use, any explosive, poison or other noxious substances for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught; or
- (b) carries, or has in his possession or control, any explosive, poison or other noxious substances with the intention of using such explosive, poison or other noxious substance for any of the purposes referred to in clause (a); or
- (c) uses, or attempts to use, any prohibited methods of fishing as may be prescribed, or carries, or has in his possession or control, on

- (a) "container" means any type of receptacle, package, wrapper of confining bank used in packing or marketing of fish and fish products;
- (b) "fish" includes all cartilaginous and bony fishes, prawn, shrimp, amphibians, tortoise, turtles, crustacean animals, coelenterates molluscs, echinoderms and frogs at all stages of their life history;
- (c) "fish" products" includes any products or by-products of fresh fish;
- (d) "fresh fish" means freshly caught fish which has not been processed in any manner;
- (e) "fish processing and fish packing plant and establishment" means any place where fish or fish products is processed for export or stored for export or for internal marketing;
- (f) "inspection" means physical examination of fish processing and packing plants with regard to hygiene and sanitation and physical, chemical and bacteriological examination of fish and fish products;
- (g) "processing" includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish in any other manner for marketing; and
- (h) "quality control" means the technique by which conformity of a product to establish standard is assured.

3. **Rule making powers.**-(1) The Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for ensuring the quality of fish and fish products for export and of the containers thereof.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for all or any of the following matters, namely:-

- (a) prescribing grades, quality and standard of fish and fish products;
- (b) regulation of catching, handling and marketing of fish or, as the case may be, fish products;
- (c) processing, storing, grading, packaging, marking, transporting and inspection of fish and fish products;
- (d) prescribing the quality and specifications for containers of fish and fish products and the marking and inspection of such containers;
- (e) requiring the registration of fish processing and fish packing plant and establishment for freezing, processing and preservation of fish and fish products;

- (f) requiring the licensing of persons dealing in freezing, processing and preservation of fish and fish products;
- (g) determining the requirements of the equipment, construction and sanitary operation of fish processing and fish packing plant and establishment or export of fish;
- (h) prescribing the fees for registration of fish processing and fish packing plant and establishment and for issue of licences and inspection of laboratory analyses of fish and fish products samples;
- (i) prohibiting the sale or offering for sale or holding in possession for sale, except in accordance with the manner and upon fulfillment of the requirements prescribed in this behalf, any fish, fish products or container under any grade name or standard;
- (j) prescribing the sampling procedure and the manner in which samples of any fish and fish products may be taken;
- (k) prohibiting or restricting marketing or offering of any attempt to market or offer, without obtaining quality control certificate from the Government, of any fresh, frozen, processed or preserved fish or container thereof; and
- (l) manner of disposal of fish and fish products which do not conform with the prescribed standard or is otherwise considered unwholesome or unfit for human consumption.

**4. Inspection to ensure compliance with the provisions of the Ordinance.-**

(1) The Government may, for the purpose of seeing that the provisions of this Ordinance and the rules made thereunder have been complied with, appoint such person or persons to be Inspectors as it deems fit and any inspector appointed under this sub-section or any officer empowered by the Government in this behalf may,-

- (a) at all reasonable times enter any place or premises or go on board any steamship, vessel or boat, any railway car, truck, carriage, aircraft or other vehicle used for the carriage and storage of fish and fish product and inspect the same and open any container if he believes or has reason to believe that the container contains fish and fish products and take sample of any fish or fish products for inspection free of cost; and
- (b) require and enforce production of any book, shipping bills, bills of lading or other documents or papers for inspection or for the purpose of obtaining copies thereof or extracts therefrom.

(2) No person shall obstruct, impede or refuse admittance, or aid or assist in the obstruction, impedance or refusal of admittance, to an inspector or any officer

empowered under sub-section (2) in the performance of his duties under that sub-section.

**5. Export, etc. of fish.**-No person shall export or sell for export or have in his possession for export, or deal in, any fish or fish products intended for human consumption which is decomposed, unwholesome or contaminated with pathogenic organisms.

**6. Handling, etc. of fish and fish product.**-No person who is suffering from leprosy, tuberculosis or such other contagious disease as the Government may, by notification in the official Gazette, specify, shall catch, handle, carry or, process or cause to catch, handle, carry or process fish or, as the case may be, fish products or work in fish processing and fish packing plant and establishment.

**7. Operation of fish processing and fish packing plant and establishment-**

(1) No person shall operate any fish processing and fish packing plant or establishment without obtaining a licence to be issued in this behalf by the Government in such form as it may determine.

(2) An application for granting a licence under sub-section (1) shall be made by the person concerned in such form as the Government may determine.

(3) Where the Government is satisfied that the provisions of this Ordinance and the rules made thereunder have been complied with, it shall grant to the applicant a licence which may contain such conditions as it may impose in this behalf.

(4) If it is found that the applicant has not complied with the provisions of this Ordinance or the rules made thereunder, the Government may refuse to grant the licence applied for.

**8. Appeal.**-Any person aggrieved by any order under this Ordinance may, within thirty days from the date of the order, file an appeal against the order to the Government whose decision in the matter shall be final.

**9. Penalty for contravention of section 4(2).**-Any person who contravenes the provisions of sub-section (2) of section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to taka five thousand, or with both.

**10. Penalty for contravention of section 5 or 6.**-Any person who contravenes the provisions of section 5 or 6 shall be punishable with imprisonment for term which may extend to six months, or with fine which may extend to taka five thousand, or with both.

**11. Penalty for consecutive offences.**-(1) A person who after being convicted for contravention of sub-section (2) of section 4, section 5 or section 6, or any rule made thereunder, is convicted for the second or subsequent times, he shall,

for every such conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to taka ten thousand, or with both.

(2) In inflicting the punishment under sub-section (1), the court may order the seizure and forfeiture to the Government of the fish processing and fish packing plant or establishment to which the contravention may relate together with the cancellation of the licence issued in respect of such processing and fish packing plant or establishment.

**12. Bar of jurisdiction.**-(1) No court interior to that of a Magistrate of the First Class shall try an offence under this Ordinance.

(2) No court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by an Inspector appointed or an officer empowered under this Ordinance.

**15. Power to make rules.**-The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**Note:** See also the State Acquisition and Tenancy Act, 1950 (7.1.2.2) for other relevant provisions.

## **10.2 Management and Administration of Fisheries**

### **10.2.1 Functions of the Ministry of Fisheries and Livestock**

#### **ALLOCATION OF BUSINESS AMONG THE DIFFERENT MINISTRIES AND DIVISIONS**

**(Schedule 1 of the Rules of Business, 1975)**

**The function of the Ministry of Fisheries and Livestock include the followings:**

1. Preparation of schemes and coordination of national policy in respect of fisheries.
2. Prevention and control of fish diseases.
3. Utilisation of fish and fish wastes and development of fisheries resources and fishing.
4. Control, management and development of Government Fisheries which are under the development scheme of this Ministry and such other

fisheries which will be included in future in the development scheme of Ministry.

5. Fish farms-management and conservation of fish and other population of acoustic organisms of economic importance.
6. Refrigeration and cold storage facilities for fish.
7. Improvement and augmentation of aquaculture and cultivation of pink pearls.
8. All matters relating to Marine Fisheries including permission for acquisition, licensing and monitoring of operation of fishing vessels including Factory Ship.
9. Fishing and fisheries beyond territorial waters (including deep-sea fishing), fish harbour, fish quality-testing, laboratories and other ancillary organisations.
23. Planning Cell- preparation of schemes and coordination in respect of fisheries ...
25. Mechanised fishery ...
26. Feasibility study on establishment of Fisheries ... Farms before allocation of khas lands by Ministry of Land.
30. Utilization of coastal land for Brackish water shrimp culture.

