

রেজিস্টার্ড নং ডি এ-১

“জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্‌যাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, ডিসেম্বর ৭, ২০২১

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ২২ অগ্রহায়ণ, ১৪২৮/০৭ ডিসেম্বর, ২০২১

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ২২ অগ্রহায়ণ, ১৪২৮ মোতাবেক ০৭ ডিসেম্বর, ২০২১ তারিখে রাষ্ট্রপতির সম্মতিলাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :—

২০২১ সনের ২৯ নং আইন

**Territorial Waters and Maritime Zones Act, 1974 এর
সংশোধনকল্পে প্রণীত আইন**

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974) এর সংশোধন করা সমীচীন এবং প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :—

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই আইন Territorial Waters and Maritime Zones (Amendment) Act, 2021 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

২। Act No. XXVI of 1974 এর section 2 এর প্রতিস্থাপন।—Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), অতঃপর উক্ত Act বলিয়া উল্লিখিত, এর section 2 এর পরিবর্তে নিম্নরূপ section 2 প্রতিস্থাপিত হইবে, যথা :—

“2. **Definitions.**—In this Act, unless there is anything repugnant to the subject or context,—

(1) “**Artificial Island**” means man-made extension of the seabed whether or not such extension breaks the surface of the superjacent waters during high tide;

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- (2) **“Continental Margin”** means the submerged prolongation of the land mass of Bangladesh and comprises the seabed and subsoil of the shelf, the slope and the rise but shall not include the deep ocean floor with its oceanic ridges or the subsoil thereof;
- (3) **“Convention”** means the United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- (4) **“CrPC”** means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (5) **“Dumping of wastes”** means, in the case of the sea, activities of discharging wastes, by dumping or throwing of wastes and other matters, conducted by or from vessels, aircraft, ships and offshore platforms or other man-made structures, causing marine pollution, which creates hazards to human health, harms living resources and marine biodiversity, damages amenities or interferes with other legitimate uses of the sea;
- (6) **“Geodesic”** means a curve that defines the shortest distance between two points on a given surface;
- (7) **“Historic Waters”** means the Internal Waters landward of the baseline that has been historically recognized as forming an integral part of Bangladesh;
- (8) **“Installations”** includes permanently moored vessel, communication cable, oil pipeline, military surveillance installation, pipeline which is used for the transfer of any substance to or from a vessel, research, exploration or production platform around the coast of Bangladesh, exploration or production platform including oil rig used in the prospecting for or mining of any substance, exploration or production vessel used in the prospecting for or mining of any substance, telecommunication apparatus as defined in section 2 (12) of the Bangladesh Telecommunication Regulation Act, 2001 (Act No. 18 of 2001), a vessel or equipment used for the exploration or exploitation of the seabed, any other structure whether permanent or temporary within the maritime zones, which is being or intended to be used for or in connection with the exploration and exploitation and conservation and management of the natural resources;
- (9) **“Internal Waters”** means the area of the sea that is on the landward side of the Territorial Sea Baseline from where the breadth of the Territorial Sea is measured; up to the mouths of all rivers, Historic Waters, outer limits of the ports, and harbours;

- (10) **“Marine Pollution”** means the introduction by man, directly or indirectly, of substances or energy into the marine environment including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;
- (11) **“Maritime Tribunal”** means the Tribunal established under section 27;
- (12) **“Maritime Zones”** means the Internal Waters, the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf or any other Maritime Zones of Bangladesh, from time to time, by notification in the official Gazette;
- (13) **“Master”** includes every person lawfully having, for the time being, command or charge of a vessel except warship;
- (14) **“Nautical Miles (NM)”** means a unit used in measuring distances at sea, equal to 1852 meters;
- (15) **“Seabed”** means the top of the surface layer of the sand, rock, mud or other material lying at the bottom of the sea and immediately above the subsoil;
- (16) **“Serious Injury or Damage”** means serious bodily injury or extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss; or substantial damage to the environment, including air, soil, water, fauna, or flora;
- (17) **“Straight Line”** means a geodesic joining of two points on the earth’s surface;
- (18) **“Superjacent Waters”** means the waters overlying the seabed or deep ocean floor of the Continental Shelf;
- (19) **“Transportation”** includes pipeline and gas line;
- (20) **“Warship”** means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

- (21) “**Waste**” includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner as to cause an adverse effect; and
- (22) “**Water column**” is a vertical continuum of water from sea surface to seabed.”।

৩। **Act No. XXVI of 1974 এ নতুন section 2A, 2B, 2C, 2D এবং 2E এর সন্নিবেশ।**—উক্ত Act এর section 2 এর পর নিম্নরূপ নতুন section 2A, 2B, 2C, 2D এবং 2E সন্নিবেশিত হইবে, যথা :—

2A. Act to override other laws.—Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

2B. Extraterritorial application of the Act.—(1) This Act shall apply to an offence committed by any person against any Bangladeshi national in any Bangladeshi vessel outside of the Maritime Zones.

(2) If any offence is committed by any person or vessel from outside to inside or inside to outside of the Maritime Zones beyond the limits of Bangladesh, shall be brought into trial under this Act as if it had been committed within Bangladesh.

