



**IMO**

**International Maritime Law Institute**



## **The Maritime Zones Act, 2007**

**A Legislative Drafting Project to the International Maritime Law Institute  
in partial fulfillment of the requirements for the award of the degree of  
Master of Laws (LL.M) in International Maritime Law**

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**Dedication:**  
**To my Father Late Mir Wahab Ali**  
**For his endless love.**

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Nothing in this legislative Drafting project should be understood as construing or implying the position of the People's Republic of Bangladesh on any issue I have discussed. Accordingly, error or omission, if any, is my own.

Mohammad Mohiuddin.

IMO - International Maritime Law Institute  
Msida, Malta  
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**Ministry of Law, Justice and Parliamentary Affairs**  
**Government of the People's Republic of Bangladesh**

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**Drafting Instructions**

Bangladesh is a developing country, which is surrounded by the sea Bay of Bengal, which is an Integral part of the Indian Ocean. Bangladesh is a signatory to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS).

The 3<sup>rd</sup> UN Conference on the Law of the Sea was convened by a resolution of the UN General Assembly in 1970 and held its first working session at Caracas in 1974. While the negotiations for this conference were still in progress, Bangladesh enacted the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974). After about 9 years of negotiations and renegotiations, the UNCLOS was adopted on the 10th December, 1982 at Montego Bay, Jamaica. At that time of adoption it was signed by 156 States/delegations. The UNCLOS provide for a comprehensive international regime of the seas and contains many new provisions.

On 16 November 1994 the Convention entered into force in accordance with Article 308 and as of early March 2006, 149 countries, including Bangladesh, had become parties to the Convention. Today, it is the globally recognized regime dealing with all matters relating to the law of the sea. It is now referred to as the "Constitution for the Oceans".

The UNCLOS lays down principles and codifies rules governing the entire spectrum of issues pertaining to the sea and its uses by man, such rules relate, among other things, to the sovereignty of coastal States over maritime

areas and the delimitation of such areas, and the establishment of an Exclusive Economic Zone up to a limit of 200 nautical miles (nm) from the baselines. The Convention provides for rules governing international navigation, be it passage through a State's Territorial Sea, through international straits or on the high seas. It codifies the concept of the common heritage of mankind under which all the mineral resources of the sea beyond the limits of national jurisdiction are to be exploited for the benefit of all mankind.

The UNCLOS establishes an international authority through which States parties to the Convention shall organize and control activities in the area beyond the limits of national jurisdiction. These are but a few of the areas for which the Convention lays down in its myriad provisions, specific rules and guide lines for application by parties to it.

The Cabinet of Bangladesh in its meeting on 26/02/2007 decided to accede to the UNCLOS. Therefore it has become imperative for Bangladesh to prepare a new draft Bill entitled the "Maritime Zones Act, 2007" in conformity with, and incorporating, the provisions of the UNCLOS.

Limit of all maritime zones including the Territorial Sea must be defined in the proposed Bill, in accordance with the provisions of articles 3, 33, 56, 57, 60 and 76 of the UNCLOS. After this Bill is passed by the parliament, baselines so determined will be marked on large scale charts and published in the official gazette.

Finally the new Bill once enacted will repeal the existing the "Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974)", which does not fully address the matter concerned by the UNCLOS.

The main features of the Bill are as follows:

- (1) Complying with article 3 of the UNCLOS with respect to the delimitation of the Territorial Sea at 12nm from its baselines which shall henceforth be declared as the Territorial Sea of Bangladesh. In addition to the land, territory of the country and the airspace above, the sovereignty of Bangladesh shall extend to the Internal Waters, and Territorial Sea, together with the seabed and subsoil and airspace thereof;
- (2) The Contiguous Zone of the country will be the area covering 12nm measured from the outer limits of the Territorial Sea (24 nm). In the Contiguous Zone Bangladesh has exclusive sovereign rights conferred by the UNCLOS, vide article 33 for the purpose of enforcement of its municipal laws on custom, fiscal, sanitary and immigration;
- (3) The Exclusive Economic Zone of the country will be the 200nm measured from the baselines. In the Exclusive Economic Zone Bangladesh has exclusive sovereign rights conferred by the UNCLOS, vide article 56 & 60 for the purpose of exploration, exploitation, conservation and management of all resources, both living and nonliving; and
- (4) Complying with article 76 of the UNCLOS the Continental Shelf of the country will be the 200 nm measured from the baselines. In the Continental Shelf Bangladesh has sovereign rights, for the purpose of exploring and exploiting its natural resources; to authorize and regulate drilling, construction, operation, maintenance and use of artificial islands, installations and structures used for economic purposes.

**Minister in Charge**

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**PART-1**  
**LEGISLATIVE PROCESS OF BANGLADESH**

# CHAPTER I

## INTRODUCTORY

### Introduction

This Part describes the process for preparation and enactment of Bills and discusses the role of drafters, who help fine-tune the legislative policy and draft the Bill. The process begins by describing important documents relating to the process. It then follows with a description of the people involved in the process and a summary of the process. It continues with a more detailed description of the process – legislative programming, policy development and approval, drafting the Bill, parliamentary process, commencement and implementation of legislation. It continues with a description of the printing and distribution of Acts.

### 1.1. Language of Legislation

Although according to Article 3 of the Constitution of Bangladesh (hereinafter referred to as the Constitution),<sup>1</sup> Bangla is the Official State language of the Republic. English was the principal language of Legislative Drafting before the enactment of the “Bangla Bhasha Prochalan Ain, 1987”.<sup>2</sup> Legislation amending pre-1987 Laws has been prepared in both English and Bangla, but amendments to be incorporated into the English text were made in English. Other amending legislation and new laws are drafted in Bangla. There are English language translations of laws drafted in Bangla and, for all intents and purposes, in some cases a bilingual system is recognised as a method for drafting and framing the laws. As in the case with the Constitution, if there is an inconsistency between the two language versions, the Bangla one prevails.

### 1.2. Supremacy of the Constitution

The Constitution of the People's Republic of Bangladesh is the supreme law of the country. Article 7(2) runs- This Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is

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<sup>1</sup> Article 3 of the Constitution of the People's Republic of Bangladesh stated that “*The State language of the Republic is Bangla*”

<sup>2</sup> Act No. 3 of 1987.



inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void.<sup>3</sup>

The Constitution of the People's Republic of Bangladesh which came into force on December 16, 1972, is the Supreme law of the Republic, the fundamental law from which all public authorities derive their powers, all laws their validity and all subjects their rights.

The Constitution of the Republic is supplemented by laws enacted and adopted by the Legislature for regulating the exercise of powers through organs established by the Constitution. These laws are organic laws of the country.

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<sup>3</sup> Article 7(2) of the Constitution of the People's Republic of Bangladesh .

## CHAPTER II

### LEGISLATIVE AUTHORITY

#### 2. Principal legislation

Beside the Constitution, the principal source of the laws in Bangladesh is legislation. Legislation consists of law made by or under the authority of Parliament and may comprise statute law and 'statutory instruments', which are orders, rules and regulations made by the Government under authority of a statute or bye-laws made by local government or other authorities exercising powers conferred upon them by Legislature.

#### 2.1. The Parliament

As Parliament is the supreme law making body in Bangladesh, Acts of Parliament, to the Constitutional restrictions, are binding on all courts, taking precedence over all other sources of law. Under the Constitution, the responsibility of deciding whether the Legislature has power to make a law is that of the Legislature itself and, unless a constitutional question is involved, the validity of law cannot be called in question on the ground that the Legislature by which it was made had no power to make it. Under Article 26 of the Constitution, the courts have been empowered to declare law inconsistent with or made in derogation of the fundamental rights or against a provision of the Constitution to be void.

The Parliament has inherent power to make laws. The Constitution conspicuously states that, "there shall be a Parliament for Bangladesh (to be known as the House of the Nation) in which, subject to the provisions of this Constitution, shall be vested the legislative powers of the Republic:

Provided that nothing in this clause shall prevent Parliament from delegating to any person or authority, by Act of Parliament, power to make orders, rules, regulations, bye-laws or other instruments having legislative effect".<sup>4</sup>

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<sup>4</sup> Article 65(1) of the Constitution of the People's Republic of Bangladesh

## **2.2. The President**

The Constitution has given ample power to the President of the Republic to make laws in the following circumstances:-

- (a) Article 55(6) of the Constitution empowers the President to make rules for the allocation and transaction of the business of the Government;
- (b) Article 92(3) of the Constitution empowers the President to make Presidential Orders relating to the authorisations of the withdrawal from the consolidated fund moneys necessary to meet expenditure;
- (c) Article 93 empowers the President to make Ordinances when Parliament stands dissolved or is not in session;
- (d) Article 115 empowers the President to make rules for the appointment of the judges in the subordinate courts; and
- (e) Article 133 empowers the President to make rules regulating the appointment and the conditions of service of the Republic.