## 10.2.2 Land Administration Manual and Other Relevant Circulars

### ভূমি ব্যবস্থাপনা ম্যানুয়াল, ১৯৯০

#### জলমহাল

১৮৬। বাংলাদেশে বর্তমানে মোট ১০,১০৮টি জলমহাল ব্যবস্থাপনার দায়িত্ব ভূমি মন্ত্রণালয়ের উপর ন্যস্ত রহিয়াছে। জলমহালগুলি প্রধানত: দুই প্রকার, যথা (১) বন্ধ জলমহাল ও (২) উন্মুক্ত জলমহাল।

১৮৭। বন্ধ জলমহাল বলিতে এরূপ জলমহাল বুঝাইবে যাহার চত্বঃসীমা নির্দিষ্ট অর্থাৎ স্থলবেষ্টিত এবং যাহাতে মৎস্যসমূহের পূর্ণতা প্রাপ্তির জন্য বৎসরের নির্দিষ্ট সময়ে মৎস্য ধরার উপযোগী। সাধারণত: হাওর, বিল, ঝিল, হ্রদ, দীঘি, পুকুর ও ডোবা ইত্যাদি নামে পরিচিত জলমহালকে বন্ধ জলমহাল বলিয়া গণ্য করা হয়।

১৮৮। যে সকল জলমহাল স্থলভাগ দ্বারা বেষ্টিত নয় এবং নির্দিষ্ট সময়ের জন্য মৎস্যের পূর্ণতা প্রাপ্তির লক্ষ্যে মৎস্য শিকার বন্ধ রাখা যায় না তাহাদিগকে উন্মুক্ত জলমহাল বলিয়া গণ্য করা হয়। সাধারণত: নদী, খাল বা প্রবাহমান স্রোতধারাকে উন্মুক্ত জলমহাল বলিয়া গণ্য করা হয়।

## ভূমি মন্ত্রণালয়

তারিখ, ২০শে জুলাই ১৪০২/৪ঠা সেপ্টেম্বর ১৯৯৫

নং ভূমি/৭-বিবিধ- ১১/৯৫/৫৭৬- দেশের দরিদ্র জেলে সম্প্রদায়ের স্বার্থ সংরক্ষণার্থে এবং তাহাদের জীবিকা নির্বাহের পথ সুগম করার লক্ষ্যে সরকার নদী, খাল এবং উন্মুক্ত শ্রেণীর মধ্যে যে সমস্ত জলমহাল অন্তর্ভুক্ত আছে সেই সমস্ত উন্মুক্ত জলমহাল এর ইজারা প্রথা বিলুপ্ত করিবার সিদ্ধান্ত গ্রহণ করিয়াছেন। যে সমস্ত উন্মুক্ত জলমহাল এখনও ইজারা প্রদান করা হয় নাই সেইগুলির ক্ষেত্রে সিদ্ধান্ত অবিলম্বে কার্যকর হইবে। যে সমস্ত জলমহাল ১৪০২ বাংলা সনের জন্য ইতিমধ্যে ইজারা দেওয়া হইয়াছে সেই গুলির ইজারা মেয়াদ শেষ হওয়ার পরে আর ইজারা প্রদান করা হইবে না এবং উল্লেখিত নীতি কার্যকর হইবে।

ইঞ্জিনচালিত নৌকা বা ট্রলার দ্বারা উন্মুক্ত জলমহালে মাছ ধরিতে হইলে সংশ্লিষ্ট জেলা প্রশাসকগণের নিকট হইতে নির্ধারিত হারে ফি দিয়া লাইসেন্স সংগ্রহ করিতে হইবে। জেলা প্রশাসক উল্লেখিত ট্রলার বা ইঞ্জিন চালিত নৌকার আয় ব্যয়ের সংগতিপূর্ণ হিসাবের ভিত্তিতে আদায়যোগ্য ফির হার নির্ধারণ করিবেন। এই হার প্রতি বছর মূল্যায়ন করা হইবে এবং মূল্যায়নের ভিত্তিতে লাইসেন্স নবায়নযোগ্য হইবে।

মৎস্য ও পশুসম্পদ মন্ত্রণালয়ের নিকট মৎস্য সম্পদ উন্নয়ন, সংরক্ষণ ও অভয়াশ্রমসহ বিভিন্ন উন্নয়নমূলক কর্মকাণ্ডে ন্যস্তকৃত জলমহাল এই সিদ্ধান্তের বাহিরে থাকিবে। ভবিষ্যতে উপরোল্লিখিত উন্নয়ন কর্মকাণ্ডের জন্য যে সমস্ত জলমহালের ব্যবহার প্রয়োজন হইবে তাহাদের ক্ষেত্রে এই সিদ্ধান্তের প্রয়োগের বিষয়টি বিবেচিত হইতে পারে। মৎস্য ও পশুসম্পদ মন্ত্রণালয় উন্নয়ন প্রকল্পের আওতাধীন এই সমস্ত জলমহাল ব্যবহার এবং মৎস্য সম্পদ উন্নয়নের নীতিমালা প্রণয়ন করিবেন। তবে মৎস্য পক্ষ '৯৫ ইং এর প্রাক্কালে দরিদ্র জেলে সম্প্রদায়ের বিনা করে মৎস্য আহরণের অধিকারসূচক সরকার ঘোষিত সিদ্ধান্তের পরিপন্থী কোন পদক্ষেপ গ্রহণ করা যাইবে না।

এই সিদ্ধান্তের পর পরীক্ষাধীন নতুন জলমহাল বলিয়া চিহ্নিত জলমহালে মাছ ধরিবার জন্য প্রদত্ত অধিকারপত্রের কার্যকারীতা থাকিবে না। নতুন করিয়া আর কোন অধিকারপত্র দেওয়ার প্রয়োজ্য হইবে না।

যেহেতু মাছঘাট, ডাঘানমহল এবং উন্মুক্ত জলমহালের ইজারা প্রথা বিলুপ্ত করা হইয়াছে সেইহেতু জেলা প্রশাসকগণ যে কোন প্রকারের অবৈধ কর, ফি বা চাঁদা আদায় করিয়া জেলে সম্প্রদায়কে যেন শোষণ এবং হয়রানী না করা হয় তা নিশ্চিত করিবেন এবং এই উদ্দেশ্যে আইনের কঠোর প্রয়োগ করিবেন।

## 10.2.3 Institutions

### **BANGLADESH FISHERIES DEVELOPMENT CORPORATION ACT, 1973 (ACT No. XXII of 1973)**

*An Act to provide for the establishment of the Bangladesh Fisheries Development Corporation.*

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

- (d) "fish" means any species of fish or aquatic plants and animals including whales, seals, porpoises, dolphins, turtles, shellfish, oysters, crustaceans, frogs, ascidians and spawns and eggs of such animals or plants grown either in salt water or fresh water;
- (e) "fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in fishing;
- (f) "fishing industry" means capturing, preservation, distribution and marketing of fish, and includes processing, manufacturing and disposal of fish and fish by-products; construction of fishing crafts, fishing nets and factories for fishing nets and gears and establishment and operation of refrigeration units, fish markets, fish ports and fish landing terminals and any matter incidental or ancillary thereto; and

**3. Establishment of the Corporation.**-(1) On the commencement of this Act, there shall be established a Corporation to be called the Bangladesh Fisheries Development Corporation for carrying out the purposes of this Act.

**6. Functions of the Corporation.**-(1) The Corporation shall take such measures as it thinks fit for development of fisheries and fishing industries in Bangladesh.

(2) In particular and without prejudice to the generality of the foregoing provision, the Corporation shall, in order to carry out the purposes of this Act, have power to-

- (a) take measures for the development of fisheries and fishing industry;
- (b) establish fishing industry;
- (c) establish units for capture of fish and promote a better organization for exploitation of fish wealth;
- (d) acquire, hold or dispose of fishing boats, fish carriers, road and river transports and all equipment and accessories necessary in connection with the development of fishing industry;



- (e) establish units for preservation, processing, distribution and marketing of fish-products;
- (g) encourage establishment of fishermen's co-operative societies;
- (h) undertake survey and investigations of the fish resources;
- (i) establish institutes or make arrangements for the training and research in the methods of catching, processing, transport, preservation and marketing of fish;
- (k) acquire, hold and dispose of such other properties as are required for carrying out all or any of the above-mentioned purposes.

(3) The Corporation may formulate scheme or schemes for carrying out all or any of the functions specified in this section.

**7. Management.**-(1) The general direction and administration of the Corporation and its affairs shall vest in a Board which shall have full authority to exercise all powers and do all acts and things which may be exercised and done by the Corporation.