2C. Territorial Sea Baseline (TSB).—The Government may, by notification in the official Gazette, determine the base points of Territorial Sea Baseline (TSB).

2D. Sovereignty over Internal Waters, etc.—(1) The sovereignty of Bangladesh extends beyond its land territory to the water column, the seabed and its subsoil, and the air space over the Internal Waters.

(2) The Government may suspend the movement of any vessel and warship in the Internal Waters.

2E. Historic Waters.—The Government may, by notification in the official Gazette, specify the limits of waters adjacent to its land territory as the Historic Waters.”।

৪। **Act No. XXVI of 1974 এর section 3 এর প্রতিস্থাপন।**—উক্ত Act এর section 3 এর পরিবর্তে নিম্নরূপ section 3 প্রতিস্থাপিত হইবে, যথা :—

“3. Territorial Sea.—(1) The Territorial Sea comprises areas of the sea covering the water column, seabed, subsoil and the airspace over the Territorial Sea, not exceeding 12 NM from the nearest base points of the Territorial Sea Baseline (TSB) and measured seaward from the TSB.

Explanation.—For the purpose of delimiting the Territorial Sea, the outermost permanent harbour works which form an integral part of the existing harbour system of Bangladesh, like- Chattogram and Mongla Port, Matarbari Port, Payra Port and such other ports as may, from time to time, established and their assigned outer anchorages and Saint Martin’s anchorage etc. all be treated as forming part of the coast.

(2) The sovereignty of Bangladesh extends beyond its land territory to the water column, the seabed and its subsoil, and the air space over the Territorial Sea.

(3) The Government may make rules with regard to entry of foreign vessels into the Internal Waters and Territorial Sea and to designate the sea lanes and prescribe traffic separation schemes and laying of submarine cables and pipelines.”।

৫। Act No. XXVI of 1974 এ নতুন section 3A, 3B এবং 3C এর সন্নিবেশ।—উক্ত Act এর section 3 এর পর নিম্নরূপ নতুন section 3A, 3B এবং 3C সন্নিবেশিত হইবে, যথা :—

“3A. **Rights of Innocent Passage in the Territorial Sea.**—(1) A foreign warship including a submarine and any other underwater warship may enter or pass through the Territorial Sea after giving prior notice to the Government.

(2) A submarine or any other underwater vehicle, like Remotely Operated Underwater Vehicle, Autonomous Underwater Vehicle and Unmanned Underwater Vehicle, etc., whether or not a warship, exercising the rights of Innocent Passage through the Territorial Sea shall navigate on the surface and show its flag while passing through the Territorial Sea.

(3) No aircraft shall enjoy the rights of Innocent Passage without the prior express consent of the Government.

(4) The Government may make rules and regulations relating to Innocent Passage through in the Territorial Sea in relation to safety of navigation, preservation of the environment and prevention of infringement of customs, fiscal, immigration and sanitary laws among others.

Explanation.—For the purpose of this section,—

- (a) “**Innocent Passage**” means continuous and expeditious navigation through the Territorial Sea for the purpose of traversing that sea without entering the Internal Waters or proceeding to or from Internal Waters to call at roadstead or port facilities of Bangladesh so far as it is not prejudicial to the peace, good order, security and the laws of Bangladesh;

- (b) **“Remotely Operated Underwater Vehicle (ROV)”** means non-autonomous remotely operated sub-aquatic vehicle, which is controlled and powered from the surface by an operator or pilot via an umbilical or using a remote control;
- (c) **“Autonomous Underwater Vehicle (AUV)”** means a robot that travels underwater without requiring input from an operator; and
- (d) **“Unmanned Underwater Vehicle (UUV)”** means any underwater vehicles that are able to operate without a human occupant and includes ROV and AUV.

3B. Criminal jurisdiction over a foreign ship in the Territorial Sea, etc.—(1) Bangladesh shall have criminal jurisdiction on board a foreign ship passing through the Territorial Sea to arrest any person or to conduct any investigation and prosecute any person in connection with any crime committed on board the ship during its passage in the following cases, namely :—

- (a) if the consequences of the crime extend to Bangladesh;
- (b) if the crime is of a kind which disturbs the peace of Bangladesh, is contrary to laws of Bangladesh or the good order of its Territorial Sea;
- (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) if such measures are necessary for the suppression of human trafficking, arms trafficking and illicit trafficking in narcotic drugs or psychotropic substances.

(2) Nothing contained in sub-section (1) shall prejudice the rights of Bangladesh to take any steps authorized by its laws for the purpose of arrest or investigation on board a foreign ship within the Internal Waters or passing through the Territorial Sea after leaving Internal Waters.

(3) The Government may make rules for the passage of vessels carrying nuclear and radioactive substances and hazardous waste passing through all or any part of the Internal Waters and Territorial Sea.

3C. Civil jurisdiction over a foreign ship in the Territorial Sea, etc.—(1) The Government shall not stop or divert a foreign ship passing through the Territorial Sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

(2) The Government may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the Territorial Sea.