The Orders, Ordinances and Rules made by the President have full status and force of Principal Legislation. So according to the Constitution the Parliament as well as the President have the full authority to make laws.

## **2.3. Subordinate Legislation**

Subordinate legislation refers to a situation in which the Legislature lays down the policy in more or less wide terms and gives to some external authority the power to carry out, by framing rules and regulations, the legislative policy so specified in the Act. This is always a section technically called '*Rule making Power Provision*' in the Act passed by the Legislature that says generally that some extraneous authority, charged with the duty of administering the Act, should frame rules and regulations not inconsistent with the provisions of the Act for the purpose of carrying out objects of the Act. The only requirement of law in such situations is to insist that the authority or body charged with the duty of making rules and regulations must strictly confine itself within the sphere of its authority for the exercise of the delegated legislative power.

Article 65(1) of the Constitution of Bangladesh empowers the Parliament to delegate to any person or Authority, by Act of Parliament, power to make orders, rules, and regulations, by laws or other instruments having legislative effect. This system of Subordinate legislation empowers Ministers and other authority to regulate administrative details under the authority of a particular Act of Parliament. The powers conferred in this way are normally delegated to the authorities directly responsible to the Parliament, that is, Ministers, Government Departments for which Ministers are responsible or to organizations whose regulations are subject to confirmation or approval by Ministers who thereby become responsible to the Parliament for them.

**CHAPTER III**  
**LEGISLATIVE PROCEDURE**

**3. How a Bill is prepared**

**3.1. Constitutional provisions**

Article 80 of the Constitution provided that-

“(1) Every proposal in Parliament for making a law shall be made in the form of a Bill.

(2) When a Bill is passed by Parliament it shall be presented to the President for assent.

(3) The President, within fifteen days after a Bill is presented to him, shall assent to the Bill or, in the case of a Bill other than a Money Bill may return it to Parliament with a message requesting that the Bill or any particular provisions thereof be reconsidered and that any amendments specified by him in the message be considered; and if he fails so to do he shall be deemed to have assented to the Bill at the expiration of that period.

(4) If the President so returns the Bill, Parliament shall consider it together with President's message, and if the Bill is again passed by Parliament with or without amendments by the votes of a majority of the total number of members of Parliament, it shall be presented to the President for his assent, whereupon the President shall assent to the Bill within the period of seven days after it has been presented to him, and if he fails to do so he shall deemed to have assented to the Bill on the expiration of that period.

(5) When the President has assented or is deemed to have assented to a Bill passed by Parliament it shall become law and shall be called an Act of Parliament”.

### **3.2. Policy development and initial drafting process**

Under Article 55(6) of the Bangladesh Constitution, the President shall make rules for the allocation and transaction of the business of the government.

In this regard, several guiding documents are relied on. These includes Rules of Business, 1996 (Revised up to August, 2000) (hereinafter called as Rules of Business) and the Allocation of Business among the Different Ministries and Divisions.<sup>5</sup> Under the Allocation of Business among the Different Ministries and Divisions, specific subject areas are allocated to the appropriate Ministries and Divisions according to relevance. For example, civil law procedure and criminal law and criminal procedure are assigned to the Ministry of Law, Justice and Parliamentary Affairs, which is deemed to be the administrative Ministry for these (and many other) matters.

There is another instrument called the Secretariat Instructions, 1976 (hereinafter called as Secretariat Instructions). This document was originally made in pursuant to rule 4. (10) of the Rules of Business. Its primary purpose is to ensure uniformity and efficiency in the observance of Secretariat practices and procedures. The Secretary in each Ministry or Division is responsible for the observance of the Instructions. The preparation and maintenance of the Instructions is the responsibility of the Cabinet Division. Secretariat Instructions are supplemental to both the Rules of Business and the Allocation of Business among the different Ministries and Divisions. All business of government is to be conducted in accordance with both the Rules of Business and the Secretariat Instructions.

The same Ministry in Bangladesh develops both the policy underlying a legislative proposal and the initial draft Bill outline. According to the Secretariat Instructions, a Ministry or Division is responsible for the formulation of policies of the government within its jurisdiction, and also for the execution and review of those policies. The Rules of Business and Secretariat Instructions also require that any legislative proposal shall be initiated at the administrative Ministry to which the law or a subject matter is assigned, generally prepare policy papers. Experts within the

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<sup>5</sup> Schedule 1 to the Rules of Business.

Ministry or, in some instances, outside lawyers usually draft a preliminary Bill, Interdepartmental consultation is often done when drafting the Bill, but widespread public consultation is currently not the norm.

By rule 16(i) of the Rules of Business, cases involving legislation, including the promulgation of Ordinances, are to be brought before the Cabinet for consideration. Furthermore, by rule 4. (ii) of the Rules of Business, no important policy decision shall be taken without Cabinet approval. Therefore, the administrative Ministry will initiate the legislative process by preparing a summary to the Cabinet. Rule 19 of the Rules of Business prescribes the format of the summary. The Secretary of the Ministry concerned transmits to the Cabinet Secretary a concise and clear memorandum that gives the background and relevant facts, the points for discussion and the recommendations of the sponsoring Minister. The summary shall be self-contained as far as possible and shall include as appendices such relevant papers as may be necessary for proper identification of the case. The number of copies of the summary to be supplied for Cabinet consideration will be specified by the Cabinet Division. In cases of proposals involving expenditure or abatement of revenue, the views of the Finance Division<sup>6</sup> must also be obtained and recorded in the summary. At least four clear days are normally needed in advance of the Cabinet meeting for a summary to be placed on the agenda. No matter will generally be discussed unless the summary relating to it has been circulated.

A Cabinet committee initially considers the proposal. This committee normally consists of about four Ministers and is not a permanent body. Different committees are established depending on the nature of the matter under review. If the committee approves the proposal, it will prepare a report for full Cabinet consideration. If the entire Cabinet approves the proposal, this step is considered to constitute policy Cabinet approval. The Law Secretary<sup>7</sup> is asked to attend all Cabinet meetings where proposed legislation is discussed.

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<sup>6</sup> Finance Division of the Ministry of Finance of the Government of the People's Republic of Bangladesh.

<sup>7</sup> Secretary to the Ministry of Law, Justice and Parliamentary Affairs of the Government of the People's Republic of Bangladesh.

After approval of the proposal, the Cabinet Secretary prepares a brief record of the discussions and records the decision taken. This file is then submitted to the Prime Minister for ultimate approval and, once approval is obtained, it is then circulated to Cabinet Ministers. Relevant extracts of the decisions are provided to the sponsoring Minister and ministerial Secretary for necessary action. At this point the administrative/ sponsoring Ministry, also called the Ministry-in-Charge, is authorised to go ahead with the preparation of a final draft Bill for Cabinet consideration.

In accordance with Instructions 239 and 240 of the Secretariat Instructions, no legislative Bill will ordinarily be referred to the Legislative Drafting wing<sup>8</sup> (hereinafter referred as LDW), nor will the LDW undertake the preparation of a Bill, unless the Cabinet has approved the proposal. Every file remitted to the LDW for the preparation of a legislative proposal will be accompanied by all the background papers connected with the proposal, in particular the summary to the Cabinet. A separate memorandum of instructions should indicate with sufficient precision the contents of the proposal as approved by Cabinet and set out clearly in the form of a series of propositions all matters of substance that are to be included in the draft legislation. But the LDW may request additional information if it is needed to obtain a better understanding of the purpose and content of the proposed legislation.

The administrative/ sponsoring Ministries do not generally have legal services units, although some might have one or two jurists on staff. Thus, the drafters are often the first jurists to see the Bill, and they are expected to raise all the legal issues associated with it.

### **3.3. Preparation of a draft by the LDW**

#### **3.3.1. Initiation of legislation**

Every proposal involving legislation will be placed before the Cabinet by the administrative Ministry/ Division concerned for approval and, if it receives such approval, will be referred to the LDW. With the request to give the proposal legislative

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<sup>8</sup> It is a wing under the Ministry of Law, Justice and Parliamentary Affairs of the Government of the People's Republic of Bangladesh.



shape in the form of a Bill or, as the case may be, an Ordinance.<sup>9</sup> No legislative Bill will ordinarily be referred to the LDW nor will the LDW under take the preparation of a draft of the legislative measure unless the proposal has been approved by the Cabinet.

