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**<sup>1</sup>THE INLAND SHIPPING ORDINANCE, 1976**

ORDINANCE NO. LXXII OF 1976

[21<sup>st</sup> September, 1976]**An Ordinance to provide for the survey, registration and control of navigation of vessels plying on inland waters.**

WHEREAS it is expedient to provide for the survey, registration and control of navigation of vessels plying on inland waters consistently with the present day requirements and for that purpose to replace the existing law relating to such vessels;

NOW, THEREFORE, in pursuance of the Proclamations of the 20<sup>th</sup> August, 1975 and the 8<sup>th</sup> November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

**CHAPTER I****PRELIMINARY**

**1.** (1) This Ordinance may be called the Inland Shipping Ordinance, 1976. Short title

(2) It extends to the whole of Bangladesh.

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

<sup>2</sup>[(a) “certificate of competency” means a certificate of competency granted under section 36;]

(b) “certificate of registry” means a certificate of registry granted under section 18;

<sup>3</sup>[(bb) “certificate of service” means a certificate of service granted under section 37;]

<sup>1</sup> The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for Leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

<sup>2</sup> Clause (a) was substituted by section 2 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>3</sup> Clause (bb) was inserted by section 2 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

- (c) “certificate of survey” means a certificate of survey granted under section <sup>1</sup>[9];
- (d) “dangerous goods” means such articles, goods or things as the Government may, by notification in the *official Gazette*, declare to be dangerous goods for the purposes of this Ordinance;
- <sup>2</sup>[(dd) “Director-General” means the Director-General, Department of Shipping;]
- (e) “inland ship” means every description of vessel ordinarily plying on inland waters and propelled wholly or in part by steam, liquid fuel, electricity or any other mechanical powers and includes <sup>3</sup>[\* \* \*] a sailing boat, dumb barge and other craft which is not so propelled but is towed or pushed by a vessel so propelled;
- (f) “inland water” means any canal, river, lake or other navigable waters in Bangladesh and such portion of tidal water as the Government may, by notification in the *official Gazette*, declare to be inland waters for the purposes of this Ordinance;
- (g) “mercantile purposes”, in relation to an inland ship, includes carriage of passengers or goods by, or use for any service of, such inland ship for hire, remuneration, reward or other valuable consideration;
- <sup>4</sup>[(gg) “owner” means,-
  - (a) in relation to a registered inland ship, the person who is for the time being shown as owner in the register book maintained under this Ordinance;
  - (b) in relation to any other inland ship, the person to whom the inland ship or a share in the ship belongs;]

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<sup>1</sup> The figure “9” was substituted for the figure “8” by section 2 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>2</sup> Clause (dd) was inserted by section 2 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>3</sup> The commas and words “, for the purposes of registration,” were omitted by section 2 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>4</sup> Clause (gg) was inserted by section 2 of the Inland Shipping (Amendment) Act, 1990 (I of 1990).

- (h) “passenger” includes any person carried on board an inland ship not being the master, officer and a member of the crew of the inland ship;
- (i) “prescribed” means prescribed by rules made under this Ordinance;
- (j) “registrar” means a registrar appointed under this Ordinance;
- (k) “survey” means survey of an inland ship under this Ordinance;
- (l) “surveyor” means a surveyor appointed under this Ordinance; and
- (m) “voyage” in relation to an inland ship, includes plying at or about any place within the inland waters.

## CHAPTER II

### REGISTRATION AND SURVEY

**3.** (1) <sup>1</sup>[Every inland ship other than inland ships owned by the Defence Services] which plies or seeks to ply or is used or intended to be used for any service, on inland waters shall be required to be surveyed and registered under this Ordinance.

Inland ships to be surveyed and registered

<sup>2</sup>[(2) An inland ship shall not be surveyed and registered under this Ordinance unless her design and plan have been approved under section 5A <sup>3</sup>[, certificate of compliance have been obtained under sub-section (3) of section 5B] and she is owned by-

- (a) a citizen of Bangladesh;
- (b) a company registered in Bangladesh; or

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<sup>1</sup> The words “Every inland ship other than inland ships owned by the Defence Services” were substituted, for the words “Subject to the other provisions of this Ordinance every inland ship” by section 3 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>2</sup> Sub-section 2 was substituted by Section 2 of the Inland Shipping (Amendment) Ordinance, 1979 (XIV of 1979).

<sup>3</sup> The comma, words, brackets and figures “, certificate of compliance have been obtained under sub-section (3) of section 5 B” were inserted by section 2 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).



- (c) a company which is not registered in Bangladesh but has an agent or branch in Bangladesh together with such organisation as is adequate for the independent operation in Bangladesh of the agency or branch.]