(3) Nothing in sub-section (1) shall prejudice the right of Bangladesh, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying within the Internal Waters or in the Territorial Sea, or passing through the Territorial Sea after leaving Internal Waters.”।

৬। **Act No. XXVI of 1974 এর section 4 এর প্রতিস্থাপন।**—উক্ত Act এর section 4 এর পরিবর্তে নিম্নরূপ section 4 প্রতিস্থাপিত হইবে, যথা :—

“4. **Contiguous Zone.**—(1) The Contiguous Zone is an area seaward of the Territorial Sea not exceeding 24 NM from the Territorial Sea Baseline:

Provided that the Government may, from time to time, by notification in the official Gazette, alter the limit of the Contiguous Zone.

(2) The Government may prevent or punish the contravention of, and attempt to contravene, any law in force in Bangladesh relating to—

- (a) the security of Bangladesh;
- (b) immigration and sanitary; and
- (c) customs and other fiscal matters.

(3) The Government may make rules to exercise such powers and take such measures in or in respect of the Contiguous Zone as it may consider necessary to restrict the entrance of vessels into the Contiguous Zone and to take actions if any vessel has committed or likely to commit an offence mentioned in sub-section (2).”।

৭। **Act No. XXVI of 1974 এর section 5 এর প্রতিস্থাপন।**—উক্ত Act এর section 5 এর পরিবর্তে নিম্নরূপ section 5 প্রতিস্থাপিত হইবে, যথা :—

“5. **Exclusive Economic Zone (EEZ).**—(1) The Exclusive Economic Zone (EEZ) comprises area of sea extending to a line every point of which is at a distance of 200 NM from the nearest base point of the Territorial Sea Baseline:

Provided that the Government may, by notification in the official Gazette, alter the limit of the EEZ.

(2) In the EEZ, Bangladesh shall have,—

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, currents and winds including navigation of vessels and conducting economic activities;

- (b) exclusive rights and jurisdiction for construction, maintenance or operation of artificial island, off-shore terminal, installations and other structures and devices necessary for any other purposes;
 - (c) exclusive jurisdiction to authorize, regulate and control of marine scientific research, to preserve and protect the marine environment and to prevent and control of marine pollution;
 - (d) exclusive jurisdiction to enforce customs, fiscal, sanitary and immigration laws over artificial islands, installations and structures; and
 - (e) such other rights as recognized by international law.
- (3) Other States shall enjoy internationally lawful uses of the sea related to those except military exercise in the EEZ.
- (4) For the purpose of this section, the Government may make rules—
- (a) to prevent, mitigate and control of pollution in the EEZ;
 - (b) to determine the allowable catch of fish;
 - (c) to determine the usage, exploration, exploitation, preservation and management of living and non-living resources;
 - (d) to board vessels;
 - (e) to declare the Designated Areas and Safety Zones in the EEZ; areas of environmental protection such as ship to ship transfers of oil and other commodities, laying of submarine cables and pipelines by other States; and
 - (f) to determine the military and other activities in the EEZ.”।

৮। Act No. XXVI of 1974 এ নতুন section 5A এর সন্নিবেশ।—উক্ত Act এর section 5 এর পর নিম্নরূপ নতুন section 5A সন্নিবেশিত হইবে, যথা :—

“5A. Prohibition on the exploration or exploitation in the Exclusive Economic Zone (EEZ), etc.—(1) No person, including a foreign government or an international organization, may explore or exploit any natural resources whether living or non-living or carry out any search or excavation, or conduct any research in the EEZ:

Provided that anyone may, in accordance with the terms of a license or letter of authority granted by the Government, drill or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device for any purpose in the EEZ.

(2) Nothing contained in sub-section (1) shall prejudice the right of fishing in the EEZ by a citizen of Bangladesh in accordance with the laws for the time being in force.”।

৯। **Act No. XXVI of 1974 এর section 6 এর বিলোপ।**—উক্ত Act এর section 6 বিলুপ্ত হইবে।

১০। **Act No. XXVI of 1974 এর section 7 এর প্রতিস্থাপন।**—উক্ত Act এর section 7 এর পরিবর্তে নিম্নরূপ section 7 প্রতিস্থাপিত হইবে, যথা :—

“7. **Continental Shelf.**—(1) The Continental Shelf of Bangladesh comprises the seabed and subsoil of the submarine areas that extends beyond the limit of Territorial Sea throughout the natural prolongation of its land territory to the outer edge of the Continental Margin.

(2) If the outer edge of the Continental Margin extends beyond 200NM from the Territorial Sea Baseline, the Government may, by rules, establish the outer limits of the Continental Shelf based on the principles and methods of delineation of the Continental Shelf beyond that point in accordance with the provisions of the Convention.