### **3.3.2. Reference to the LDW**

Every reference of legislative proposal to the LDW for preparation of a draft legislative measure will be accompanied by all the papers connected with the proposal including the precise or summary placed before the Cabinet and also by a separate memorandum of instructions indicating with sufficient precision the contents of the proposal as approved by the Cabinet and setting out clearly in the form of a series of propositions all matters of substances which are to be included in the draft legislation.

### **3.3.3. Preparation of drafting of a Bill**

Upon a reference to it of a legislative proposal, the LDW will examine it and if it finds that the proposal contains no measure which is ultra vires to the Constitution or inconsistent with the Fundamental Principles of State Policy, it will prepare draft to fully reflect the proposal. If upon examination of the proposal, the LDW finds that it contains a measure which is ultra vires to the Constitution or inconsistent with the Fundamental Principles of State Policy, it will return the case to the administrative Ministry/Division concerned fully recording its opinion with the advice.

After the case has been received back from the LDW the administrative Ministry/ Division concerned will re-examine and modify the proposal in the light of the advice of the LDW and refer the proposal as so modified to the LDW for preparation of a draft of the legislative measure; and the LDW will prepare the draft to reflect the proposal as modified. The LDW will, while returning a case with a draft of a

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<sup>9</sup> Article 93 of the constitution empowers the President to make Ordinances when Parliament stands dissolved or is not in session

Bill, also record whether the Bill will require the previous recommendation of the President under Article 82 of the Constitution.<sup>10</sup>

#### **3.3.4. Examination of the draft Bill by the administrative Ministry/ Division**

The draft Bill will then be examined by the administrative Ministry/ Division which will satisfy itself that the draft Bill correctly represents their legislative proposals.

#### **3.3.5. Approval of the Bill by the Cabinet for introduction in the Parliament.**

When the draft Bill as settled by the LDW has been finally approved by the administrative Ministry/ Division concerned, it will be submitted to the Council of Ministers for approving the introduction of the Bill in the Parliament.

#### **3.3.6. Recommendation of the President**

(1) If any Bill or amendment of a Bill requires the recommendation of the President under Article 82 of the Constitution, the administrative Ministry/Division concerned will obtain the recommendation of the President to the introduction of the Bill or, as the case may be, the moving of the amendment in the Parliament.

(2) After the recommendation of the President has been obtained it will be communicated to the Parliament in the notice of the motion for leave to introduce the Bill or where no motion for introductions is necessary, before the date on which the Bill is introduced, or in case of amendment before the date of moving the amendment.

#### **3.3.7. Preparation of Statement of Objects and Reasons and Notes on Clauses**

(1) After completing action under the preceding instruction, the administrative Ministry / Division concerned, in consultation with the Ministry of Law where necessary, will prepare a Statement of Objects and Reasons and such notes on the clauses of the Bill as may be considered desirable so as to explain the substance and origin of the clauses of the Bill.

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<sup>10</sup> Article 82 of the Constitution stated that, "No Money Bill, or any Bill which involves expenditure from public moneys, shall be introduced into Parliament except on the recommendation of the President.

(2) The administrative Ministry / Division concerned will formulate the line of action to be adopted in regard to the Bill, and prepare a brief for the use of the Minister-in-Charge to assist the substance and origin of the clauses of the Bill.

### **3.3.8. Amendments**

(1) Where, after a Bill has been introduced in the Parliament, the government contemplates any amendment therein the administrative Ministry / Division concerned will, in consultation with the Ministry of Law, prepare a draft of the amendment contemplated and cause necessary notices to the Parliament to be given after obtaining, where required, the recommendation of the President in the manner laid down in the Rules of Procedure of the Parliament.

(2) Where any Private Member proposes any amendment to a Bill introduced in the Parliament, the Parliament Secretariat will forward copies of the amendments to the administrative Ministry / Division concerned as well as the Ministry of Law; and the administrative Ministry / Division concerned will, after examining the amendments in consultation with the Law Ministry, submit the same to the Minister-in-Charge with its observations and the comments of the Ministry of Law, if any.

### **3.3.9. Supply of list of individuals and associations to be consulted**

When a motion is carried for circulation of a Bill for the purpose of eliciting opinion, the administrative Ministry / Division concerned will, on request, supply to the Parliament after consultation with the Government Whip a list of individuals, associations and public bodies whose opinion should be invited.

### **3.3.10. Custody of signed copy of Ordinance**

Where an Ordinance is made and promulgated under clause (i) of Article 93 of the Constitution, the original copy of the Ordinance signed by the President will remain in the custody of the Law Ministry and will not pass out of the Ministry without permission of the Secretary.

## **CHAPTER IV**

### **PARLIAMENT PROCEDURE**

#### **4. From a Bill to an Act**

##### **4.1. Introduction of Public (Government) Bills**

A Minister may move for leave to introduce a Bill after giving to the Secretary to the Parliament seven days written notice of his intention to do so, unless the Speaker for sufficient reasons suspends this rule and allows the motion to be made at a shorter notice.

##### **4.2. Notice of Private Member's Bills**

Subject to the provisions of the Rules of Procedure,<sup>11</sup> any member, other than a Minister, desiring to move for leave, to introduce a Bill, shall give to the Secretary to the Parliament fifteen days written notice of his intention to do so and shall together with the notice submit three copies of the Bill along with an explanatory Statement of Objects and Reasons which shall not contain arguments.

##### **4.3. Introduction of Private Member's Bills**

(1) Motions for leave to introduce Private Member's Bill shall be set down in the Orders of the Day for a day meant for Private Members' business.

(2) If a motion for leave to introduce a Bill is opposed by the Speaker, after permitting if he thinks fit a brief explanatory Statement by the member moving for leave and by the member opposing it, may without further debate put the question.

(3) If leave is granted, the Member-in-Charge, when called, shall formally move forthwith to introduce that Bill, and on the motion being made, the Bill shall stand introduced.

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<sup>11</sup> Rules of Procedure of the Parliament of the People's Republic of Bangladesh.

#### **4.4. Publication of Bills**

(1) Subject to the provisions of sub-paragraph (2), the Secretary to the Parliament shall cause every Bill that has been introduced to be published in the Gazette as early as possible together with the Statement of Objects and Reasons and the financial memorandum, if any, accompanying it.

(2) As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

#### **4.5. Motions after Introduction and time for Consideration of Bills**

When a Bill is introduced, or on some subsequent occasion, the Member-in-Charge may make anyone of the following motions in regard to his Bill, namely-

- (i) that it be taken into consideration by the House either at once or on some future day to be specified in the motion; or
- (ii) that it be referred to a Standing Committee; or
- (iii) that it be referred to a Select Committee; or
- (iv) that it be circulated for the purpose of eliciting opinion of expert or public thereon.

#### **4.6. Discussion of Principles of Bills**

(1) On the day on which any of the motions referred to in rule 77 of the Rules of Procedure of Parliament is made, or any subsequent day to which discussion thereon has been postponed, the principles of the Bill and its general provisions may be discussed, but details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage except otherwise provided no amendments to the Bill may be moved.

(3) Where a motion that the Bill be circulated for the purpose of eliciting opinion of expert or public thereon is carried, and the Bill is circulated in accordance

with that direction and opinions are received thereon, the Member-in-Charge, if he wishes to proceed with his Bill thereafter, shall move the Bill be referred to a Select Committee or to Standing Committee unless the Speaker in the exercise of his power to suspend this rule, allows the motion to be made.

#### **4.7. Persons by who motions in respect of Bills may be made.**

No motion that the Bill be taken into consideration or be passed shall be made by any member other than the Member- in -Charge and no motion that the Bill be referred to a Select Committee or to a Standing Committee or be circulated for the purpose of eliciting opinion of expert or public thereon shall be made by any member other than the Member-in-Charge except by way of amendment to a motion made by the Member- in -Charge:

Provided that if the Member- in -Charge is unable, for reasons considered adequate by the Speaker, to move the next motion in regard to his bill at any subsequent stage after introduction, he may authorize in writing any other member (or any Minister in the case of Government Bill) to move that particular motion with the approval of the Speaker.