(3) Sub-section (1) shall not apply-

- (a) to an inland ship, if she does not carry any passenger or cargo, while making her first voyage to the place of registry for the purpose of registration or while on a voyage during the period from the date of expiry of the certificate of survey to the date of reaching the nearest place of survey to have the certificate renewed; or
- (b) to a sea-going vessel having right or authority to be in a port or place in, or to ply on tidal waters of, Bangladesh<sup>1</sup>; or
- (c) to a mechanised wooden country boat propelled by any engine including shallow engine having a maximum capacity of 16 HP.]

Places of survey  
and registry

**4.** (1) The Government may, by notification in the *official Gazette*, declare such places in Bangladesh as it may consider necessary to be places of survey and places of registry for the purposes of this Ordinance.

(2) The Government shall appoint-

- (a) for each place of survey such surveyor or surveyors as it may deem fit; and
- (b) for each place of registry, a registrar.

Powers of  
surveyors and  
registrars

**5.** (1) For the purpose of survey or registry of an inland ship, the surveyor or the registrar, as the case may be, may, at any reasonable time, go on board such ship and inspect the ship and every part thereof including the hull, boilers, engines and other machinery and all equipment and articles on board:

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<sup>1</sup> The semi-colon (;) was substituted, for the full-stop (.) and thereafter the word "or" and clause (c) were inserted by section 3 of the Inland Shipping (Amendment) Act, 1990 (I of 1990).

Provided that the surveyor or the registrar shall not hinder the loading or unloading of the ship, or detain or delay her from proceeding on any voyage, except to the extent necessary for the purpose of survey or inspection.

(2) The owner, the master and the crew of the inland ship to be surveyed or registered shall afford to the surveyor and the registrar all reasonable facilities for survey or inspection and shall furnish all such information respecting the ship, her machinery or any part thereof, and all equipments and articles on board the ship, as the surveyor or the registrar may require for the purposes of survey or registration, as the case may be.

<sup>1</sup>[5A. (1) For the purpose of approval of the design and plan of an inland ship, the owner shall make an application in the prescribed form together with the design and plan of the ship to an authority empowered by the Government in this behalf.

Approval of design and plan of an inland ship

<sup>2</sup>[(1A) The Government may prescribe fees for application and for approval of design by the competent authority.]

(2) The authority receiving an application under sub-section (1) shall, -

- (a) if, on an examination, it is found that the design and plan conform to the prescribed specification or standard, issue a certificate of approval in the prescribed form <sup>3</sup>[within 45 days of the receipt of the application ]; or
- (b) if it is found that the design and plan do not conform to the prescribed specification or standard, return the application to the owner stating the particulars in respect of which they do not so conform <sup>4</sup>[within the period specified in clause (a)]:

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<sup>1</sup> Section 5A was inserted by Section 3 of the Inland Shipping (Amendment) Ordinance, 1979 (XIV of 1979).

<sup>2</sup> Sub-section (1A) was inserted by section 4 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>3</sup> The words and figure “within 45 days of the receipt of the application” were inserted by section 4 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>4</sup> The words, brackets and letter “within the period specified in clause (a)” were inserted by section 4 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

Provided that the return of an application shall not debar the owner from making such a fresh application after alteration or modification of the design and plan so as to conform to the prescribed specification or standard<sup>1</sup>[and such applications shall be disposed of within 15 days from the date of receipt of the application].]

Construction Survey, etc.

<sup>2</sup>[**5B.** (1) For the purpose of commencement of construction or modification of an inland ship, after obtaining the certificate of plan approval under section 5A, the owner shall inform the authority empowered by the Government in this behalf in the form as may be prescribed by the Government to the effect when and where the ship is to be constructed or modified.

(2) The said authority receiving the information under sub-section (1), shall cause, during the construction or modification of an inland ship to conduct construction survey, supervise construction, calculate stability and an inclining test of inland ship.

(3) After satisfactory completion of construction or modification of an inland ship, if it is found that the construction or modification conforms to the prescribed standard or specification, the person authorised to conduct such supervision of construction or modification under sub-section (2), shall issue a certificate of compliance in a form as may be prescribed by the Government.

(4) The Government may prescribe fees for conducting construction survey, supervision of construction, stability calculation, inclining test and other related fitness test.

Delegation of functions to the Classification Society, etc.

**5C.** (1) The Government may, by notification in the *official Gazette*, delegate the functions mentioned in sections 5A, 5B and also the functions of surveyor for the purpose of survey of Inland Ships under this Ordinance to the Classification Society empowered by the Government in this behalf.

<sup>1</sup> The words and figure “and such applications shall be disposed of within 15 days from the date of receipt of the application” were inserted by section 4 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>2</sup> Sections 5B, 5C and 5D were inserted by section 3 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

(2) The Classification Society shall be responsible and accountable to the Government for the said delegated functions.