(3) The Government may make rules relating to declaration of Designated Areas and Safety Zones and laying of submarine cables and pipelines by other States in the Continental Shelf.”।

১১। **Act No. XXVI of 1974 এ নতুন section 7A, 7B, 7C, 7D, 7E, 7F, 7G এবং 7H এর সন্নিবেশ।**—উক্ত Act এর section 7 এর পর নিম্নরূপ নতুন section 7A, 7B, 7C, 7D, 7E, 7F, 7G এবং 7H সন্নিবেশিত হইবে, যথা :—

“7A. **Rights and jurisdiction in the Continental Shelf.**—Bangladesh shall have the following sovereign rights and jurisdiction in the Continental Shelf, namely :—

- (a) exploration and exploitation of its natural resources;
- (b) authorization and regulation of the construction, operation, maintenance and use of artificial islands, off-shore terminals, installations and other structures and devices including Designated Areas and Safety Zones, necessary for the exploration and exploitation of the resources of the Continental Shelf or for the convenience of shipping or for any other economic purposes;

- (c) authorization and regulation of drilling for any purposes;
- (d) authorization, regulation and control of marine scientific research;
- (e) preservation and protection of marine environment;
- (f) prevention and control of marine pollution; and
- (g) enforcement of customs, fiscal, sanitary and immigration laws with regard to construction of artificial islands, installations and structures.

Explanation.—For the purpose of clause (a), “natural resources” mean mineral and other non-living resources of the seabed and subsoil 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 subsoil.

7B. Prohibition on the exploration or exploitation in the Continental Shelf.—No person including a foreign government or an international organization, may explore or exploit any natural resources whether living or non-living or carry out any search or excavation, or conduct any research in the Continental Shelf:

Provided that anyone, in accordance with the terms of a licence or letter of authority granted by the Government can drill or construct, maintain or operate any artificial island, off shore terminal, installation or other structure or device for any purpose in the Continental Shelf.

7C. Provisions as to the High Seas.—(1) Bangladesh shall, subject to the other provisions of this Act and to the international laws, enjoy the following rights on the High Seas in water columns beyond 200 NM of the Exclusive Economic Zone, namely :—

- (a) freedom of navigation;
- (b) freedom of overflight;
- (c) freedom to lay submarine cables and pipelines;
- (d) freedom to construct artificial islands and other installations permitted under international laws;
- (e) freedom of fishing; and
- (f) freedom of marine scientific research.

(2) Bangladesh shall have the right to sail ships flying its flag on the High Seas.

(3) The Government shall, by notification in the official Gazette, determine the conditions for the grant of its nationality to ships, for the registration of ships in its territory and the rights to fly the flag.

(4) Ships shall fly their State's flags on the condition that they have to have genuine link with that State.

(5) Unless otherwise provided in the international treaties or Convention, ships flying Bangladeshi flag shall be subject to the exclusive jurisdiction of Bangladesh on the High Seas.

(6) Nothing in this section shall prejudice the rights of navigation of the ships employed on the official service of the United Nations or its specialized organizations or International Atomic Energy Agency (IAEA) or ships flying flags of such organizations.

(7) The Government shall maintain a register for name and other details of its ships and effectively exercise its jurisdiction and control in administrative, technical and social matters over each ship and its master as flag State.

(8) Warships and military aircrafts of Bangladesh shall enjoy complete immunity in the High Seas from the jurisdiction of any other foreign State.

(9) If any vessel collides with another vessel on the High Seas or suffers accident or punitive and disciplinary measures need to be taken against the master or any other person on board the ship for such incidents, no other authority except the juridical or administrative authority of the flag state or the states of such nationals shall take any punitive or disciplinary measures.

(10) Any Bangladeshi vessel, without jeopardizing lives of its passengers, sailors or endangering the vessel itself, may take steps to assist, rescue and arrange other due measures for the shipwrecked sailors, sinking ships or any other person who is in precarious condition in the High Seas.

(11) The Government may, either on bilateral or on multilateral agreements, adopt and enforce laws and take other necessary measures, in accordance with national and international laws to formulate cooperative mechanism for preservation and protection of fish and marine mammal stocks in the High Seas and in the EEZ, and may make rules in this regard.

7D. **Area and its resources.**—(1) The Area in the Bay of Bengal shall be determined in accordance with the consideration and recommendations by the United Nations Commission on the Limits of the Continental Shelf (CLCS), and the Government may, by notification in the official Gazette, specify its limit.

(2) The Area and its resources shall be considered as the common heritage of mankind.

(3) The substances or goods found in the Area of archaeological and historical nature shall be preserved or distributed for the welfare of mankind:

Provided that if Bangladesh is the cultural, historical, and archaeological origin of such substances or goods, priority of Bangladesh shall be considered.

(4) The Government may make rules with regard to activities in the Area, exploration and methods of exploitation and participation of Bangladesh in the International Seabed Authority (ISA).

Explanation.—For the purpose of this section,—

- (a) “**Area**” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.
- (b) “**Resources of the Area**” means all solid, liquid or gaseous mineral resources in situ in the Area at or beneath the seabed, including but not limited to—
 - (i) polymetallic nodules; defined as may deposit or accretion of nodule on or below the surface of the deep sea level which contains metals such as manganese, nickel, cobalt and copper;
 - (ii) polymetallic sulphides, defined as hydrothermally formed deposits of sulphides and accompanying mineral resources in the sea which contains concentration of metals such as copper, lead, zinc, gold, silver etc.;
 - (iii) cobalt crusts, defined as cobalt rich ferromanganese hydroxide or oxide deposits or from direct precipitation of minerals from sea water onto substrates and containing concentrations of metal such as cobalt, lithium nickel, platinum, molybdenum, deuterium, cerium and other metallic and rare earth elements; and resources, when recovered from the Area; and
 - (iv) any other mineral resources including gas-hydrates.

