

# Acts, Ordinance and Rules on Fisheries Sector

## **Index**

The Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 .....	3
The Protection and Conservation of Fish Rules, 1985 .....	8

THE FISH AND FISH PRODUCTS  
(INSPECTION AND QUALITY CONTROL)  
ORDINANCE, 1983

**THE FISH AND FISH PRODUCTS (INSPECTION AND QUALITY CONTROL)  
ORDINANCE, 1983  
(Ordinance No. XX of 1983)**

An Ordinance to provide for inspection and quality control of fish and fish products.

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

- a) "container" means any type of receptacle, package, wrapper or confining bank used in packing or marketing of fish and fish products:
- b) "fish" includes all cartilaginous and bony fishes, prawn, shrimp, amphibians, tortoise, turtles, crustacean animals, coelenterates, molluscs, echinoderms and frog at all stages of their life history:
- c) "fish products" includes any products or by-products of fresh fish:
- d) "fresh fish" means freshly caught fish which has not been processed in any manner;
- e) "fish processing and fish packing plant and establishment" means any place where fish or fish products is processed for export or stored for export or for internal marketing;
- f) (f) "inspection" means physical examination of fish processing and packing plants with regard to hygiene and sanitation and physical, chemical and bacteriological examination of fish and fish products;
- g) "processing" includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish in any other manner for marketing; and
- h) "quality control" means the technique by which conformity of a product to establish standard is assured.

**3. Rule making powers.** - (1) The Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for ensuring the quality of fish and fish products for export and of the containers thereof.

(2) **Without prejudice to the generality of the powers conferred by subsection (1), the rules may provide for all or any of the following matters, namely: -**

- a) prescribing grades, quality and standard of fish and fish products;

- b) regulation of catching, handling and marketing of fish or, as the case may be, fish products;
- c) processing, storing, grading, packaging, marking, transporting and inspection of fish and fish products;
- d) prescribing the quality and specifications for containers of fish and fish products and the marking and inspection of such containers;
- e) requiring the registration of fish processing and fish packing plant and establishment for freezing, processing and preservation of fish and fish products;
- f) requiring the licensing of persons dealing in freezing, processing and preservation of fish and fish products,
- g) determining the requirements of the equipment, construction and sanitary operation of fish processing and fish packing plant and establishment or export of fish;
- h) prescribing the fees for registration of fish processing and fish packing plant and establishment and for issue of licenses and inspection of laboratory analysis of fish and fish products samples;
- i) prohibiting the sale or offering for sale or holding, in possession for sale, except in accordance with the manner and upon fulfillment of the requirements prescribed in this behalf, any fish, fish products or container under any grade name or standard;
- j) prescribing the sampling procedure and the manner in which samples of any fish and fish products may be taken;
- k) prohibiting or restricting marketing or offering of any attempt to market or offer, without obtaining quality control certificate from the Government, of any fresh, frozen, processed or preserved fish or container thereof; and
- l) manner of disposal of fish and fish products which do not conform with the prescribed standard or is otherwise considered unwholesome or unfit for human consumption.

**4. Inspection to ensure compliance with the provisions of the Ordinance. - (1) The Government may, for the purpose of seeing that the provisions of this Ordinance and the rules made thereunder have been complied with, appoint such person or persons to be Inspectors as it deems fit and any inspector appointed under this sub-section or any officer empowered by the Government in this behalf may. –**

- (a) at all reasonable times enter any place or premises or go on board any steamship, vessel or boat, any railway car, truck, carriage, aircraft or other vehicle used for the carriage and storage of fish and fish product and inspect the same and open any container if he believes or has reason to believe that the container contains fish and fish products and take sample of any fish or fish products for inspection free of cost; and

- (b) require and enforce production of any book, shipping bills, bills of lading or other documents or papers for inspection or for the purpose of obtaining copies thereof or extracts therefrom.

(2) No person shall obstruct, impede or refuse admittance, or aid or assist in the obstruction, impedance or refusal of admittance, to an Inspector or any officer empowered under sub-section (2) in the performance of his duties under that sub-section.

**5. Export, etc, of fish.** - No person shall export or sell for export or have in his possession' for export, or deal in, any fish or fish products intended for human consumption which is decomposed, unwholesome or contaminated with pathogenic organisms.

**6. Handling, etc. of fish and fish product.** - No person who is suffering from leprosy, tuberculosis or such other contagious disease as the Government may, by notification in the official Gazette, specify, shall catch, handle, carry or, process or cause to catch, handle, carry or process fish or, as the case may be fish products or work in fish processing and fish packing plant and establishment.

**7. Operation of fish processing and fish packing plant and establishment.** - (1) No person shall operate any fish processing and fish packing plant or establishment without obtaining a license to be issued in this behalf by the Government in such form as it may determine.

(2) An Application for granting a license under sub-section (1) shall be made by the person concerned in such form as the Government may determine.

(3) Where the Government is satisfied that the provisions of this Ordinance and the rules made thereunder have been complied with, it shall grant to the applicant a license which may contain such conditions as it may impose in this behalf.

(4) If it is found that the applicant has not complied with the provisions of this Ordinance or the rules made thereunder, the Government may refuse to grant the license applied for.

**8. Appeal.** - Any person aggrieved by any order under this Ordinance any, within thirty days from the date of the order, file an appeal against the order to the Government whose decision in the matter shall be final.