(2) The Board, in discharging its functions, shall act on commercial considerations and shall be subject to the superintendence and control of the Government and shall also be guided by such general or specific instructions as may, from time to time, be given to it by the Government.

## 10.2.4 Research

### **THE FISHERIES RESEARCH INSTITUTE ORDINANCE, 1984 (Ordinance No.XLV of 1984)**

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

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

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

- (a) to carry out and co-ordinate fisheries research in Bangladesh;
- (b) to assist in development of more efficient and economic methods for fish production, management, processing and marketing; and
- (c) to do such other acts or things as may be considered necessary for carrying out the purposes of this Ordinance.

# 11. FORESTRY

## 11.1 Public Forest

### THE FOREST ACT, 1927 (Act No. XVI of 1927)

*An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.*

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

- (1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, ram ewes, sheep, lambs, goats and kids;
- (2) "Forest-officer" means any person whom the (d), Government or any officer empowered by the Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-Officer;
- (3) "forest offence" means an offence punishable under this Act or under any rule made thereunder;
- (4) "forest-produce" includes,-
  - (a) the following whether found in, or brought from, a forest or not, that is to say;  
timber, charcoal, caoutchouc, catechu, wood-oil, resin, nature varnish, bark, lac, mahua, flower, mahua seeds (kuth), and myrabolams; and
  - (b) the following when found in, or brought from, a forest, that is to say;
    - (i) trees and leaves, flowers and fruits and all other parts or produce not hereinbefore mentioned, of trees,
    - (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
    - (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey, and Wax, and all other parts of produce of animals, and

(iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries).

(4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such court;

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "timber" includes trees when they have fallen or have been felled, and all wood whether out up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms, bamboos, stumps, brush wood and canes.

**3. Power to reserve forests-**The Government may constitute any forest-land or waste-land or any land suitable for afforestation which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

**4. Notification by Government.**-(1) Whenever it has been decided to constitute any land a reserved forest, the Government shall issue a Notification in the official Gazette:-

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called "the Forest Settlement Officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce and to deal with the same as provided in this Chapter.

**Explanation.**- For the purpose of clause (b) it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-Officer,

(3) Nothing in this section shall prevent the Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

**5. Bar of accrual of forest-rights-** After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification,

except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued, and no fresh clearing for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the Government in this behalf.

**6. Proclamation by Forest Settlement-officer-**When a notification has been issued under 4, the Forest Settlement officer shall publish in the Bengali in every town and village in the neighbourhood of the land comprised therein, a proclamation;

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
- (b) explaining the consequence which, as hereinafter provided, will ensue on the reservation of such forest;
- (c) fixing a period of not less than three months and not more than four months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5, within such period either to present to the Forest Settlement officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

**7. Inquiry by Forest Settlement-officer.-**The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place enquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4, or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

**8. Powers of Forest Settlement-officer.-**For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say-

- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land and to survey, demarcate and make a map of the same; and
- (b) the powers of a Civil Court in the trial of suits.

**9. Extinction of rights.-**Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

**10. Treatment of claims relating to practice of shifting cultivation.**-(1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-Officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated and submit the statement to the Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise,

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege to control, restriction and abolition by the Government.

**11. Power to acquire land over which right is claimed.**-(1) In the case of a claim to a right in or over any land, other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, the Forest-officer shall pass an order admitting or rejecting the same in whole or in part

(2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either;

(i) exclude such land from the limits of the proposed forest; or,

(ii) come to an agreement with the owner thereof for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Act II of 1982);

(3) For the purpose of so acquiring such land,

(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Acquisition and Requisition of Immovable Property Ordinance 1982 (Act II of 1982);

- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
- (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and
- (d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money, or wholly in money.

**12. Order on claims to rights of pasture or to forest produce.**-In the case of a claim to rights of pasture or to forest produce, the Forest Settlement officer shall pass an order admitting or rejecting the same in whole or in part.

**13. Record to be made by Forest Settlement officer.**-The Forest Settlement-officer, when passing any order under section 12 shall record, so far as may be practicable,-

- (a) the name, father's name, caste, residence and occupation of the person claiming the right; and
- (b) the designation, position and area of all fields or groups of field (if any) and the designation and position of all buildings (if any) in respect of which the exercise of such right is claimed.

**14. Record where he admits claim.**-If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

**15. Exercise of rights admitted.**-(1) After making such record the Forest Settlement officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of rights so admitted.

(2) For this purpose the Forest Settlement-officer may;

- (a) set out some other forest-tract of sufficient, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

- (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and a locality reasonably convenient, for the purposes of the claimants; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the Government.

**16. Commutation of rights.**-In case the Forest Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof or by the grant of land, or in such other manner as he thinks fit.

**16A. Time limit for resolution of claims.**-(1) Within 12 months after the period fixed under section 6 has elapsed, or within 12 months after the enactment of this section, whichever is later, the Forest Settlement Officer shall do one of the followings,

(i) dispose of all claims made under section 6 and 9; or

(ii) obtain an extension of this 12 months deadline under sub- section (2).

(2) Upon application of a Forest Settlement Officer, the Deputy Commissioner may grant a single 2 months extension of the deadline in sub-section (1) making the deadline 14 months, and if that extended deadline threatens to be missed, the Commissioner may grant additional 4 months extensions.

**17. Appeal from order passed under section 11, section 12, section 15, or section 16.**- Any person who has made a claim under this Act, or any Forest officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15 or section 16, present an appeal from such order to the Divisional Commissioner concerned.

**18. Appeal under section 17.**-(2)(a) An appeal shall be heard by the Divisional Commissioner in the manner prescribed for the time being for the hearing of appeals in matters relating to land-development tax and the appeal shall be disposed of within 6 months from the date of presenting it under section 17.

(b) The Divisional Commissioner shall report to the Government the particulars of the cases which could not be disposed of by him within the time prescribed in clause (a), whereupon the government may extend time as deemed necessary.

(3) The order passed on the appeal by the Divisional Commissioner shall, subject only to revision by the Government, be final.

**19. Pleadings.-** The Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the Divisional Commissioner in the course of any inquiry or appeal under this Act.

**20. Notification declaring forest reserved.-**(1) When the following events have occurred, namely;

- (a) the period fixed under section 6 for preferring claims has elapsed and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer,
- (b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the Divisional Commissioner; and
- (c) all lands (if any) to be included in the proposed forest, which the forest Settlement-officer has, under section 11, elected to acquire under the Acquisition and Requisition of Immovable Property Ordinance 1982 (Act II of 1982) have become vested in the Government under section 11 of that Ordinance;

The Government shall publish a notification in the official Gazette, specifying definitely, according to boundary marks erected or other wise, the limits of the forest-which is to e reserved and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

**21. Publication of such notification in neighbourhood of forest.-**The Forest-officer shall, before the date fixed by such notification, cause it to be published in every town and village in the neighbourhood of the forest.

**22. Power to revise arrangement made under section 15 or section 18.-**The Government may, within five years from the publication of any notification under section 20 revise any arrangement made under section 20 revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

**23. No right acquired over reserved forest except as here provided.-** No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the



Government or some person in whom such right was vested when the notification under section 20 was issued.

**24. Rights not to be alienated without sanction.**-(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Government;

· Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or halted except to such extent as may have been admitted in the order recorded under section 14.

**25. Power to stop ways and water courses in reserved forests.**-The Forest-officer may, with the previous sanction of the Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest officer in lieu thereof.