#### **4. 8. Procedure after presentation of report of Select / Standing Committee**

(1) Where a Bill has been referred to a Select Committee or a Standing Committee, the Member-in-Charge may after presentation of the final report by the Committee, move –

- (i) that the Bill, as reported by the Select Committee or Standing Committee, as the case may be, be taken into consideration at once; or
- (ii) that the Bill, as reported by the Select Committee or Standing Committee, as the case may be, be recommitted to the same committee or, to a new Select Committee either-
  - (a) as a whole, or
  - (b) with respect to particular clauses or amendments only, or

- (c) with instructions to the Committee to make some particular or additional provisions in the Bill, or
- (iii) that the Bill, as reported by the Select Committee or Standing Committee be circulated or recalculated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

(2) If the Member-in Charge moves that the Bill, as reported by the Select Committee or Standing Committee, as the case may be, be taken into consideration, any member may move or be circulated or re-circulated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

#### **4. 9. Scope of debate on report of Select / Standing Committee**

The debate on a motion that the Bill as reported by the Select Committee or Standing Committee be taken into consideration shall be confined to consideration of the report of the Committee and matters referred to therein or any alternative suggestions consistent with the principle of the Bill.

#### **4.10. Mode of moving amendments**

Subject to the provisions of rules 80 and 81 of the Rules of Procedure of Parliament when a motion that the Bill be taken into consideration has been carried, any member when called upon by the Speaker, may propose an amendment to the Bill.

##### **4.10.1. Notice of amendments**

If notice of a proposed amendment has not been given three clear days before the day on which the Bill, the relevant clause or the Schedule is to be considered, any member may object to the moving of the amendment, and such objection shall prevail unless the Speaker suspends this sub-rule and allows the amendment to be moved at shorter notice.

#### **4.10. 2. Conditions of admissibility of amendments**

The right to move amendments to clauses or schedules of a Bill shall be governed by the following conditions, namely:-

- (i) An amendment shall not be irrelevant to the subject matter or beyond the scope of the Bill, or the clause or schedule under consideration.
- (ii) An amendment shall not be inconsistent with, or contrary to any previous decision of the House on the same question at the same stage of a Bill.
- (iii) An amendment shall not be moved which has merely the effect of a negative vote.
- (iv) An amendment shall not be vague, meaningless or frivolous.
- (v) An amendment shall not be admissible if it is dependent upon an amendment which has already been negated by the House.
- (vi) An amendment shall not be such as to make the clause it proposes to amend unintelligible or ungrammatical.
- (vii) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.
- (viii) An amendment may be moved to an amendment which has already been moved in the House.
- (ix) Amendments to the preamble and title of the Bill shall be admissible where amendments have been made to the Bill which renders them necessary.

#### **4.10.3. Withdrawal of amendments**

An amendment moved may, by leave of the House, but not otherwise, be withdrawn, on the request of the member, moving it. If an amendment has been proposed to an amendment the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.



#### **4.10.4. Submission of Bill clause by clause**

(1) Notwithstanding anything contained in these Rules of Procedure of Parliament the Speaker shall, when a motion that the Bill be taken into consideration has been carried, submit the Bill or any part of the Bill, to the House clause by clause or schedule by schedule, as the case may be. The Speaker may call each clause or schedule separately, and, when the amendments relating to it have schedule (or this clause or schedule as amended as the case may be) do stand part of the Bill.

(2) The Speaker may, if he thinks expedient, postpone the consideration of a clause or a schedule.

#### **4.10.5. Enacting formula, Preamble, Title of Bill**

Clause one, the Enacting formula, the Preamble, if any, the Title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Speaker shall then put the question; "that clause one, or the Enacting formula, or the Preamble or the Title (or that clause one, the Enacting formula or the Preamble or the Title as amended, as the case may be) do stand part of the Bill."

#### **4.10.6. Passing of Bills**

(1) When a motion that Bill be taken into consideration has been carried, and no amendment of the Bill is made the Member-in-Charge may at once move that the Bill be passed.

(2) Where a Bill has undergone amendments, any member may object to a motion being made, on the same day that the Bill as amended be passed, and such objection shall prevail, unless the Speaker suspends this sub-rule and allows the motion to be made.

(3) Where such objection as aforesaid prevails, a motion that the Bill as amended be passed may be made on a subsequent day.

(4) At this stage no amendment to the Bill may be moved except verbal amendments which are merely formal or consequential in nature.

#### **4.10.7. Scope of debate**

The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

#### **4.10.8. Correction of errors**

Where a Bill is passed by the House, the Speaker shall have the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House.

#### **4.10.9. Withdrawal of Bills**

The Member-in-Charge may at any stage of a Bill move for leave to withdraw the Bill introduced by him, and if such leave is granted, no further motion shall be made with reference to the Bill.

#### **4.10.10. Voting**

Subject to the provisions of clause (2) of Article 75 of the Constitution regarding quorum,<sup>12</sup> each clause or schedule of a Bill shall form part of the Bill if it is passed by a majority of the votes of the members present and voting.

#### **4.10 11. Authentication of Bills**

(1) When a Bill is passed by the House, the Bill shall be signed in triplicate by the Speaker and presented to the President for assent.

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<sup>12</sup> According to the Article 75(2) of the Constitution quorum of the session of the parliament will be not less than 60 members.

(2) One copy of the Bill assented to, or deemed to have been assented to, by the President shall be preserved for verification and record and shall not be allowed to pass out of the custody of the House without the permission of the Speaker.

#### **4.10.12. Publication of Bills assented to by the President**

When a Bill passed by the House is assented to, or is deemed to have been assented to by the President under clause (3) or clause (4), as the case may be, of Article 80 of the Constitution, the Secretary of Parliament shall immediately publish the Bill in the Gazette as an Act of Parliament.

#### **4.10.13. Reconsideration of Bills returned by the President**

(1) When a Bill passed by the House is returned to the House by the President with a message requesting that the Bill or any particular provisions thereof be reconsidered and that any amendments specified by him in the message be considered, the Speaker shall read the message of the President to the House, if it is in session or if the House is not in session, cause it to be published in the Bulletin for information of members.

(2) The Bill as passed by the House and returned by the President for reconsideration shall then be laid on the Table.

(3) At anytime after the Bill has been so laid on the Table any Minister, in the case of a Government Bill, or, any member, in the case of a Private Members' Bill, may give notice of his intention to move that the message of the President or the amendments recommended by the President, as the case may be, be taken into consideration.

(4) On the day on which the motion for consideration is set down in the Orders of the Day which shall, unless the Speaker otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the amendment be taken into consideration.

(5) The debate on such a motion shall be confined to consideration of matters referred to in the message of the President or to any suggestion relevant to the subject-matter of the amendment recommended by the President.

(6) If the motion that the amendments recommended by the President be taken into consideration is carried, the Speaker shall put the amendments to the House in such manner as he thinks most convenient for their consideration.

(7) Amendment relevant to the subject matter of an amendment recommended by the President may be moved, but no further amendment shall be moved to the Bill unless, it is consequential upon, incidental or alternative to, an amendment recommended by the President.

(8) When all the amendments have been disposed of, the member giving notice of the motion under sub-paragraph (3) may move that the Bill as originally passed by the House be passed again, or passed again as amended, as the case may be.

(9) If the motion that the amendments recommended by the President be taken into consideration is not carried, the member giving notice of the motion under sub-paragraph (3) may at once move that without amendment.

#### **4.10.14. Authentication of Bills passed again by the House**

When a Bill is again passed by the votes of a majority of the total number of members of the House, with or without amendments, the Bill shall be signed in triplicate by the Speaker and presented to the President for assent.

## **CHAPTER V**

### **GENERAL STRUCTURE OF A BILL**

#### **5. General structure of a Bill**

The arrangement of a statute should always be functional which means that it should serve the purpose for best which is sought to be achieved by the statute. It should be a logical pyramid whose location of topics shows their relationships and relative significance in the hierarchy of relevant ideas. The subjects to be covered are required to be selected carefully and arranged with a view to reflect clearly the underlying legislative rationale in a manner so that the whole scheme could be understood and different provisions referred to with the least possible effort. An arrangement with a proper division, classification and sequence is considered best. A statute consists of several parts, varying according to the nature of the Act. Generally, the structure of a Bill is composed of:

1. Number of Act
2. Long title
3. Preamble
4. Enacting Clause
5. Short title
6. Commencement
7. Marginal notes
8. Headings of a group of sections of individual sections
9. Definition or interpretation provisions
10. Application provisions
11. Substantive provisions
12. Administrative provisions
13. Offences and penalties
14. Miscellaneous and supplementary provisions (including provisions to make subordinate legislation, indemnities, etc.)
15. Provisos
16. Illustrations (If necessary)

17. Exceptions and saving clauses
18. Explanations (If necessary)
19. Savings and transitional Provision
20. Repeals and consequential amendments
21. Schedules (If necessary)
22. Statement of objects and Reasons.