7E. Ocean Governance.—(1) The Government may, in order to keep the ocean healthy, productive, safe, secure and resilient, take decisions and materialize these for sustainable use of resources and capacity building, developing human capital with ocean related experience, expertise, knowledge and skills, strategic directions to the stakeholders and conforming to the traditional procedural management and the process involved.

(2) The Government shall take necessary measures to, subject to the international laws, check the details of mariners and staffs on board the ships coming from different States in its port areas.

(3) Any foreign ship, having sanctioned and embargoed by the United Nations Security Council (UNSC), shall not enter into any port or the Maritime Zones or anchor in any port area of Bangladesh.

(4) The shipwrecked sailors drifting across the maritime coastline of Bangladesh or rescued by any ship of Bangladesh shall be provided with the due facilities by the Government, and the country of its domicile shall be informed of it and measures shall be taken for safe repatriation.

(5) The Government may make rules relating to management and preservation of Maritime Zones including biodiversity of areas beyond national jurisdiction, Marine Genetic Resources, Marine Protected Areas and Particularly Sensitive Sea Areas.

7F. Blue Economy.—(1) For the purpose of this Act, the Government may make policies, work-plan and implement economic activities that directly or indirectly take place in Maritime Zones, exploration and exploitation of ocean resources in a sustainable manner and use of oceanic products.

(2) The Government may, with a view to increasing the economic benefits from the blue economy, take appropriate measures for sustainable use of marine resources or minerals, including through sustainable management of fisheries, mariculture, marine tourism, marine biotechnologies, marine transportation, development of ports and harbours, ship building and recycling, renewable energy, etc.

7G. Maritime cooperation.—For the purpose of maritime cooperation with other countries, the Government may—

- (a) allow movement of persons, goods, commodities and vehicles using ports in Bangladesh or transit under the agreements with other States including landlocked countries;
- (b) take necessary measures to formulate cooperative mechanism for promotion of safety of navigation, weather, cyclone and Tsunami etc. forecasting, protection of the marine environment;

- (c) take necessary measures to formulate cooperative mechanism with other countries with regard to customs, fiscal, immigration or sanitary control, development of marine bio-technology and others including removal of cultural or historical objects, like the remnants of shipwrecks etc. in the Maritime Zones.

7H. Marine scientific research.—(1) The Government shall have, subject to international laws and in particular the Convention, right to regulate, authorize and conduct marine scientific research, hydrographic survey and military survey in Territorial Sea, EEZ and Continental Shelf.

(2) Marine scientific research, hydrographic survey and military survey shall not be conducted in any Maritime Zones of Bangladesh without the express consent of the Government.

(3) The Government may make rules for the purpose of the marine scientific research, hydrographic survey and military survey.

Explanation.—For the purpose of this section,—

- (a) **“Marine scientific research”** includes activities in the EEZ and Continental Shelf related to hydrography or oil survey, ocean state estimation, weather, cyclone and Tsunami etc. forecasting, exploration and exploitation of natural resources and underwater cultural heritage, physical oceanography, marine chemistry, marine biology, scientific ocean drillings and geological and geophysical research as well as other activities in the High Seas with a scientific purpose;
- (b) **“Hydrographic survey”** includes activities undertaken for the making of navigation charts and for the safety of navigation including determination of the depth of water, the configuration and nature of the sea floor, the direction and force of the currents, tides and times of tides and water level and hazards for navigation; and
- (c) **“Military survey”** includes activities undertaken in the EEZ, High Seas and Continental Shelf involving marine data collection for military purposes.”¹

১২। Act No. XXVI of 1974 এর section 8 এর প্রতিস্থাপন।—উক্ত Act এর section 8 এর পরিবর্তে নিম্নরূপ section 8 প্রতিস্থাপিত হইবে, যথা :—

“8. Control of pollution.—(1) The Government may, with a view to sustainably managing, preserving and protecting marine and coastal ecosystems, through preventing and controlling marine pollution, take such measures as it may deem fit and proper.

(2) The Government may, with a view to preserving the quality and ecological balance in the marine environment in the Maritime Zones under jurisdiction, make rules—

- (a) to prevent, reduce and control pollution of the marine environment;
- (b) to prevent, reduce and control pollutions from land-based sources, sea-based activities, by dumping or from vessels, from or through atmosphere, by plastics and micro plastics; and
- (c) to sustainably manage and protect marine and coastal ecosystem by strengthening their resilience and restoration.”।

১৩। Act No. XXVI of 1974 এর section 9 এর প্রতিস্থাপন।—উক্ত Act এর section 9 এর পরিবর্তে নিম্নরূপ section 9 প্রতিস্থাপিত হইবে, যথা :—

“9. **Suppression of piracy, armed robbery, theft and maritime terrorism at sea.**—The Government shall take appropriate measures for the suppression of piracy, armed robbery, theft and maritime terrorism at sea occurring in the ship navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the Territorial Sea and Internal Waters, or the lateral limits of Territorial Sea with adjacent States or in the territory of Bangladesh including its EEZ.