**26. Acts prohibited in such forests.**-(1) Any person who, in a reserved forest-

- (a) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;
- (b) trespasses or pastures cattle, or permits cattle to trespass;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) Quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce other than timber;

or who enters a reserved forest with fire arms without prior permission from the Divisional Forest-officer concerned, shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

**(1A) Any person who-**

- (a) makes any fresh clearing prohibited by section 5; or
- (b) removes any timber from a reserved forest; or

- (c) sets fire to a reserved forest, or, in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest-

- (d) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;
- (e) clears or breaks up any land for cultivation or any other purpose or cultivates or attempts to cultivate any land in any other manner;
- (f) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishers, poisons water or sets traps or snares; or
- (g) establishes saw-pits or saw-benches or converts trees into timber without lawful authority;

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months, and shall also be liable to fine which may extend to fifty thousand taka and shall also be liable to fine which may extend to fifty thousand taka and shall not be less than five thousand taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit;

- (a) any act done by permission in writing of the Forest-officer or under any rule made by the Government; or
- (b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the existence of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

**27. Power to declare forest no longer reserved.**-(1) The Government may, by notification in the official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved, but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

**28. Formation of village-forests.**-(1) The Government may assign to any village community the right of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forest so assigned shall be called village-forests.

(2) The Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

**28A. Social Forestry.**-(1) On any land which is the property of the Government or over which the Government has proprietary rights and on any other land assigned to the Government by voluntary written agreement of the owner for the purpose of afforestation, conservation or management through social forestry the Government may establish a social forestry programme under sub-section (2).

(2) A social Forestry programme is established when the Government, by one or more written agreement assis rights to forest produce or rights to use the land for the porpose of social forestry, to persons assisting the Government in management of the land.

(3) Notwithstanding any other provision of law, agreements under sub-section (2) concerning the Government owned lands need not be registered in the local records of right to land and no party to such an unregistered aggrement may be divested of rights solely by execution of a subsequent assignment of rights by the Government to another person.

(4) The Government may make rules to set out standards for social forestry agreements and programmes and such standards shall at a minimum,

- (i) require agreements to include or make reference to an agreed upon management plan for the social forestry programme ;
- (ii) guarantee participants an equitable share of proceeds in return for labour invested ;
- (iii) in the case of agreement contemplating timber harvest, require the duration of agreement to include the expected principal harvest;
- (iv) allow transfers of benefits and obligations under agreement between spouses and when a participants dies, under the laws of succession to his heir and govern other transfer;
- (v) allow creation and dissolution of management committees representing participants in particular programmes, and empower

the management committees to impose fine on participants for violation of agreement; and

- (vi) allow persons to petition the government for undertaking social forestry programmes.

(5) The government may make rules to set out other requirements or guarantees for agreements, including,

- (i) duties of participants to assist forest officers ; and
- (ii) any other matter concerning formation or operation of social forestry programmes.

(6) Rules made under this section may recognise different classes of social forestry programmes, and the Government may make different rules for different classes of programmes.

(7) The Government may publish guidelines and forms for social forestry agreements.

**28B. Effect of other provisions of law on social forestry.**-(1) For the purposes of section 26 and 34, the exercise of any right granted by a social forestry agreement under section 28A shall be considered to be done with permission in writing of the forest officer.

(2) Section 80 shall not apply to private lands subject to a voluntary written agreement under section 28 A, unless such agreement itself allows the Government to invoke all or part of section 80.

(3) Section 81 shall not apply to participants in social forestry project under section 28A.

**29. Protected forests.**-(1) The Government may, by notification in the official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights or to the whole or any part of the forest-produce to which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land or charland comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved.

Provided that if, in the case of any forest-land, a waste-land or charland the Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of

Government, the Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

**30. Power to issue notification reserving trees, etc.**-The Government, may be notification in the official Gazette;

- (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by notification;
- (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or
- (c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up, clearing or use for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

**31. Publication of translation of such notification in neighbourhood.**-The Collector shall cause a translation into Bengali (Substituted by Act 53 of 74) of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

**32. Power to make rules for protected forests.**-The Government may make rules to regulate the following matters, namely;

- (a) the cutting sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forest to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;
- (c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forest for the purposes of trade, and the production and return of such licences by such persons;

- (d) the payments, if any, to be made by the persons mentioned in clause (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce and the places where such payment shall be made;
- (f) the examination of forest-produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests, and of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forest;
- (k) the protection and management of any portion of a forest closed under section 30; and
- (l) the exercise of rights referred to in section 29.

**33. Penalties for acts in contravention of section 28A or of notification under section 30 or of rules under section 32.**-(1) Any person who commits any of the following offences, namely:-

- (a) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subject to any manufacturing process, or removes, any forest produce other than timber;
- (b) leaves burning any fire kindled by him in the vicinity of any protected forest;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) trespasses or pastures cattle, or permits cattle to trespass;
- (e) enters a protected forest with fire arms without prior permission from the Divisional Forest Officer concerned;
- (f) infringes any rule made under section 32;
- (g) any offence or damage committed against social forestry programme will be deemed as an offence.

shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand taka,

in addition such compensation for damage done to the forest as the convicting court may direct to be paid.

(1A) Any person who commits any of the following offences, namely:-

- (a) sets fire to a protected forest, or in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;
- (b) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;
- (c) contrary to any prohibition under section 30, clears or breaks up any land for cultivation or other purpose or cultivates or attempts to cultivate any land in any other manner in any protected forest;
- (d) in contravention of any rules made in this behalf by the Government, hunts, shoots, sets traps or snares or catches or kills any wild animals and birds, fishes or poisons water;
- (e) establishes saw-pits or saw-benches or converts tree into timber without lawful authority in a protected forest;
- (f) removes any timber from a protected forest;

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months and shall also be liable to fine which may extend to fifty thousand taka and shall not be less than five thousand taka, in addition such compensation for damages done to the forest as the convicting Court may direct to be paid.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the Government may, notwithstanding that any penalty has been inflicted under this section direct that in such forest or any portion thereof the exercise of any right of pasture or forest-produce shall be suspended for such period as it thinks fit.

**34. Nothing in this Chapter to prohibit acts done in certain cases.**-Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-Officer or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

**38A. Operation of the Private Forest Ordinance.**-(1) After commencement of this section, the Government may no longer exercise authority to vest control of forest land under sub-section (2) of section 6, 7 or section 11 of the Private Forests Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959).

(2) After commencement of this section, the Government may no longer exercise authority under section 3 of the Private Forest Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959) to require private forest to have working plans.

**38.B. Notice of forest management activities.**-(1) The Government may make rules for the purpose of issuing notice to owners or occupiers of neighbouring lands at least 30 days before undertaking specified forest management activities that may pose a threat of harm to the environment or private or Government property, or that the Government may wish to track for statistical purposes.

(2) Within 20 days after receiving notice of a proposed activity under this section, upon finding that the proposed activity is likely to cause unreasonable damage to the environment or private or Government property, the Government may issue a written order to the owner or occupier of a land to alter or to refrain from the proposed activity to prevent or minimise such damage.

**38C. Restricted activities.**-(1) The Government may make rules to prohibit, restrict or require a permit for land clearing, use of pesticides, harvest on steep slopes, or other forest management activities on private land that may pose a threat to property, renewable natural resources or the productivity of land.

(2) The Government shall empower Forest-officers to issue such permits required under sub-section (1).

**38 D. Abatement of forest nuisances.**-(1) Upon a finding that conditions on a land pose a risk of disease, insect outbreak, fire or other harm to nearby renewable natural resources, the Government may issue a written order to the owner or occupier of the land to abate such a nuisance within 30 days, or sooner as may be specified in the notice, if the protection of renewable natural resources demands.

(2) To be effective, an order under sub-section (1) must be delivered personally to the owner or occupier of the land or sent to him by registered post with acknowledgement receipt due, or if the address of the person is unknown, affixed conspicuously at least two locations on the property.

(3) If the owner or occupier fails to comply with an order under this section, the Government may enter the land, remove the nuisance and realise compensation as a public demand.

**40. Limit not to apply to purchase-money or royalty.**-Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit in the same manner as duty is levied.



**41. Power to make rules to regulate transit of forest-produce.**-(1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the Government, and it may make rules to regulate the transit of all timber and other forest produce.