**PART-2**  
**LEGISLATIVE DRAFTING**

## Bill No.....of 2007

### Maritime Zones

#### Bill

A Bill to provide for the Regulation of Internal Waters, Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf and other maritime zones of Bangladesh and ancillary matters thereto.

Whereas it is expedient to enact provisions to regulate the Internal Waters, Territorial Sea, Contiguous Zone, Exclusive Economic Zone and other maritime zones of Bangladesh and ancillary matters thereto;

It is hereby enacted as follows:-

#### CHAPTER I PRELIMINARY

**1. Short title and commencement.** – (1) This Act may be referred to as the Maritime Zones Act, 2007.

(2) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.

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

- (a) “**baselines**” means the baselines from which the breadth of the Territorial Sea is measured as established under section 3;



- (b) "**Competent Authority**" means the Secretary of the Ministry of Foreign Affairs or any person designated by him as such for the purposes of this Act;
- (c) "**Contiguous Zone**" means the Contiguous Zone of Bangladesh established under section 14;
- (d) "**Continental Shelf**" means the Continental Shelf of Bangladesh established under section 18;
- (e) "**Country**" means the People's Republic of Bangladesh;
- (f) "**Convention**" means the United Nations Convention on the Law of the Sea signed at Montego Bay on 1 December 1982;
- (g) "**Exclusive Economic Zone**" means the Exclusive Economic Zone of Bangladesh established under section 16;
- (h) "**Foreign Vessel**" means a vessel the nationality or registration of which is not Bangladeshi;
- (i) "**Government**" means the Government of the People's Republic of Bangladesh;
- (j) "**Internal Waters**" means the inland waters of the Country established under section 4;
- (k) "**Marine Officer**" means any officer employed to the Customs Department, any member or officer of the Bangladesh Navy, any member or officer of the Bangladesh Defense Force or any public officer designated by the Competent Authority and any other public officer designated as Marine Officer by the Government;
- (l) "**Military Aircraft**" means air force aero-planes of such description that could be engaged in warfare due to the weapons on board;
- (m) "**nautical mile**" means the international nautical mile consisting of 1852 meters;

- (n) "**passage**" means navigation through the Territorial Sea for the purpose of:
  - (a) traversing that sea without entering the Internal Waters or calling at a roadstead or port facility outside the Internal Waters; or
  - (b) proceeding to or from the Internal Waters or calling at such roadstead or port facility as is mentioned in clause (a).
- (o) "**Territorial Sea**" means the Territorial Sea of the Country established under section 6;
- (p) "**vessel**" includes any ship, canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with inboard or outboard motor or other seagoing vessel, whether surface craft or submarine or any other underwater vessel.
- (q) "**Warships**" mean naval vessels, military vessels and vessels of such description that could be engaged in warfare due to the weapons on board.

## **CHAPTER II**

### **DECLARATION OF ZONES AND RIGHTS ON IT, ETC**

**3. Baselines.** - (1) The baselines from which the breadth of the Territorial Sea adjacent to Bangladesh is measured shall be the low water line along the coast of the mainland of Bangladesh.

(2) The breadth of the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone, the Continental Shelf and other maritime zones of Bangladesh shall be measured from the baselines.

**4. Internal Waters.**-(1) Waters on the landward side of the baselines of the Territorial Sea form part of the Internal Waters of the Country.

(2) In addition to these waters referred in sub-section (1), the inland waters of every atoll of the Country, lagoons and reefs of islands shall form part of the Internal Waters of the Country.

(3) In addition to these waters referred in sub-sections (1) and (2), the Government has the right to designate, in accordance with the rules of international law, other maritime areas as Internal Waters of the Country.

**5. Rights in and jurisdiction over the Internal Waters.-** (1) In addition to the land, territory of the Country and the airspace there above, the sovereignty of Bangladesh shall extend to the Internal Waters, together with the airspace over it and subsoil thereof.

(2) No foreign vessel shall enter into the Internal Waters of Bangladesh except with prior authorization from the Government in accordance with the laws and regulations of the Country.

**6. Territorial Sea.-** The Territorial Sea is a belt of sea adjacent to the land territory and Internal Waters having as its outer limit a line every point of which is at a distance of twelve nautical miles from the nearest point of the baselines.

**7. Rights in and jurisdiction over the Territorial Sea.-**(1) In addition to the land, territory of the Country and the airspace there above, the sovereignty of Bangladesh shall extend to the Territorial Sea, together with the airspace over it and the seabed and subsoil thereof.

(2) No vessel shall enter into the Territorial Sea except in accordance with the laws and regulations of the Country:

Provided that in the case of the vessels engaged in innocent passage compatible with international laws and in accordance of section 8, said provision shall not apply.

**8. Innocent passage in the Territorial Sea** (1) Subject to the provisions of this Act, vessels of all States enjoy the right of innocent passage through the Territorial Sea.

(2) Passage referred to in sub-section (1) shall be continuous and expeditious, but shall allow for stopping and anchoring in so much as stopping and anchoring are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, vessels or aircraft in danger or distress.

(3) An underwater vessel which is in the Territorial Sea in exercise of its right of innocent passage shall be required while in such sea to navigate on the surface thereof and fly its flag.

(4) Foreign vessels exercising the right of innocent passage through the Territorial Sea may be required, in the interest of safety of navigation and the regulation of the passage of vessels, to use designated sea lanes or such traffic separation schemes as may be prescribed.

(5) The Government may, by notification in the official gazette, suspend temporarily the right of innocent passage in such areas of the Territorial Sea as are specified in the notification, if such suspension is essential for the protection of the security of the Country.

(6) A captain or person in charge of an underwater vessel who contravenes the provisions of sub-section (3), commits an offence and is liable on conviction on indictment in a 1st class Magistrate Court to a fine not exceeding taka----- (amount to be specified) or to imprisonment for a term not exceeding ----years (duration to be specified) or both.

(7) A foreign vessel which contravenes the provisions of sub-section (4), commits an offence and is liable on conviction on indictment in a 1st class Magistrate Court to a fine not exceeding taka----- (amount to be specified).

**9. Criminal jurisdiction.-** (1) An Act :

- (a) committed by a person, whether or not a citizen of Bangladesh, on or in the Territorial Sea; and
- (b) being of such a description as would, if committed on land within a parish in Bangladesh, be punishable on indictment according to the law of the Country for the time being in force,

is an offence punishable on indictment in Bangladesh in like manner notwithstanding that it may have been committed on board a foreign vessel, and, subject to sub-section (3), the person who is reasonably suspected of having committed such offence may be arrested and may be tried or otherwise dealt with in reference to any charge against him in connection with that offence, due regard being had to the interest of navigation.

(2) No person shall be arrested on board a foreign vessel which is passing through the Territorial Sea nor shall any investigation be conducted into any crime committed on board such foreign vessel:

- (a) during such passage except where:
  - (i) the consequences of the crime extend to Bangladesh; or
  - (ii) the crime is of a kind which disturbs the peace of Bangladesh or the good order of the Territorial Sea; or
  - (iii) the assistance of a Marine Officer has been requested by the master of the foreign vessel or by a diplomatic or consular representative of the State of registration of the foreign vessel; or

- (iv) such measures are necessary for the suppression of the illicit traffic in narcotic drugs and psychotropic substances;  
or
- (b) where the crime is committed before the foreign vessel entered the Territorial Sea, if the foreign vessel is proceeding from a foreign port and has not entered the Internal Waters, so, however, that this clause shall not apply:
  - (i) where the foreign vessel in the Exclusive Economic Zone contravenes:
    - (A) an international rule or standard for the prevention, reduction or control of pollution from ships; or
    - (B) any provision of an enactment or regulations made there under which gives effect to such rule or standard; and
  - (ii) where the contravention mentioned in sub-clause (i):
    - (A) results in substantial discharge causing or threatening significant pollution of the marine environment; and
    - (B) results in a discharge causing damage or the threat thereof to the coastline of Bangladesh of any resources of its Territorial Sea or Exclusive Economic Zone:

Provided that an arrest may be made or an investigation conducted on board a foreign vessel which is passing through the Territorial Sea after leaving the Internal Waters.

(3) For the purposes of this section, all offences under the Dangerous Drugs Act, whether or not they are only summary offences, shall be treated as if they are offences punishable on indictment.