Explanation.—For the purpose of this section,—

- (a) “**Piracy**” means any of the following acts—
 - (i) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passenger of a private ship or a private aircraft, and directed on the EEZ and High Seas beyond 200 NM, against another ship or aircraft, or against persons or property on board such ship or aircraft; or against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (ii) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts, making it a pirate ship or aircraft;
 - (iii) any act of inciting or of intentionally facilitating an act described in clauses (i) and (ii);
 - (iv) any act which is deemed piratical under the customary international laws.

- (b) “**Armed robbery**” means any of the following acts—
- (i) any illegal act of violence or detention, or any act of depredation, committed for private ends and directed against a ship, or against persons or property on board such ship, in a place within the Internal Waters, Territorial Sea over such offences;
 - (ii) any act of voluntary participation in the operation of a ship with knowledge of facts of making it a ship for armed robbery;
 - (iii) any act of inciting or of intentionally facilitating an act described in the clauses (i) and (ii).
- (c) “**Theft**” means whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, without being armed and harming crew of the vessel, moves that property from vessel, ship or boat within the Internal Waters and Territorial Sea.
- (d) “**Maritime terrorism at sea**” refers to if any person unlawfully and intentionally—
- (i) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;
 - (ii) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;
 - (iii) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;
 - (iv) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;
 - (v) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship;
 - (vi) communicates information which he knows to be false, thereby endangering the safe navigation of a ship;
 - (vii) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in sub-sections above; or

(viii) abets the commission of any of the offences set forth perpetrated by any person or is otherwise an accomplice of a person who commits such an offence or threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in, if that threat is likely to endanger the safe navigation of the ship in question.”¹

১৪। Act No. XXVI of 1974 এ section 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 এবং 36 এর সংযোজন।—উক্ত Act এর section 9 এর পর নিম্নরূপ section 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 এবং 36 সংযোজিত হইবে, যথা:—

“10. **Trafficking in persons by sea.**—In case of trafficking in person by sea, the provisions of the Prevention and Suppression of Human Trafficking Act, 2012 (Act No. 3 of 2012) shall be applicable.

Explanation.—Notwithstanding anything contained in the Prevention and Suppression of Human Trafficking Act, 2012 (Act No. 3 of 2012), for the purpose of this section, “trafficking in persons by sea” includes the recruitment, transportation, transfer, selling or buying, harbouring or receipt of persons, exchange, expulsion or exile, forced prostitution or slavery, abduction, detention or involvement in any other unlawful acts by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of persuasion, of temptation, of violence, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits in cash or in kind to achieve the consent of a person having control over another person, for the purpose of sexual exploitation, harassment and labour exploitation.

11. Right of visit of a ship.—(1) A warship or authorized ship or aircraft in the service of Bangladesh which encounters on the High Seas a foreign ship, other than a ship entitled to complete immunity, is justified in boarding it if there is reasonable ground for suspecting that the ship is engaged in piracy, slave trade, unauthorized broadcasting, or the ship is without nationality, or through flying a foreign flag or refusing to show its flag, the ship is, in reality, of the nationality of another State.

(2) In the cases provided for in sub-section (1), the warship or authorized ship or aircraft of Bangladesh, may send a boat or board under the command of an officer of Bangladesh Navy or Bangladesh Coast Guard to the suspected ship, and if necessary, proceed to a further examination on board the ship.

12. Arrest and seizure of pirate ship or aircraft, etc.—(1) On the High Seas, or in any other place outside the jurisdiction of any State, Bangladesh may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board.

(2) A seizure on account of piracy may be carried out by warship or military aircraft, or other ship or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

13. Jurisdiction over a ship.—(1) Bangladesh shall have jurisdiction over a ship which is navigating, or is scheduled to navigate into, through or from waters beyond the outer limit of the Territorial Sea of Bangladesh, or the lateral limits of its Territorial Sea and Internal Waters of Bangladesh with adjacent States.

(2) The Government may take such measures as may be necessary to establish its jurisdiction over the offences set forth when an offence is committed—

- (a) against or on board a ship flying the flag of a State at the time the offence is committed;
- (b) in the territory of Bangladesh, including its Internal Waters and Territorial Sea; and
- (c) by a national of that State:

Provided that this provision shall not apply to a warship or a ship owned or operated by a State when being used as a naval auxiliary or for customs, fiscal, immigration and sanitary purposes; or a ship which has been withdrawn from navigation or laid up:

Provided further that nothing in this section shall prejudice the immunities of warships and other government ships operated for non-commercial purposes.

14. Extradition.—The Government may, subject to laws for the time being in force, extradite any pirate or any person accused of piracy, armed robbery against ships at the request of another State who is a party to Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1992.