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

- (a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within Bangladesh;
- (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or other-wise than in accordance with the conditions of such pass;
- (c) provide for the issue, production and return of such passes and for the payment of fees therefor;
- (d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, loyalty or charge due thereof or to which it is desirable for the purposes of this Act to affix a mark;
- (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;
- (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;
- (g) provide for the prevention or removal of any obstruction of the channel or banks of and such river, and for recovering the cost of such prevention or removal from a person whose acts or negligence necessitated the same;
- (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of wood, based industries including saw-mills, saw pits furniture marts and brick fields, the converting,

cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same or the possession or carrying of hammers or other implements used for making timber,

- (i) regulate the use of property marks for timber, and the registration of such marks, prescribe the time for which such registration shall hold good, limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

**42. Penalty for breach of rules made under section 41.**-(1) The Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to three years and shall not be less than two months and shall also be liable to fine which may extend to ten thousand taka and shall not be less than two thousand taka,

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

**43. Government and Forest officers not liable for damage to forest-produce at depot.**-The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

**44. All persons bound to aid in case of accident at depot.**-In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render assistance to any Forest officer or Police officer demanding his aid in averting such danger or securing such property from damage or loss.

**45. Certain kinds of timber to be deemed property of Government until title thereto proved and may be collected accordingly.**-(1) All timber found adrift, beached, stranded or sunk:

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered by fire or otherwise; and

in such areas as the Government directs, all unmarked wood and timber,

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter,

(2) Such timber may be collected by any forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may, notify as a depot for the reception of drift timber.

(3) The Government may, by notification in the official Gazette Exempt any class of timber from the Provisions of this section.

**46. Notice to claimants of drift timber.**- Public notice shall from time to time be given by the Forest-officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

**47. Procedure on claim preferred to such timber.**-(1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal,

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of timber claimed by him, but no person shall recover any compensation or costs against the Government, or against any Forest-officer, on account of such rejection, or the detention, or removal of any timber, or the delivery there-of to any other person under this section,

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

**48. Disposal of unclaimed timber.**-If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

**49. Government and its officers not liable for damage to such timber.**-The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

**50. Payments to be made by claimant before timber is delivered to him.**-No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.

**51. Power to make rules and prescribe penalties.**-(1) The Government may make rules to regulate the following matters, namely,

- (a) the salving, collection and disposal of all timber mentioned in section 45;
- (b) the use and registration of boats used in salving and collecting timber,
- (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber, and
- (d) the use and registration of hammers and other instruments to be used for making such timber.

(2) The Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to three years and shall not be less than two months and shall also be liable to fine which may extend to ten thousand taka and shall not be less than two thousand taka.

**52. Seizure of property liable to confiscation.**-(1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, vessels, carts, or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer or any other officer authorized in this behalf by or under any other law in force.

(1a) Every officer other than a Forest-officer seizing any property under this section shall handover all the seized property mentioned under sub-section (1) along with the accused to the nearest forest-office for further legal proceedings;

Provided that police-officers need not hand over the accused to the nearest forest-office but shall inform such forest-office of the arrest.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon

as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which offence is believed to have been committed is the property of Government, and the offender is un-known, it shall be sufficient if the officer makes, as soon as may be a report of the circumstances to his official superior.

**53. Power to release property seized under section 52.**-Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, vessels, vehicles or cattle under section 52, may relapse the same on the execution by the owner thereof of a bond for the production of the property so released, if any when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

**54. Procedure thereupon.**-Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measure as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

**55. Forest produce, tools, etc. when liable to confiscation.**-(1) All timber or forest produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools vessels, carts and cattle used in committing any forest-offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

**56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed.**-When the trial of any forest-offence is concluded, any forest-produce in respect of which offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a forest-officer, and, in other case, may be disposed of in such manner as the Court may direct.

**57. Procedure when offender not known, or can not be found.**-When the offender is not known or can not be found, the Magistrate, may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest officer, or to be confiscated and taken charge of by the Forest officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

**58. Procedure as to perishable property seized under section 52.**-The Magistrate may, notwithstanding any thing herein before contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

**59. Appeal from orders under section 55, section 56 or section 57.**-The officer who made the seizure under section 52, or any of his official superiors or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal there from to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

**60. Property when to vest in Government.**-When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred; the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

**62. Punishment for wrongful seizure.**-Any Forest-officer or police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this act shall be punishable with imprisonment for a term which may extend to one year and shall not be less than one month and shall also be liable to fine which may extend to ten thousand taka and shall not be less than two thousand taka.

**63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.**-Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Bangladesh Penal Code;

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or
- (b) alters, defaces or obliterates any boundary-mark placed on a tree or on timber by or under the authority of a Forest-officer; or
- (c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to seven years and shall not be less than two years and shall also be liable to fine

which may extend to fifty thousand taka and shall not be less than ten thousand taka.

**63A. Some offence to be non-bailable.**-Notwithstanding anything contained in any other law for the time being in force a forest-offence punishable under sub-section (1A) of section 26, sub-section (1A) of section 33 and section 63 shall be non-bailable.

**64. Power to arrest without warrant.**-(1) Any Forest-officer or Police-officer 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 forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

**66. Power to prevent commission of offence.**-Every Forest-office and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

**67A. Appointment of forest Magistrate.**-(1) The Government may, by notification in the official Gazette, appoint one or more Magistrate of the First Class to serve as a Forest magistrate to try offences exclusively under this Act, and also specify the territorial jurisdiction of such Magistrate.

(2) Notwithstanding anything contained in any other law in force, such Forest Magistrate shall have authority to impose any penalty specified under this Act.

**68. Power to compound offences.**-(1) The Government may, by notification in the official Gazette, empower a Forest-officer not inferior to that of a ranger;

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence under section 26 (1A) or section 33 (1A) or section 62 or section 63, a sum of money by way compensation for the offence which such person is suspected to have committed; and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer and verified by another officer not below to the rank of a Divisional Forest Officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be

discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

**69. Presumption that forest-produce belongs to Government.**-When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

**69A. Prosecution of forest offences.**-Notwithstanding anything contained in any other law for the time being in force, the Government may empower any Forest-officer not inferior to that of a Deputy Ranger to appear plead and conduct the prosecution on behalf of the Government before any Court in any case where a forest-offence is under trial.

**70. Cattle-trespass Act, 1871, to apply.**-Cattle-trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section II of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

**71. Power to alter fines fixed under that Act.**-The Government may, by notification in the official Gazette, direct that in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871, there shall be levied per day or part thereof for each head of cattle impounded under section 70 of this Act such fines as it thinks fit ....

**75. Forest officer not to trade.**-Except with the permission in writing of the Government, no Forest-officer shall as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any Forest or in any contract for working any forest, whether in or outside Bangladesh.

**79. Persons bound to assist Forest-officers and Police officers.**-(1) Every person who exercises any right in a reserved or protected forest, or who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle, in such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government or a local authority or who receives emoluments from the government or a local authority for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any forest-officer or Police-officer or not,-



- (a) to extinguish forest fire in such forest of which he has knowledge or information;
- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest;

and shall assist any Forest-officer or Police-officer demanding his aid-

- (c) in preventing the commission in such forest of any forest-offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails;

- (a) to furnish without unnecessary delay to the nearest Forest-officer or police-officer any information required by sub-section (1);
- (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest;
- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or
- (d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender;

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

**80. Management of forests the joint property of Government and other persons.**-(1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Government may either;

- (a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or
- (b) issue such regulations for the management of the forest, waste-land or produce by person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the official Gazette, declare that any of the provisions contained in Chapter II and

IV shall apply to such forest, waste-land or produce, and there upon such provisions shall apply accordingly.

**81. Failure to perform service for which a share in produce of Government forest is enjoyed-** If any person be entitled to a share in the produce of any forest is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Government that such service is no longer so performed.

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Government.

**82. Recovery of money due to Government.-**All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

**83. Lien on forest-produce for such money.-**(1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce and such produce may be taken possession of by a Forest-officer until such amount has been paid,

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

**84. Land required under this Act to be deemed to be needed for a public purpose under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Act II of 1982).-** Whenever it appears to the Government that any land is required for the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982).