(4) For the purpose of arresting any person charged with an offence declared by this section to be indictable, the Territorial Sea shall be deemed to be within the jurisdiction of any person authorised by law for the time being in force in Bangladesh to arrest persons acting in breach of the law or to issue warrants for the arrest of persons charged with indictable offences committed within his jurisdiction.

(5) Nothing in this section shall:

- (a) restrict or prejudice the exercise of any powers or authority by, for, or on behalf, or in the name or service of the Government in right of the Government of Bangladesh pursuant to international law or any provisions contained immediately before the commencement of this Act, in any law having effect thereafter as part of the law of Bangladesh;
- (b) abrogate or abridge any criminal jurisdiction conferred on any Court by virtue of any provisions contained as aforesaid;
- (c) preclude any act of piracy (as defined by any such law or provisions as aforesaid) from being tried or otherwise dealt with in like manner as such an act might, before the commencement of this Act, have been dealt with pursuant to any law or custom thereto applicable to the Country, but without prejudice to it being lawful to deal in any other manner hereinbefore authorised by this section with any such act declared to be indictable as aforesaid, and references in this section to provisions contained in any law immediately before the commencement of this Act.

(6) Where pursuant to sub-section (2) an arrest is to be made or investigations are to be conducted on board a foreign vessel, then if the master thereof so requests, the competent authority shall ensure that a diplomatic or consular representative of the State of registration of the foreign vessel is so notified and steps are taken to facilitate communication between such representative and the crew of the foreign vessel, so, however, that where it is expedient that an arrest be made or

investigations commenced immediately, notification to the representative may be made at the time the arrest is being made or the investigations are being conducted.

(7) No prosecution for an offence punishable under sub-section (1) shall be instituted except by or with the consent of the Authority:

provided that this sub-section shall not prevent the arrest or the issue of a warrant for the arrest, of any person in respect of such offence, or the remanding in custody or on bail of any person charged with such an offence.

**10. Civil jurisdiction.**-(1) No foreign vessel passing through the Territorial Sea shall be intercepted only for the purpose of the execution of civil process or the exercise of civil jurisdiction in relation to any person on board such vessel.

(2) No writ of execution shall be levied against any foreign vessel (nor shall any foreign vessel be) arrested for the purpose of any civil proceedings except in respect of any obligation or liability assumed or incurred by such vessel in the course of or for the purpose of its voyage through Internal Waters, Territorial Sea or Exclusive Economic Zone.

(3) Sub-section (2) is without prejudice to the right to levy execution against or to arrest for the purposes of any civil proceedings, a foreign vessel lying in the Territorial Sea or passing through the Territorial Sea after leaving the Internal Waters.

**11. Ships of war and other Government vessels operated for non-commercial purposes.** - (1) Where the officer in command of a foreign ship of war fails to comply:

- (a) with any law or regulation relating to the ship's passage through the Territorial Sea; and
- (b) with any request for compliance therewith;

the Competent Authority may require that the foreign ship of war leave the Territorial Sea with immediate effect.



(2) Where any loss or damage is occasioned as a result of the non-compliance by a foreign ship of war or other government vessel operated for non-commercial purposes with any law or regulation made there under in respect of passage through the Territorial Sea or with any provision of the Convention or other rules of international law, the State of registration of that foreign ship of war or other government vessel shall bear responsibility for such loss or damage.

(3) The provisions of this Act shall not affect any immunity attached to a foreign ship of war or other government vessel operated for non-commercial purposes.

**12. Vessels carrying nuclear or other dangerous goods.-** (1) Where any foreign nuclear-powered vessel or foreign vessel carries nuclear or other inherently dangerous or noxious substances while exercising the right of innocent passage through the Territorial Sea, the captain or person in charge of the vessel shall, in relation to the vessel and substances, carry such documentation as is necessary and shall take such precautionary measures as are established for such vessels by any international agreement applicable to the carrying of such substances or any enactment for the time being in force.

(2) A vessel to which sub-section (1) refers may be required to confine its passage to such sea lanes as may be designated.

(3) Any person who contravenes sub-section (1) commits an offence and is liable on conviction on indictment in a 1<sup>st</sup> class Magistrate Court to a fine not exceeding taka----- (amount to be specified) or to imprisonment for a term not exceeding ----years (duration to be specified) or to both.

**13. Non-innocent passage in the Territorial Sea. -** The passage of a foreign vessel shall be considered to be prejudicial to the peace, good order or security of the Country, that is to say, the passage is not innocent if, while in the Territorial Sea, such vessel engages in:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the Country or acts in any other manner in violation of the principles of international law;
- (b) any exercise or practice with weapons of any kind;
- (c) any act in contemplation of collecting information which would be prejudicial to the defence or security of the Country;
- (d) any act of propaganda calculated to affect the defence or security of the Country;
- (e) the launching of, landing on or taking on board of any aircraft or military device;
- (f) the loading or unloading of any commodity, currency or person contrary to any laws relating to customs, excise, immigration or sanitation or regulations made there under;
- (g) the willful discharge of any substance which causes pollution, in contravention of the Convention;
- (h) any fishing activities;
- (i) the carrying out of research or surveying activities;
- (j) any act designed to interfere with any system of communication or any other facility or installation in the Country ; or
- (k) any other activity not directly related to its passage.

**14. Contiguous Zone.** - The Contiguous Zone is an area beyond and adjacent to the Territorial Sea, having as its outer limit a line every point of which is at a distance of twenty four nautical miles from the nearest point of the baselines.

**15. Rights in and jurisdiction over Contiguous Zone.-** (1) The Country shall exercise the control necessary to prevent infringement of any of its customs, fiscal, immigration or sanitary laws and regulations within its Contiguous Zone.

(2) Any unauthorised removal of objects of a historical nature from the sea-bed of the Contiguous Zone shall be considered as an unauthorised removal from the Territorial Sea.

**16. Exclusive Economic Zone.** - The maritime area adjacent to and beyond the Territorial Sea as established under section 6 together with the seabed thereof up to two hundred nautical miles measured from the baselines shall be the Exclusive Economic Zone of the Country.

**17. Rights in and jurisdiction over Exclusive Economic Zone.-**(1) Within the Exclusive Economic Zone, the Country shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources contained therein, whether living or non-living, and with regard to other activities for purposes of the economic exploitation of the zone.

(2) Economic exploitation of the natural resources found in the Exclusive Economic Zone by persons other than nationals of Bangladesh or the conduct of scientific research within the zone as well as the construction, operation and use of any artificial island installation or structure within the zone for any of the foregoing purposes shall be the subject to authorization from the Government.

**18. Continental Shelf.-** (1) Subject to sub-section (3), the Continental Shelf comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the Territorial Sea throughout the natural prolongation of the land territory of the Country to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the nearest point of the baselines established in accordance with section 3 where the outer edge of the continental margin does not extend to that distance.

(2) Where the continental margin referred to in sub-section (1) extends beyond two hundred nautical miles from the nearest point of the baselines of the Territorial Sea, the outer limits of the Continental Shelf shall be established having regard to the principles of international law relevant to the establishment and delineation of the Continental Shelf beyond that point.

(3) For the purposes of sub-sections (1) and (2), the continental margin comprises the submerged prolongation of the land mass of the Country consisting of the seabed and subsoil of the Continental Shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridge or the subsoil thereof.

**19. Rights in and jurisdiction over Continental Shelf.**-(1) In the Continental Shelf there is vested in the rights to the Government:

- (a) sovereign rights for the purpose of exploring and exploiting its natural resources;
- (b) exclusive rights to authorize and regulate drilling for all purposes;
- (c) exclusive rights and jurisdiction in respect of the authorization and regulation of the construction, operation, maintenance and use of artificial islands, installations and structures used for economic purposes; and
- (d) the right to prevent, reduce or control pollution from pipelines.

(2) The natural resources referred to in sub-section (1) (a) consist of the 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 the subsoil.

**CHAPTER III**  
**PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT**

**20. Sovereign right of the Country to exploit its natural resources.**- The Country shall exercise its sovereign right to exploit its natural resources pursuant to its environmental policy and in accordance with its duty to protect and preserve the marine environment.