15. Punishment for violation of innocent passage.—(1) The passage of a foreign vessel is not innocent and shall be considered as an offence if the vessel, while in the Territorial Sea, engages in—

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Bangladesh or any other act which violates the principles of international law embodied in the Charter of the United Nations;

- (b) any exercise or practice with weapons of any kind, any act aimed at collecting information, which would be prejudicial to the defence or security of Bangladesh, any act of propaganda circulated to affect the defence or security of Bangladesh, launching of, landing on any aircraft from ship launching of, landing on board of any military device;
- (c) loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws of Bangladesh;
- (d) any act of wilful pollution in contravention of the Convention and the Bangladesh Environment Conservation, Act 1995 (Act No.1 of 1995);
- (e) any fishing activities or carrying out of research or surveying activities;
- (f) any act designed to interfere with any system of communication or any other facility or installation in Bangladesh or any other activity not directly related to its passage which is prejudicial to the peace, good order and security of Bangladesh.

(2) Any person who commits an offence specified in sub-section (1) shall be punishable with imprisonment for a term which may extend to 5 (five) years or with fine of minimum taka 10 (ten) crore which may extend to taka 40 (forty) crore or with both.

(3) Where the offence is continued after conviction, the master and the other persons who were convicted, each commits a further offence and shall be liable on conviction to a double punishment and in addition the Maritime Tribunal may order the forfeiture of the vessel or submarine.

16. Punishment for contravention of law by submarine or any other underwater vehicle.—If any submarine or any other underwater vehicle except warships, while passing through the Territorial Sea, does not show its flag, shall be punishable with imprisonment for a term which may extend to 5 (five) years and with fine which may extend to taka 40 (forty) crore or with both and in addition, the Tribunal may order the forfeiture of the vessel or submarine and equipment used in the commission of the offence.

17. Punishment for throwing nuclear or hazardous wastes.— If a master of a foreign vessel discharges or permits to discharge any nuclear or other dangerous, noxious or harmful substance or hazardous waste in the Internal Waters and Territorial Sea, it shall be an offence and the master of the vessel shall be punishable with imprisonment for a term which may extend to 7 (seven) years or with fine which may extend to taka 110 (one hundred ten) crore but shall not be less than taka 80 (eighty) crore or with both.

18. Punishment for offence in Contiguous Zone.—If any person contravenes or attempts to contravene the customs, fiscal, immigration or sanitary laws in the Contiguous Zone or enters Bangladesh having committed an offence in the Contiguous Zone, it shall be an offence and shall be punishable with imprisonment for a term shall not be less than 2 (two) years which may extend to 7 (seven) years or with fine shall not be less than taka 10 (ten) crore which may extend to taka 35 (thirty five) crore or with both.

19. Punishment for offences in Exclusive Economic Zone.—If any person violates the provisions of section 5A, shall be punishable with imprisonment for a term shall not be less than 3 (three) years or with fine which shall not be less than taka 10 (ten) crore which may extend to taka 40 (forty) crore or with both and in addition, the Tribunal may order the forfeiture of any vessel and equipment used in the commission of the offence.

20. Punishment for offences in the Continental Shelf.—If any person violates the provisions of section 7B, shall be punishable with imprisonment for a term which shall not be less than 3 (three) years with fine shall not be less than taka 10 (ten) crore which may extend to taka 28 (twenty eight) crore and in addition, the Tribunal may order the forfeiture of any vessel and equipment used in the commission of the offence.

21. Punishment for breaking or injuring a submarine cable, telegraphic or telephonic communications, etc.—The act of breaking or injuring a submarine cable beneath the High Seas, wilfully or by culpable negligence, in such a manner as to liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking of a submarine pipeline or high-voltage power cable, and to conduct calculated or likely to result in such breaking or injury is a punishable offence and shall be punishable with imprisonment for a term shall not be less than 3 (three) years with fine shall not be less than taka 5 (five) crore which may extend to taka 10 (ten) crore or with both:

Provided that this provision shall not apply to any break or injury caused by legally appointed persons for saving the ship and lives who acted merely with the legitimate object of saving lives or their ship, after having taken all necessary precautions to avoid doing so.

22. Punishment for pollution.—If any person, including a juridical person or a foreign entity, commits any of the following acts in Maritime Zones of Bangladesh shall be punishable with imprisonment which may extend to 3 (three) years, or with fine shall not be less than taka 2 (two) crore which may extend to taka 5 (five) crore, or with both, namely :—

- (a) damaging behaviours, which happened in areas outside the jurisdiction of Bangladesh, but cause pollution in areas under its jurisdiction;

- (b) discharge of any types of pollutants or other substances that are prohibited by this Act;
- (c) discharge of pollutants to sea without following the provisions of this Act or discharging pollutants exceeding the standard;
- (d) causing of marine pollution incidents and without immediate measures to deal with due to accidents or other unexpected events;
- (e) any activity affecting directly or indirectly the marine environment in coastal areas;
- (f) any other violation specified by the notifications in the official Gazette.