## 11.2 Private Forest

### THE PRIVATE FORESTS ORDINANCE, 1959 (Ordinance No. XXXIV of 1959)

*An Ordinance to provide for the conservation of private forests and for the afforestation in certain cases of waste lands in Bangladesh.*

2. In this Ordinance, unless there is anything repugnant to the subject or context,-
- (2) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
  - (3) "conservation" used in reference to a forest, includes such measures as are necessary in the opinion of the Regional Forest Officer for the prevention or remedying of the erosion of the soil or any flood or landslide;
  - (4) "Controlled forest" means a private forest, not being vested forest in respect of which sections 2 to 63 of this Ordinance in whole or in part, have come into force;
  - (5) "forest" includes any land recorded as forest in a record- of-rights prepared under Chapter IX of the Sylhet Tenancy Act, 1936 or under Chapter X of the Bengal Tenancy Act, 1885 or under Chapter IV of the State Acquisition and Tenancy Act, 1950 or such other land containing tree growth as may by notification be declared as forest by the Government;
  - (8) "forest-produce" includes;
    - (a) the following whether found in, or brought from a forest or not, that is to say,-
      - (i) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolans; and
      - (ii) wild animals and skins, tusks, horns, bones, silks, cocoons, honey and wax, and all other parts or produce of animals; and
    - (b) the following when found in, or brought from a forest, that is to say,-
      - (i) trees and leaves, flowers and fruits, and all other parts, or produce not hereinbefore mentioned, of trees,

- (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants, and
  - (iii) peat, surface soil, rock, and mineral (including lime-stone, latrite, mineral oils, and all products of mines or quarries);
- (14) "private forest" means a forest which is not the property of the Government or ever which the Government has no proprietary right;
- (17) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hallowed out for any purpose or not;
- (18) "tree" includes palms, bamboos, stumps, brush-wood and canes;
- (19) "vested forest" means a forest of which the control has been vested in a Regional Forest Officer by a notification under sub-section (2) of section 6 or under section 7 or under section 11 and includes any forest deemed to be or managed as, a vested under this Ordinance;
- (20) "waste-land" means any waste-land which is not the property of the Government or over which the Government has no proprietary right;

3.(1)(a) The Government may, by notification, direct that every owner of a private forest which is not a vested forest, but which is situated within such area as may be specified in the notification, shall prepare in the prescribed manner and submit within the period mentioned in the notification to the Regional Forest Officer a working plan for the conservation of such private forest.

(3) If any owner of such private forest does not submit a working plan within the period specified in the notification issued under sub-section (1), the Regional Forest Officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, prepare a working plan in respect of such forest.

4.(1) When the Appellate Committee accepts any working plan with or without modification under sub-section (4) of section 3, modifies any working plan under sub-section (6) of the said section, or the Regional Forest Officer accepts, modifies or substitutes any working plan under the said section or prepares any working plan under the said section, such Committee or officer shall, by an order in writing, approve such working plan or the working plan as so modified by the Committee or such officer, as the case may be, and every working plan so approved shall be deemed for the purposes of this Ordinance to be an approved working plan:

(2) A copy of every approved working plan shall be sent in the prescribed manner by the Regional Forest Officer to the owner of the private forest to which it relates and the owner shall thereupon manage such forest in accordance with such plan and shall carry out all the terms and conditions thereof.

6.(1) If after an approved working plan in respect of any private forest has been sent under sub-section (2) of section 4 to the owner of such forest such owner fails or neglects to carry out any of the terms and conditions of such plan, he shall be punishable with fine which may extend to five hundred taka.

7. Notwithstanding anything contained in sections 3 and 4 or in sub-section (2) of section 6, if the Government is satisfied that the conservation of any private forest in a notified area should not be left to the owner thereof, the Government may, by a notification specifying the reasons for so doing, direct that the control of such forest shall be vested in such Regional Forest Officer for such period as may be specified in the notification:

Provided that no such notification shall be issued until-

- (a) the Regional Forest Officer has, by notice in writing, called upon the owner of such forest to show cause before the Appellate Committee within such period as may be specified in such notice why the control of such forest should not be so vested, and
- (b) the Appellate Committee after considering the cause, if any, shown by the owner and any evidence which the owner may produce in support of the same has recommended that such notification should be issued.

9.(1) If, after consultation in the prescribed manner with the conservator of Forests of the forest circle within which the forests are situated, a Regional Forest Officer is of the opinion that it is impossible otherwise to secure the conservation of two or more forests, belonging to different owner, of which the control has been vested in him by a notification under sub-section (2) of section 6 or under section 7, he may record an order that such forest shall be managed under one working plan as if they belonged to one owner, and shall cause a copy of such order to be served in the prescribed manner on the owner of each such forest.

10.(1) The Government may, if it is satisfied on application made by the owner of a controlled forest, or by the Regional Forest Officer in whom the control of a private forest is vested under this Ordinance that any land adjoining such forest has not been cultivated during the three years immediately preceding the year in which such application is made and that such land is suitable for afforestation, by notification, announce its intention to declare such land to be liable to be made over to the owner of such controlled forest or vested forest, as the case may be.

(2) Every notification issued under sub-section (1) shall specify a period within which objection to the proposed declaration may be submitted by any person interested in such land to the Appellate Committee and a copy of every such notification shall be served in the prescribed manner on the person entitled to cultivate such land.

(4) If, after considering the objections and the opinion of the Appellate Committee forwarded under sub-section (3), the Government is of opinion that such land should be declared to be liable to be made over to the owner of the controlled or vested forest referred to in sub-section (1), the Government shall issue a notification-

- (a) declaring such land to be liable to be made over to the owner of such forest to be specified in the notification,
- (b) specifying as nearly as possible the situation and limits of such lands,
- (c) appointing a Forest Settlement Officer to determine, subject to any rules made under this Ordinance, by an order in writing,-
  - (i) what rights in or over such land shall be extinguished, and
  - (ii) what rent, if any, shall be payable by the owner of such forest to any landlord of such land.

(5) When a notification has been issued under sub-section (4), the amount of the compensation payable under sub-section (6) to every person whose rights as specified by the Forest Settlement Officer under sub-clause (i) of clause (c) of sub-section (4), are to be extinguished shall be determined, subject to any rules made under this Ordinance, in the manner and in accordance with the principles hereinafter set out, ....

(6) The amount of compensation determined under sub-section (5) shall be paid in the prescribed manner in the case where the notification under sub-section (1) was issued on the application of the owner of a controlled forest, by such owner, and in the case where such notification was issued on the application, of a Regional Forest Officer, by such officer out of the profits of the vested forest adjoining such land, to the person entitled to such compensation and, on payment of such compensation the land shall be made over by the Forest Settlement Officer appointed under clause (c) of sub-section (4) to the owner of the controlled or vested forest specified in the notification issued under that sub-section and shall thereupon vest in such owner and all rights in or over such land specified by the said officer under sub-clause (i) of the said clause shall with effect from the date on which such land is so made over, be extinguished.

(7) When any land is made over under sub-section 96) to the owner of a forest, it shall, with effect from the date on which it is so made over, be deemed to be a private forest.

(8) When any such land is made over under sub-section (6) to the owner of a vested forest which adjoins such land, the control of such land shall be vested in the Regional Forest Officer in whom the control of such forest is for the time being vested and the land shall, for the purposes of this Ordinance, be deemed to be a vested forest.

(9) When any such land is made over under sub-section (6) to the owner of a controlled forest which adjoins such land, the Regional Forest Officer may, after consultation in the prescribed manner with the Conservator of Forests of the forest circle within which such controlled forest is situated, by an order in writing, a copy of which shall be served on such owner in the prescribed manner, either direct that the approved working plan in respect of such controlled forest shall be deemed to be the working plan approved for such land under sub-section (1) of section 4 or require such owner to prepare in the prescribed manner and submit within the period to be mentioned in such order to such officer a working plan in respect of such land.

11.(1) If it appears from the report of a Regional Forest Officer that any waste land which is lying uncultivated for not less than three years is suitable for afforestation and that the owner of such land is unwilling or unable to cultivate it by growing therein agricultural crops, or to use it for the purposes of horticulture to the satisfaction of such officer or to afforest it, the Government may, by a notification, direct that the control of such land shall be vested in a Regional Forest Officer to be specified in the notification for the purpose of afforestation for such periods as may be stated in the notification:

Provided that the Government shall not issue any notification under this sub-section without considering whether or not such land can more advantageously be used for the purposes of agriculture or horticulture than for the purposes of afforestation:

Provided further that no such notification shall be published until a notice has been issued by such Regional Forest Officer calling upon the owner of such land and any other person interested therein to show cause before the Appellate Committee within such period as may be specified in the notice why the notification should not be published and until the cause, if any, shown and any evidence that may have been produced in support of the same before the Appellate Committee and the opinion of the Appellate Committee thereon have been considered by the Government.