**21. Measures to prevent, reduce and control pollution of the marine environment.** - (1) The Country shall take all measures consistent with international law that are necessary to:

- (a) prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at its disposal ;
- (b) ensure that activities under its jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under its jurisdiction or control does not spread beyond the areas where it exercises sovereign rights in accordance with this act and international law ;
- (c) prevent, reduce and control pollution of the marine environment resulting from the use of technologies under its jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto ;
- (d) protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life ;

(2) In taking measures to prevent, reduce or control pollution of the marine environment, the Country shall:

- (a) refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Act and international law ;
- (b) act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

**22. Enforcement of measures to prevent, reduce and control pollution of the marine environment .-** (1) When a foreign vessel is voluntarily within a port or at an off-shore terminal of the Country, the Country may, subject to sections 23 to 30, institute proceedings in respect of any violation of the national law adopted in accordance with this Act and the applicable international rules and standards for the prevention, reduction and control of pollution from vessels when the violation has occurred within the Territorial Sea or the Exclusive Economic Zone.

(2) Where there are clear grounds for believing that a foreign vessel navigating in the Territorial Sea has, during its passage therein, violated the national law adopted in accordance with this Act and the applicable international rules and standards for the prevention, reduction and control of pollution from vessels, the Country, without prejudice to the application of sections 8 to 13 of this Act, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with national law and international law.

(3) Where there are clear grounds for believing that a foreign vessel navigating in the Exclusive Economic Zone or the Territorial Sea has, in the Exclusive Economic Zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or the national law conforming and giving effect to such rules and standards, the Country may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

(4) Where there are clear grounds for believing that a foreign vessel navigating in the Exclusive Economic Zone or the Territorial Sea has, in the Exclusive Economic Zone, committed a violation referred to in sub-section (3) resulting in a substantial discharge causing or threatening significant pollution of the marine environment, the Country may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

(5) Where there is clear objective evidence that a foreign vessel navigating in the Exclusive Economic Zone or the Territorial Sea has, in the Exclusive Economic Zone, committed a violation referred to in sub-section (3) resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of the Country, or to any resources of the Territorial Sea or Exclusive Economic Zone, the Country may, provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with national law.

(6) Notwithstanding the provisions of sub-section (5), whenever appropriate procedures have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for bonding or other appropriate financial security has been assured, the Country, if bound by such procedures, shall allow the vessel to proceed.

**23. Measures to facilitate proceedings.** - If proceedings are instituted pursuant to this Chapter, the Country shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of a foreign State, or by the competent international organization, and shall facilitate the attendance at such proceedings of official representatives of the competent international organization, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national law or international law.

**24. Exercise of powers of enforcement .-** The powers of enforcement against foreign vessels under this Chapter may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on Government service and authorised to that effect.

**25. Duty to avoid adverse consequences in the exercise of the powers of enforcement. -** In the exercise under this Act of its powers of enforcement against foreign vessels, the Country shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

**26. Investigation of foreign vessels. -** (1) The Country shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in section 22. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is required to carry by generally accepted international rules and standards or of any similar documents which it is carrying; further physical inspection of the vessel may be undertaken only after such an examination and only when:

- (a) there are clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of those documents ;
- (b) the contents of such documents are not sufficient to confirm or verify a suspected violation; or
- (c) the vessel is not carrying valid certificates and records.

(2) If the investigation indicates a violation of applicable national law or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security.



(3) Without prejudice to applicable international rules and standards relating to the seaworthiness of vessels, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair yard. Where release has been refused or made conditional, the flag State of the vessel must be promptly notified.

**27. Non-discrimination with respect to foreign vessels.** - In exercising its rights and performing its duties under this Chapter, the Country shall not discriminate in form or in fact against vessels of any other State.

**28. Suspension and restrictions on institution of proceedings.-** (1) Proceedings to impose penalties in respect of any violation of applicable national law or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the Territorial Sea of the Country shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the Country or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the Country a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this section. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the Country.

(2) Proceedings to impose penalties on foreign vessels shall not be instituted after the expiry of three years from the date on which the violation was committed,

and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in sub-section (1).

(3) The provisions of this section are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

**29. Monetary penalties and the observance of recognized rights of the accused.-** (1) Monetary penalties only may be imposed with respect to violations of national law or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels:

- (a) beyond the Territorial Sea;
- (b) in the Territorial Sea, except in the case of a willful and serious act of pollution in the Territorial Sea.

(2) In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognized rights of the accused shall be observed.

**30. Notification to the flag State and other States concerned.-** The Country shall promptly notify the flag State and any other foreign State concerned of any measures taken pursuant to section 22 against foreign vessels, and shall submit to the flag State all official reports concerning such measures. However, with respect to violations committed in the Territorial Sea, the foregoing obligations of the State apply only to such measures as are taken in proceedings. The diplomatic agents or consular officers and where possible the maritime authority of the flag State, shall be immediately informed of any such measures taken pursuant to section 22 against foreign vessels.

**CHAPTER IV**  
**MARINE SCIENTIFIC RESEARCH**

**31. General principles for the conduct of marine scientific research.** - In the conduct of marine scientific research, within the maritime zones of the Country, the following principles shall apply:

- (a) marine scientific research shall be conducted exclusively for peaceful purposes;
- (b) marine scientific research shall be conducted with appropriate scientific methods and means compatible with this Act and international law;
- (c) marine scientific research shall not unjustifiably interfere with other legitimate uses of the sea compatible with this Act and international law and shall be duly respected in the course of such uses;
- (d) marine scientific research shall be conducted in compliance with relevant national law adopted in conformity with this Act and international law relating to the protection and preservation of the marine environment;
- (e) marine scientific research activities shall not constitute a legal basis for any claim to any part of the marine environment or its resources;
- (f) the greatest possible degree of national participation shall be ensured in marine scientific research carried out within the maritime zones of the Country.

**32. Marine scientific research in the Territorial Sea.** - The Country, in the exercise of its sovereignty, has the exclusive right to regulate, authorize and conduct marine scientific research in the Territorial Sea. Marine scientific research therein shall be conducted only with the express consent of, and under any conditions set forth by, the Country.

**33. Marine scientific research in the Exclusive Economic Zone and on the Continental Shelf .-** (1) The Country, in the exercise of its jurisdiction, has the right to regulate, authorize and conduct marine scientific research in the Exclusive Economic Zone and on the Continental Shelf in accordance with this Act and international law.

(2) Marine scientific research in the Exclusive Economic Zone and on the Continental Shelf shall be conducted only with the express consent of the Country and under the conditions set forth in this Act and any other applicable national law.

(3) The Country in its discretion may withhold its consent to the conduct of a marine scientific research project of a foreign State or international organization in the Exclusive Economic Zone or on the Continental Shelf if that project:

- (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- (b) involves drilling into the Continental Shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) involves the construction, operation or use of artificial islands, installations and structures;
- (d) contains information communicated pursuant to section 35 regarding the nature and objectives of the project which is inaccurate or if the foreign State or international organization has outstanding obligations to the State from a prior research project.

(4) Marine scientific research activities referred to in this section shall not unjustifiably interfere with activities undertaken by the Country in the exercise of its sovereign rights and jurisdiction.

**34. Duty to provide information to the Country. -** Foreign States and competent international organizations which intend to undertake marine scientific

research in the Exclusive Economic Zone or on the Continental Shelf of the Country shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Country with a full description of:

- (a) the nature and objectives of the project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the project is to be conducted;
- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
- (f) the extent to which it is considered that the Country should be able to participate or to be represented in the project.

**35. Duty to comply with certain conditions.** - (1) Foreign States and competent international organizations when undertaking marine scientific research in the Exclusive Economic Zone or on the Continental Shelf of the Country shall comply with the following conditions:

- (a) ensure the right of the Country, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the Country and without obligation to contribute towards the costs of the project;
- (b) provide the Country, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

- (c) undertake to provide access for the Country, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the Country with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, subject to sub-section (2), that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the Country immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

(2) This section is without prejudice to the conditions established by the national law for the exercise of the discretion of the Country to grant or withhold consent pursuant to section 33, sub-section (3), including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

**36. Implied consent.** - Foreign States or competent international organizations may proceed with a marine scientific research project six months after the date upon which the information required pursuant to section 35 was provided to the Country unless within four months of the receipt of the communication containing such information the Country has informed the foreign State or organization conducting the research that:

- (a) it has withheld its consent under the provisions of section 33 ; or

- (b) the information given by the foreign State or competent international organization regarding the nature or objectives of the project does not conform to the manifestly evident facts; or
- (c) it requires supplementary information relevant to conditions and the information provided for under Sections 34 and 35; or
- (d) outstanding obligations exist with respect to a previous marine scientific research project carried out by the foreign State or organization, with regard to conditions established in section 35.