23. Punishment for failure to take measures to prevent pollution.—If any foreign vessel or installation commits any of the following acts, the master of the vessel or the person in charge of the installation shall be punishable with imprisonment for a term which may extend to 5 (five) years, or with fine shall not be less than taka 10 (ten) crore or with both, namely :—

- (a) possesses, does, or initiates anything that may cause pollution; or
- (b) fails or show negligence to take measures to prevent marine pollution of all kinds, in particular from debris and nutrient pollution or pollution from sea-bed activities or pollution from activities in the Area or pollution by dumping or pollution from vessels or pollution from or through the atmosphere shall be considered as offence.

24. Punishment for piracy, armed robbery, maritime terrorism at sea and theft.—(1) Whoever commits an act of piracy or maritime terrorism at sea shall be punished with imprisonment which may extend to life term and in addition, the Tribunal may, subject to any restitution, order the forfeiture of vessel or property involved in the commission of the offence.

(2) Whoever attempts or aid or abet to commit an act of piracy or maritime terrorism shall be punishable with imprisonment for a term which may extend to 14 (fourteen) years and shall also be liable to fine.

(3) Whoever commits armed robbery at sea shall be punishable with imprisonment for a term which may extend to 10 (ten) years and shall also be liable to fine.

(4) Whoever commits theft shall be punishable with imprisonment for a term which may extend to 3 (three) years or with fine or with both.

(5) Whoever commits any act of hostage taking, transnational organized crime related to piracy, maritime terrorism and other offences against safety of maritime navigation shall be punishable with imprisonment for a term which may extend to 20 (twenty) years but shall not be less than 5 (five) years or with fine which shall not be less than taka 10 (ten) crore which may extend to taka 40 (forty) crore or with both.

25. Punishment for causing death while committing an offence under section 24.—Whoever causes death while committing an offence or attempt thereof under section 24 of this Act shall be punishable under the provisions specified for causing death or attempt thereof in the Penal Code, 1860 (Act No. XLV of 1860).

26. Presumption of offence.—If any victim of the offence or anything related to conducting the offence is recovered from the possession of any person or any place under his direct supervision or the person is identified as committer of offence by the rescued victim, if it is not proved otherwise, it may be presumed that the person has committed an offence.

27. Establishment of Maritime Tribunal.—(1) For the purpose of this Act, the Government may, by notification in the official Gazette, establish one or more Maritime Tribunal(s).

(2) If more than one Tribunal is established under sub-section (1), the jurisdiction of each of the Tribunals shall be determined in the notification of establishment of Tribunals.

(3) Until the establishment of Tribunal under this section, the Government may, by notification in the official Gazette, assign any District Judge or Additional District Judge of any district to perform the duties of the Maritime Tribunal, in addition to his own duties.

(4) The Tribunal shall be formed by a District Judge or Additional District Judge appointed by the Government in consultation with the Supreme Court.

(5) The Tribunal shall sit at such place or places which is determined by the Government and conduct its activities.

28. Power to investigate offence.—Notwithstanding anything contained in CrPC, for the purpose of this Act, the Government may, by notification in the official Gazette, confer on any gazetted officer of Bangladesh Navy or Bangladesh Coast Guard the power to arrest of any person and to investigate the offence under this Act.

29. Evidentiary value of pictures, electronic records, etc.—If any member from Bangladesh Navy or Bangladesh Coast Guard or any other person captures or receives a video or still photo or records any conversation in the tape-recorder or cell phone or captures any satellite image during occurrence of offences or preparation of such offences or assistance to such offences, these videos, photos or tapes or disks or satellite images shall be admissible as evidence in the trial on proof of authenticity.

30. Cognizance of offence.—The Tribunal shall not take cognizance of an offence without the written complaint made by any person authorized by the Government in this behalf.

31. Provisions as to bail.—Notwithstanding anything contained in the CrPC, the Tribunal shall not grant bail under this Act unless—

- (1) the State is allowed hearing on order for bail;
- (2) the Tribunal is satisfied that—
 - (a) there is reasonable ground for believing that the accused may not be convicted;
 - (b) the offence is not that serious in nature and the punishment shall not be severe if the accused is found guilty.

32. Time limit for disposal of a case.—(1) The Tribunal shall dispose the case within 180 (one hundred and eighty) days from the date of filing of the case.

(2) If the Tribunal fails to dispose the case within the time specified in subsection (1), it may extend the time for maximum 90 (ninety) days by recording the reasons thereof in writing.

(3) If the Tribunal fails to dispose case within the extended time under subsection (2), it shall make a report recording the reasons thereof to the Supreme Court within 10 (ten) days from the date of such failure.

33. Power of the Tribunal.—Notwithstanding anything contained in the CrPC, the Tribunal may impose fine upon the convict as is specified for the offence.

34. Appeal.—An appeal may be preferred to the High Court Division of the Supreme Court against an order, judgement or conviction of the Tribunal within 30 (thirty) days from the date of such order, judgement or conviction.

35. Power to make rules.—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

36. Power to Publish Authentic Bangla Text.—The Government may, by notification in the official gazette, publish an Authentic Bangla Text of this Act.”।

কে, এম, আব্দুস সালাম
সচিব।