(2) Any land in respect of which a notification has been published under sub-section (1), shall be deemed to be a vested forest for the purposes of this Ordinance.

19. When a notification has been published in respect of any forest under sub-section (2) of section 6 or under section 7 or under section 11, the control of such forest shall be vested in the Regional Forest Officer who shall forthwith proceed to demarcate it.

21. After the issue of a notification under section 20, no rights shall be acquired in or over the land comprised in such notification, except by succession or under grant or contract in writing made or entered into, with the previous sanction of the Government, by or on behalf of the owner or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose, and cutting, conversion or removal of other forest-produce, shall be made in such land except in accordance with such rules, if any, as may be made by the Government in this behalf.

29.(1) Any person who,

- (a) fells, girdles, lops, taps, or burns any tree in a controlled or vested forest or strips off the bark or leaves from, or otherwise damages, any such tree;
- (b) Quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce from a controlled or vested forest;
- (c) breaks up or clears for cultivation or any other purpose any land in a controlled or vested forest;
- (d) sets fire to a controlled or vested forest, or kindles a fire without taking all reasonable precaution to prevent its spreading to any portion of such forest; or
- (e) permits cattle to damage any tree in a controlled or vested forest,

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

(2) Any person contravening any rule made under this Ordinance for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred taka, or with both.

30.(1) If it is proved to the satisfaction of the District Magistrate that in any vested forest,

- (a) any cattle have been permitted to trespass;
- (b) any trees have been felled, girdled, lopped, tapped, burnt, or otherwise damaged;
- (c) any other forest-produce has been burnt or removed; or



- (d) any land has been broken up for any purpose, otherwise than in exercise of any right in or over such forest, with intent to cause detriment to the conservation of such forest and if the District Magistrate is satisfied after enquiry that the inhabitants of any local area are concerned in the commission of any such offences or are in any way assisting persons in committing such offense, the District Magistrate may, by order in writing in which shall be specified the reasons for making such order, impose on the inhabitants of such area a collective fine which may extend to five hundred taka or three times the value estimated by him of any forest-produce damaged, whichever is greater, and may, after such further inquiry, as he deems necessary, apportion such fine amongst such inhabitants and such apportionment shall be made according to the respective means of such inhabitants.

45. Whoever, with intent to cause damage or injury to the public or to any person or to cause wrongful gain as defined in the Bangladesh Penal Code,

- (a) knowingly counterfeits upon any timber or standing tree in a controlled or vested forest a mark used by Forest Officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or
- (b) alters, defaces or obliterates any such marks placed on a tree or on timber in a controlled or vested forest by or under by or under the authority of a Forest officer; or
- (c) alters, moves, destroys or defaces any boundary mark of any forest or wasteland to which the provisions of this Ordinance apply or are applied, shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

59. Notwithstanding anything elsewhere contained in this Ordinance, the Government may, on application made in this behalf in writing by the owner of any private forest or any waste land referred to in sub-section (1) of section 11 or, if there be more than one owner thereof, by the owners or sharers therein amounting in the aggregate to at least one-half thereof, to the Collector of the district in which such forest or land is situated, by a notification, apply the provisions of this Ordinance, applicable to vested forests, subject to such restriction or conditions as may have been determined by an agreement between the said Collector and such persons, to such forest or land and thereupon such forest shall be managed on behalf of such owner as a vested forest in accordance with such provisions by a Regional Forest Officer specified in this behalf by the Government.

## 11.3 Attia Forest

### THE ATTIA FOREST (PROTECTION) ORDINANCE, 1982 (Ordinance No. XXXIII of 1982)

*An Ordinance to make provision for the protection of the Attia Forest in the districts of Dhaka and Tangail.*

**2. Definition.**-In this Ordinance, unless there is anything repugnant in the subject or context, "Court" means a civil, criminal or revenue court and includes the High Court Division and the Appellate Division.

**3. Constitution of reserved forest.**-Notwithstanding anything contained to the contrary in the Forest Act, 1927 (XVI of 1927), or in any other law for the time being in force, or in any judgment, decree or order, the lands comprising of 59,648.70 acres constituting a reserved forest known as the Attia Forest under Notifications mentioned in the Schedule shall, notwithstanding, any defect in such Constitution or Notifications, be deemed to have been validly constituted a reserved forest and the Notifications so issued shall be deemed to have had effect accordingly.

**4. Abatement of legal proceedings.**-(1) The Constitution of reserved forest as is referred to in section 3 shall not be called in question on any ground whatsoever before any Court.

(2) All suits, appeals, petitions, applications, and other legal proceedings pending immediately before the commencement of this Ordinance in any Court against the Government or any of its officers in which the constitution of the reserved forest or the Notification as are referred to in section 3 has been called in questions in any manner whatsoever shall abate forthwith and shall not be further proceeded with:

#### The Schedule

1. Notification No. 17115For., dated the 2nd December, 1927.
2. Notification No. 2813For., dated the 24th February, 1928.
3. Notification No. 2814For., dated the 24th February, 1928.
4. Notification No. 2847For., dated the 25th February, 1928.
5. Notification No. 2848For., dated the 25th February, 1928.
6. Notification No. 3020For., dated the 28th February, 1928.
7. Notification No. 3361For., dated the 25th March, 1928.

8. Notification No. 4071For., dated the 19th March, 1928.
9. Notification No. 7974For., dated the 2nd April, 1928.
10. Notification No. 8950For., dated the 27th April, 1928.
11. Notification No. 8954For., dated the 27th April, 1928.
12. Notification No. 9122For., dated the 2nd May, 1928.
13. Notification No. 9184For., dated the 4th May, 1928.
14. Notification No. 9271For., dated the 7th May, 1928.
15. Notification No. 9488For., dated the 11th May, 1928.
16. Notification No. 10046For., dated the 23rd May, 1928.
17. Notification No. 10402For., dated the 5th June, 1928.
18. Notification No. 10732For., dated the 9th June, 1928.
19. Notification No. 10735For., dated the 9th June, 1928.
20. Notification No. 11008For., dated the 15th June, 1928.
21. Notification No. 11301For., dated the 23rd June, 1928.
22. Notification No. 11309For., dated the 23rd June, 1928.
23. Notification No. 12151For., dated the 16th July, 1928.
24. Notification No. 13404For., dated the 20th July, 1928.
25. Notification No. 16870For., dated the 17th September, 1928.

## 11.4 Forest Product

### ইট পোড়ানো (নিয়ন্ত্রণ) আইন, ১৯৮৯ (১৯৮৯ সনের ৮নং আইন)

ইট পোড়ানো নিয়ন্ত্রণের উদ্দেশ্যে প্রণীত আইন।

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

(ক) “ইটের ভাঁটা” অর্থ এমন স্থান যেখানে ইট প্রস্তুত বা পোড়ানো হয়;

(কক) “জ্বালানী কাঠ” অর্থ বাণেশের মোথা ও খেজুর গাছসহ জ্বালানী কাঠ হিসাবে ব্যবহারযোগ্য কাঠ।

৪। লাইসেন্স।-(১) লাইসেন্স ব্যতীত কোন ব্যক্তি ইটের ভাঁটা স্থাপন করিতে পারিবেন না বা ইট প্রস্তুত বা ইট পোড়াইতে পারিবেন না।

(২) উপ-ধারা (১) এ উল্লেখিত লাইসেন্সের জন্য সংশ্লিষ্ট জেলা প্রশাসকের নিকট দরখাস্ত পেশ করিতে হইবে।

(৩) জেলা প্রশাসক কর্তৃক মনোনীত একজন প্রতিনিধি, যিনি অতিরিক্ত জেলা প্রশাসকের নিম্নে হইবেন না, উপজেলা স্বাস্থ্য প্রশাসক, পরিবেশ অধিদপ্তরের কর্মকর্তা বা যেখানে পরিবেশ