(3) The formation, charter of duties, responsibilities and capabilities of a Classification Society may be determined by an order of the Government.

(4) The Classification Society shall be entitled to such fees at such rate and in such manner as may be prescribed by the Government for the performance of delegated functions under sub-section (1) of Section 5C.

**Explanation.-** For the purpose of this section, "Classification Society" means a society or organisation authorised by the Government for the purpose of this Ordinance.

**5D.** (1) Every inland ship in respect of which an application for registration is made under section 17 shall, before grant of certificate of registration under section 18, be marked, in such manner as may be prescribed, permanently and conspicuously and to the satisfaction of the registrar.

Marking of Ship

(2) The marks required by this section shall not be altered or otherwise modified without the prior written permission of the registrar.

(3) If an owner or master of an inland ship neglects to cause his ship to be marked as required by this section, or to keep her so marked, or if any person conceals, removes, alters, defaces, or obliterates any of the said mark, he shall, for such offence, be punishable with fine which may extend to Taka twenty thousand, and on a report from a surveyor that an inland ship is insufficiently or inaccurately marked, the inland ship may be detained until the insufficiency or inaccuracy has been remedied.]

**6.** For the purpose of survey of an inland ship, the owner shall make an application to the surveyor in the prescribed form and shall pay to the Government a survey fee at such rates and in such manner as may be prescribed and also an additional fee in respect of expenses of the journey of the surveyor.

Survey fee, etc.

Declaration of  
surveyor

7. (1) The surveyor shall, within seven days from the date of completion of the survey of an inland ship, make a declaration in the prescribed form and <sup>1</sup>[send one copy of] the same to the owner or master of the ship if he is satisfied that-

- (a) the hull, boilers, engines and other machinery of the ship are <sup>2</sup>[kept] in good condition and sufficient for the voyage or service intended;
- (b) the equipment of the ship and the certificates of the master, engineer or engine-driver comply with the requirements of this Ordinance; and
- (c) the free board marking has been made in the prescribed manner on the body of the ship.

(2) The declaration made under sub-section (1) shall contain-

- (a) the particulars mentioned in clauses (a) and (b) of that sub-section;
- (b) the time, if less than one year, for which the hull, boilers, engines and other machinery and equipment of the ship will be sufficient;
- (c) the limit, if any, beyond which the ship, as regards the hull, boilers, engines and other machinery or equipment, in the judgement of the surveyor, is not fit to ply;
- (d) the number of passengers, if any, which the ship, <sup>3</sup>[\* \* \*] is fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins, the number to be subject to such conditions and variations, according to the time of the year, the nature of the voyage, the cargo carried or other circumstances as the case requires <sup>4</sup>[to be determined in the manner as may be prescribed]; and

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<sup>1</sup> The words "send one copy of" were substituted, for the word "give" by section 5 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>2</sup> The word "kept" was inserted by section 5 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>3</sup> The words and comma "in the judgement of the surveyor." were omitted by section 5 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>4</sup> The words "to be determined in the manner as may be prescribed" were inserted by section 5 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

- (e) <sup>1</sup>[deadweight tonnage and such] other particulars, if any, as may be prescribed.

<sup>2</sup>[(3) A copy of the declaration under sub-section (1) shall be sent simultaneously,-

- (a) in the case of survey for the purpose of granting a certificate of survey, to such officer as the Government may appoint in this behalf; and
- (b) in the case of survey for the purpose of granting a certificate of registry, to the registrar.]

**8.** [*Sending of declaration by owner or master.- Omitted by section 6 of the Inland Shipping (Amendment) Ordinance, 1983(XIX of 1983).*]

**9.** (1) If the officer to whom a declaration is sent under sub-section (1) of section <sup>3</sup>[7] is satisfied that the inland ship complies with the provisions of this Ordinance he shall cause a certificate of survey to be prepared in duplicate in the prescribed form and send to the owner or master by post or otherwise as he deems efficacious and expedient within fifteen days of the receipt by him of the declaration.

Grant of  
certificate of  
survey

(2) A certificate of survey in the prescribed form shall contain a statement to the effect that all the provisions of this Ordinance with respect to the survey of the inland ship and the declaration of the survey have been complied with, and shall set forth-

- (a) the particulars concerning the ship mentioned in the declaration of the survey as required by clauses (a), (b), (c) and (d) of sub-section (2) of section 7; and
- (b) any other prescribed particulars.