**37. Suspension or cessation of marine scientific research activities.-**

(1) The Country may require the suspension of any maritime scientific research activities in progress within the Exclusive Economic Zone or on the Continental Shelf if:

- (a) the research activities are not being conducted in accordance with the information communicated as provided under section 34 upon which the State was based; or
- (b) the foreign State or international organization fails to comply with the provisions of section 35 concerning the rights of the Country with respect to the marine scientific research project.

(2) Upon notification to the foreign State or international organization, the Country may require the cessation of any marine scientific research activities if:

- (a) any major change in the research project or the research activities has been undertaken; or
- (b) any of the situations contemplated in sub-section (1) has not been rectified within a reasonable period of time.

**CHAPTER V**  
**PENALTIES AND PROCEDURE**

**38. Offences.-** (1) Any person who,-

- (a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;
- (b) subject to sub-section (2), refuses or fails to produce any licence which he is required by a Marine Officer to produce;
- (c) refuses, without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act; or
- (c) assaults or obstructs any Marine Officer in the execution of his duty,

commits an offence and is liable on summary conviction before a 1<sup>st</sup> class Magistrate to a fine not exceeding taka----- (amount to be specified) or to imprisonment for a term not exceeding-----years (duration to be specified) or to both; and in addition the Court may order the forfeiture of any vessel or equipment which is used to carry out such activity.

(2) Any person:

- (a) who is in charge of a Foreign Vessel which is used to carry out any activity which is prejudicial to the peace, good order or security of the Country ; or
- (b) who on board such Foreign Vessel participates in any such activity,

commits an offence and is liable on conviction on indictment in a 1<sup>st</sup> class Magistrate Court to a fine not exceeding taka----- (amount to be specified) or to imprisonment for a term not exceeding ----years (duration to be specified) or to both.



(3) Where under sub-section (1) (b) a person is unable to produce to a Marine Officer a licence when so required but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credibility of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer; and if the licence is so produced that person shall not be convicted of an offence under that sub-section.

**39. Trial of offence.-** Save as otherwise provided in this Act, an offence punishable under this Act, not being an offence made punishable by rule made under this Act, shall not be tried other than the Court of a Magistrate of 1st class.

**40. Punishment.-** Save as otherwise provided in this Act, any person who contravenes any provision of this Act or any rule or regulation made there under shall be punishable by a fine not less than taka ----- (amount to be specified) or to imprisonment for a term not exceeding ----years (duration to be specified) , or both.

**41. Special provision regarding punishment.-** Notwithstanding contained in section 31 of the Code of Criminal Procedure, 1898 (Act V of 1898), a Magistrate of the 1st class may pass any sentence authorised by or under this Act any person convicted of an offence under this Act or any rule or regulation made there under.

**42. Offence by company.-** (1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible for, the company or for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

provided that in this sub-section shall not render any such person liable to any punishment under this Act, 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 an offence under this Act has been committed by a company, and is proved that the offence was committed with the consent or convenience of, or is attributable to any neglect on the part of, any director, partner, manager, secretary or other officer of the company, such director, partner, 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.

Explanation: For the purpose of this section:

- (a) “company” means any body corporate and includes a firm or other association of individuals ; and
- (b) “director in relation to a firm” means a partner in the firm.

**43. Place of trial of the offender.-** Any person committing an offence punishable under this Act or any rule or regulation made there under may be tried for the offence in any place in which he may be found, or which the Government may, by notification in the official gazette, direct in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

**44. Previous sanction.-**No prosecution shall be instituted against a person in respect of any offence punishable under this Act or any rule or regulation made there under except upon a report made by an officer authorised by the Government on its behalf.

**CHAPTER V**  
**MISCELLANEOUS**

**45. Powers of Marine Officer.-** (1) Where a Foreign Vessel is being used to carry out any activity specified in section 13 or where a Marine Officer has reasonable cause to suspect that a Foreign Vessel is being so used, it shall be lawful for the Marine Officer to stop and board such vessel for the purpose of:

- (a) carrying out investigations into the activity;
- (b) giving directions to the captain or person in charge of such vessel, or any other person on board in pursuance of the provisions of this Act;
- (c) requiring any person on board such vessel to produce any licence which is relevant to any activity being carried out;
- (d) requiring any person on board such vessel to give an explanation in relation to any activity being carried out.

(2) A Marine Officer may, for the purposes of this Act, with or without a warrant, arrest:

- (a) any Foreign Vessel which carries out any activity prejudicial to the peace, good order or security of the Country ;
- (b) the captain or person in charge of this Foreign Vessel which is being so used;
- (c) any person on board such vessel who participates in any such activity;
- (d) any underwater vessel which contravenes the provisions of section 8, sub-section (4);
- (e) any person who in the Continental Shelf:
  - (i) explores or exploits its natural resources;
  - (ii) drills for any purpose;

- (iii) constructs, operates, maintains and uses any artificial islands, installations or structures, without being so authorised in writing by the Competent Authority;
- (f) any vessel used to explore or exploit the natural resources pursuant to paragraph (e) (i) and seize any equipment used to carry out any of the activities specified in paragraph (e) (ii) and (iii);
- (g) any person who:
  - (i) fails to comply with a directive for the prevention, reduction or control of pollution from pipelines in the Continental Shelf;
  - (ii) aids and abets such person;
- (h) any person who obstructs a Marine Officer in the carrying out of his functions under this Act.

(3) A Marine Officer acting pursuant to sub-section (1) or (2) shall ensure that the safety of navigation is not endangered or that no hazard is created in respect of any Foreign Vessel or underwater vessel or that such Foreign Vessel or underwater vessel is not brought to an unsafe port or anchorage or that the marine environment is not exposed to unreasonable risk.

**46. Proceedings against the Marine Officer.** - In any action or legal proceedings brought against any Marine Officer or person acting in his aid in respect of any act done in pursuance or execution or intended execution of this Act or any rules made there under, the plaintiff shall not recover unless he alleges in his pleading and proves at his trial that such act was done either maliciously or without reasonable or probable cause.

**47. Rights under international law.** - In addition to matters provided in this Act, Country shall enjoy in relation to its maritime zones all other rights and jurisdiction which States enjoy under international law regarding maritime zones.

**48. Self-defence.**- Notwithstanding this Act or any other law the Government may take such action in any area of the sea or in the airspace above the sea, as is necessary in the exercise of the principle of self-defence contained in Article 51 of the Charter of the United Nations.

**49. Power to make rules.** – (1) The Government may, by notification in the official gazette, make rules for carrying out the purposes of the provisions of this Act.

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

- (a) for the regulation of the conduct of any person in or upon the Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf, and other maritime zones of the Country;
- (b) regulating the construction, maintenance and removal of artificial islands, installations and structures on the Continental Shelf;
- (c) regulating customs, excise, health, safety and immigration matters in the Contiguous Zone;
- (d) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessels or underwater vessels and persons thereon and the imposition of punishment ;
- (e) determining the nationality of vessels for the purposes of any provisions of the regulations;
- (f) regulating any activity relating to economic exploration or exploitation of the Internal Waters, Territorial sea, Contiguous Zone and Continental Shelf;
- (g) regulating the authorization, control and supervision of scientific research in the Internal Waters, Territorial Sea, Contiguous Zone and Continental Shelf;

- (h) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- (i) the safety of navigation and regulation of marine traffic;
- (j) the conservation of living resources in the Internal Waters, Territorial Sea, Contiguous Zone and Continental Shelf;
- (k) the regulation of the use of the Internal Waters, Territorial Sea, Contiguous Zone and Continental Shelf;
- (l) the fees to be paid in relation to any activity taking place in the Internal Waters, Territorial Sea, Contiguous Zone and Continental Shelf;
- (m) the levying of fees in respect of services rendered to foreign vessels passing through the Territorial Sea;
- (n) the manner in which payment is to be made in respect of the exploitation of non-living resources of the Continental Shelf beyond two hundred nautical miles;
- (o) matters relating to innocent passage through the Territorial Sea; and
- (p) prescribing anything authorised by this Act to be prescribed.

**50. Repeal.** - The Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974) is hereby repealed.

**51. Savings.** - Notwithstanding the repeal of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974) by section 50 and without prejudice to section 23 of the General Clauses Act, 1897(Act. No. X of 1897),-

- (a) any notification, rule, regulation, order or exemption made or granted under the repealed Act shall have effect as if it had been

issued, made or granted under the corresponding provision of this Act; and

- (b) any document referring to under the repealed Act shall be construed as referring, as far as may be, to this Act, or to the corresponding provision of this Act.

**Statement of Objects and Reasons**

(Stated above as Drafting Instructions)

**Minister in Charge**

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