**9. Penalty for contravention of section 4(2).** - Any person who contravenes the provisions of sub-section (2) of section 4 shall be punishable with imprisonment for a term which **may extend** to three months, or with fine which may extend to taka five thousand, or with both.

**10. Penalty for contravention of section of section 5 or 6.** - Any person who contravenes the provisions of section 5 or 6 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to taka five thousand, or with both.

**11. Penalty for consecutive offences.** - (1) A person who after being convicted for contravention of sub-section (2) of section 4, section 5 or section 6, or any rule made thereunder, is convicted for the second or subsequent times, he shall, for every such conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to taka ten thousand, or with both.

(2) In inflicting the punishment under sub-section (1), the court may order the seizure and forfeiture to the Government of the fish processing and fish packing plant or establishment to which the contravention may relate together with the cancellation of the license issued in respect of such processing and fish packing plant or establishment.

**12. Bar of jurisdiction.** - (1) No court inferior to that of a Magistrate of the First Class shall try an offence under this Ordinance.

(2) No court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by an Inspector appointed or an officer empowered under this Ordinance.

**15. Power to make rules.** - The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**Note:** See also the State Acquisition and Tenancy Act, 1950 (7.1.1.2) for other relevant provisions.

THE PROTECTION AND CONSERVATION  
OF  
FISH RULES, 1985



**THE PROTECTION AND CONSERVATION OF  
FISH RULES, 1985**

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF FISHERIES AND LIVESTOCK  
NOTIFICATION**

Dhaka, the 16th October, 1985

No S.R.O. 442-L/85.- In the exercise of the powers conferred by Section 3 of the Protection and Conservation of Fish Act, 1950 (E.B. Act XVIII of 1950), the Government is pleased to make the following rules, the same having been previously published as required by sub-section (5) of that section, namely:

THE PROTECTION AND CONSERVATION OF FISH RULES, 1985.

**1. Short title.** - These rules may be called The Protection and Conservation of Fish Rules, 1985.

**2. Definitions.** - (1) In these rules, unless there is anything repugnant in the subject or context,

- (a) "form" means the form annexed to these rules; and
- (b) "Schedule" means a Schedule annexed to these rules.

(2) The words or expression used in these rules but have not been defined shall have the same meaning as assigned to them in the Act under which these rules are made.

**3. Erection of fixed engines prohibited.** - (1) No person shall erect or use Fixed engines in the Rivers, canals, whole and heels.

(2) Any fixed engine erected or used in contravention of sub-rule (1) and any fish caught by means of such engine may be seized, removed and forfeited.

**4. Construction of bunds, etc. prohibited for certain purpose.** - No person shall construct bunds, weirs, dams and embankments or any other structure whether temporary or permanent, in, on across or over the rivers canals, khals or beels for any purpose other than irrigation, flood control or drainage.

**5. Destruction of fish by explosives, etc. prohibited.** - No person shall destroy or make any attempt to destroy any fish by explosives, gun, bow and arrow in inland waters or within coastal territorial waters.

**6. Destruction of fish by poisoning prohibited.** - No person shall destroy or make any attempt to destroy any fish by poisoning of water or the depletion of fisheries by pollution, by trade effluents or otherwise in inland waters.

**7. Catching and destruction of certain fish during certain period prohibited.** - No person shall during the period from 1st day of April to 31st day of August each year, catch or cause to be caught or destroy fry of Shol, Gazar and Taki moving in clusters or the parent fish while guarding them in the rivers, canals khals, beels or any other sheet of water which ordinarily has direct communication with any river, canal, khal or beel:

Provided that the prohibition shall not extend to the catching or destruction of the fry and the parent fish of the species named above for the purpose of carp culture.

**8. Catching of carp fishes prohibited in certain waters.** - (1) No person shall catch or cause to be caught carp fishes that is Rui, Catola, Mrighal, Kalbaus and Ghania of any size in the waters of the rivers, khais, etc., specified in the First Schedule during the period mentioned in the said Schedule unless he has a license therefore issued by a competent officer in this behalf:

Provided that no license for catching of the above named carp fish shall be allowed for purpose other than pisciculture.

(2) A license issued under sub-rule (1) shall be issued in the form shown and shall be subject to the form shown and shall be subject to the conditions as are specific on the face of the license.

(3) There shall be collected a license fee of Tk. 100 for each license issued under this rule.

**9. Sale of fish prohibited.** - No person shall catch, carry, transport, offer, expose or possess fish of the species and sizes mentioned in columns 2 and 3 of the Second Schedule at any time during the period mentioned in column 4 thereof.

Provided that the prohibition shall not apply to the catching, carrying, shall, transport or possession of any fish for the purpose of, or in connection with, pisciculture.

**10. Disposal of forfeited fish.** - Any forfeited for a breach of any of these rules shall be disposed of by auction and the auction money thereof shall be deposited in such Head of Account of the Government as it may direct.

**11. Prohibition on catching, carrying, transporting, offering, exposing or possessing of frogs.** - Notwithstanding anything contained in these rules, the Government may, by notification in the official Gazette, prohibit the catching, carrying, transporting, offering or possessing of any frog dead or alive during such period in such area and with such exceptions as may be specified therein.