অধিদপ্তরের কর্মকর্তা নাই সেখানে বন কর্মকর্তা এবং সংশ্লিষ্ট এলাকার ইউনিয়ন পরিষদ চেয়ারম্যান সমন্বয়ে এই ধারার উদ্দেশ্য পূরণকল্পে একটি তদন্ত কমিটি থাকিবে।

(৩ক) উপ-ধারা ২ এর অধীন প্রাপ্ত দরখাস্ত সংশ্লিষ্ট জেলা প্রশাসক কর্তৃক উপ-ধারা (৩) এর অধীন গঠিত তদন্ত কমিটির নিকট দরখাস্তে উল্লেখিত বিষয়গুলির সত্যতা সম্পর্কে সরেজমিনে তদন্তপূর্বক প্রতিবেদন দাখিলের জন্য প্রেরিত হইবে।

(৩খ) উপ-ধারা (৩ক) এর অধীন প্রতিবেদন প্রাপ্তির পর জেলা প্রশাসক ক্ষেত্রমত দরখাস্ত কারীকে বিধিতে নির্ধারিত পদ্ধতিতে লাইসেন্স প্রদান করিবেন।

(৪) ইট পোড়ানোর জন্য প্রদত্ত লাইসেন্স, উহা প্রদানের তারিখ হইতে তিন বৎসরের জন্য বৈধ থাকিবে, তবে উক্ত মেয়াদের মধ্যে লাইসেন্স প্রাপ্ত ব্যক্তি যদি এই আইনের কোন বিধান বা তদধীন প্রণীত কোন বিধি বা লাইসেন্সে উল্লিখিত কোন শর্ত লংঘন করেন, তাহা হইলে জেলা প্রশাসক উক্ত লাইসেন্স বাতিল করিতে পারিবেনঃ

তবে শর্ত থাকে যে, লাইসেন্স প্রাপ্ত ব্যক্তিকে প্রস্তাবিত লাইসেন্স বাতিলের বিরুদ্ধে কারণ দর্শাইবার সুযোগ প্রদান না করিয়া লাইসেন্স বাতিল করা যাইবে না।

(৫) এই ধারায় যাহা কিছু থাকুক না কেন, উপজেলা সদরের সীমানা হইতে তিন কিলোমিটার, সংরক্ষিত, রক্ষিত, হুকুম দখল বা অধিগ্রহণকৃত বা সরকারের নিকট ন্যস্ত বনাঞ্চল, সিটি কর্পোরেশন, মিউনিসিপ্যালিটি, আবাসিক এলাকা ও ফলের বাগান হইতে তিন কিলোমিটার দূরত্বের মধ্যে কোন ইটের ভাটা স্থাপন করার লাইসেন্স প্রদান করা যাইবে না এবং এই ধারা কার্যকর হইবার অব্যবহিত পূর্বে উক্ত সীমানার মধ্যে কোন ইটের ভাটা স্থাপিত হইয়া থাকিলে সংশ্লিষ্ট লাইসেন্স গ্রহীতা, সরকার কর্তৃক গেজেটে প্রজ্ঞাপন দ্বারা এতদুদ্দেশ্যে নির্ধারিত সময়সীমার মধ্যে, এই উপ-ধারার বিধান মোতাবেক, উহা যথাস্থানে স্থানান্তর করিবেন, অন্যথায় সংশ্লিষ্ট লাইসেন্স বাতিল হইয়া যাইবে।

ব্যাখ্যাঃ এই উপ-ধারায় “আবাসিক এলাকা” অর্থ অন্যান্য পঞ্চাশটি পরিবার বসবাস করে এমন এলাকা এবং “ফলের বাগান” অর্থ অন্যান্য পঞ্চাশটি ফলজ বা বনজ গাছ আছে এমন বাগানকে বুঝাইবে।

৫। জ্বালানী কাঠ দ্বারা ইট পোড়ানো নিষিদ্ধ।-কোন ব্যক্তি ইট পোড়ানোর জন্য জ্বালানী কাঠ ব্যবহার করিবেন না।

৬। পরিদর্শন।-(১) এই আইনের কোন ধারা লংঘন হইয়াছে কিনা তাহা নিরূপণ করার জন্য জেলা প্রশাসক বা জেলা প্রশাসক কর্তৃক ক্ষমতাপ্রাপ্ত কর্মকর্তা, বন কর্মকর্তা বা পরিবেশ অধিদপ্তরের কর্মকর্তা, যাহাদের পদমর্যাদা সহকারী বন সংরক্ষক/ সমপর্যায়ের নিম্নে নহে বা উপজেলা পরিষদের চেয়ারম্যান, কোন প্রকার নোটিশ ব্যতীত, যে কোন ইটের ভাটা পরিদর্শন করিতে পরিবেন।

(২) উপ-ধারা (১) এর অধীন পরিদর্শনকালে পরিদর্শনকারী কর্মকর্তার নিকট যদি ইহা প্রতীয়মান হয় যে,-

(ক) ইটের ভাটায় মঞ্জুর ইটগুলো পোড়ানোর জন্য জ্বালানী কাঠ ব্যবহার করা হইয়াছে, তাহা হইলে তিনি ইটের ভাটায় প্রাপ্ত সমুদয় ইট এবং জ্বালানী কাঠ আটক করিতে পারিবেন।

(খ) লাইসেন্স ব্যতীত ইটের ভাটা স্থাপন করা হইয়াছে বা হইতেছে, তাহা হইলে তিনি ইটের ভাটায় প্রাপ্ত সমুদয় ইট, সরঞ্জামাদি এবং অন্যান্য মালামাল আটক করিতে পারিবেন।

৭। দন্ড।-কোন ব্যক্তি এই আইনের কোন বিধান বা তদধীন প্রণীত কোন বিধি বা লাইসেন্সের কোন শর্ত লংঘন করিলে তিনি অনধিক এক বছরের কারাদন্ড বা অনধিক পঞ্চাশ হাজার টাকা অর্থদন্ড বা উভয় দন্ডে দন্ডনীয় হইবেন এবং অপরাধ বিচারকালে আদালত যদি এই সিদ্ধান্তে উপনীত হন যে, ধারা ৬ এর অধীন আটককৃত ইট ও জ্বালানী কাঠ বাজেয়াপ্তযোগ্য, তাহা হইলে আদালত উক্ত ইট ও জ্বালানী কাঠ বাজেয়াপ্ত করার নির্দেশ দিবেন।

## 11.5 Forest Industry

### THE FOREST INDUSTRIES DEVELOPMENT CORPORATION ORDINANCE, 1959

(Ordinance No. LXVII of 1959)

*An Ordinance to establish a Corporation for the purpose of promoting the development of Forest Industries in Bangladesh.*

3.(1) As soon as may be after the commencement of this Ordinance, the Government shall establish a Corporation to be called "The Forest Industries Development Corporation".

5. (1) The general direction and administration of the Corporation and its affairs shall vest in a Board, 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 considerations and shall be guided on questions and shall be guided on questions of policy involving the national interest (including commercial and industrial interest) by such directions as the Government, which shall be the sole judge whether the national interest is involved, may give it from time to time.

6.(1) The Board shall consist of three Directors including Chairman to be appointed by the Government.

14.(1) The Corporation shall submit, for the approval of the Government, schemes for the establishment of the industries specified in the schedule to this Ordinance.

(2) The Corporation shall as soon as may be, proceed to give effect to any scheme so approved by the sponsoring public companies (hereinafter referred to in this section as 'The aforesaid companies') ... having as their object manufacturing undertakings in the industry concerned:

(3) The Corporation shall unless otherwise directed by the Government, act as Managing Agents for the aforesaid companies, and may, with the prior concurrence of the Government, relinquish the managing agency of any company.

### **THE SCHEDULE**

(See section 14)

- (1) Extraction of forest produce
- (2) Saw-mill
- (3) Seasoning Kiln
- (4) Preservation of Timber
- (5) Ply-wood
- (6) Timber-Boards
- (7) Pulp Mill
- (8) Prefabricated structural materials
- (9) Boxwood Industry
- (10) Wood-oil.
- (11) Honey
- (12) Tanning Factory