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<sup>1</sup> The words “deadweight tonnage and such” were substituted, for the word “such” by section 5 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>2</sup> Sub-section (3) was substituted by section 5 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>3</sup> The figure “7” was substituted, for the figure “8” by section 7 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

(3) A certificate of survey shall not be granted by the surveyor who made the declaration of survey under section 7:

Provided that the surveyor who conducted the survey may, pending the issue of the certificate of survey, issue a temporary plying permit authorising the inland ship concerned to ply; and such permit shall remain valid for a period, not exceeding <sup>1</sup>[forty-five days], to be specified in the permit.

(4) Any certificate of survey may, by order in writing, be cancelled or suspended by the Government or by any person appointed by the Government in this behalf if it is found subsequently on inspection by a person appointed for the purpose or otherwise-

- <sup>2</sup>(a) that the certificate found to be fraudulently tempered with in any manner; or]
- (b) that the certificate has been granted upon false or erroneous information; or
- (c) that the inland <sup>3</sup>[ship] in respect of which a certificate of survey has been granted is not complying with the provisions of this Ordinance relating to the grant of such a certificate.

Certificate of survey to be affixed in conspicuous part of inland ship

**10.** The owner or master of every inland ship for which a certificate of survey has been granted shall, immediately on receipt of the certificate, cause one of the duplicates thereof to be affixed on some conspicuous part of the ship where it may be easily read by all persons on board and shall be kept so affixed for so long as the certificate is in force and the ship is in use.

Duration of certificate of survey

**11.** (1) A certificate of survey in respect of an inland ship shall cease to be in force-

- <sup>4</sup>(a) upon the expiration of four years from the date of the certificate in case of dumb barges and other crafts which

<sup>1</sup> The words "forty-five days" were substituted, for the words "three months" by section 7 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>2</sup> Clause (a) was substituted by section 7 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>3</sup> The word "ship" was substituted, for the word "vessel" by section 7 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>4</sup> Clause (a) was substituted by section 8 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

are not propelled but are towed and pushed by a propelled vessel, and one year from the date of certificate in case of all other inland ships; or]

- (b) upon the expiration of the period for which the hull, boilers, engines or other machinery or any of the equipments of the ship have been stated in the certificate to be sufficient; or
- (c) upon its cancellation or suspension under sub-section (4) of section 9.

(2) The owner or master of an inland ship the certificate of survey of which is due to cease to be in force under clause (a) of sub-section (1) shall, within thirty days before the expiration of the period specified in that clause, inform the surveyor of the date of such expiration.

<sup>1</sup>[(3) The owner or master who fails to comply with the requirement of sub-section (2) shall pay a sum of Taka one hundred for every day during which the failure continues along with the survey fee payable under section 6.]

**12.** A certificate of survey which has ceased to be in force may be renewed only after a fresh survey of the inland ship to which it relates has been held in accordance with the provisions of this Chapter save so far as any relaxation thereof may be prescribed.

Renewal of certificate of survey

**13.** Every certificate of survey of an inland ship which has ceased to be in force by the expiry of its period of validity or by reason of cancellation, suspension or otherwise shall be delivered by the owner or master of the ship to such person as the Government may direct.

Delivery of expired or cancelled certificate

**14.** A survey of an inland ship shall ordinarily be made by one surveyor, but more than one surveyor may be employed if the Government, by order in writing, so directs, either generally in the case of all inland ships at any place of survey, or specially in the case of any particular ship or class of ships at any such place.

Power for Government to direct survey by more than one surveyor

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<sup>1</sup> Sub-section (3) was added by section 8 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).



Power for Government to order a second survey

**15.** (1) If the surveyor making a survey of an inland ship refuses to give a declaration under section 7 with regard to the ship or gives a declaration with which the owner or master of the ship is dissatisfied, the <sup>1</sup>[officer appointed under section 7] may, on the application of the owner or master, and on payment by him <sup>2</sup>[ \* \* \* ] double the amount of the fee payable for the previous survey, <sup>3</sup>[ \* \* \* ] direct more than one surveyor to survey the ship.

(2) The surveyors directed under sub-section (1) to survey an inland ship shall forthwith survey the ship and may, after the survey, either refuse to give a declaration or give such declaration as seems to them to be proper; and such refusal or declaration shall be final.

Division of duties when more than one surveyor employed

**16.** When a survey is made by more than one surveyor under section 15, each of the surveyors shall perform such portion of the duties as are or may be assigned to him under this Ordinance or the rules made thereunder.

Application for registration

**17.** An application for registration of an inland ship shall be made by the owner of the ship in such form and shall contain such particulars as may be prescribed and shall be accompanied by –

(a) copy of the certificate of survey in force in respect of the ship; and

(b) a receipted *challan* showing the payment of registration fee at such rate and in such manner as may be prescribed.

Grant of certificate of registration

**18.** (1) Where the registrar, after making such enquiry as he thinks fit, is satisfied in respect of an inland ship to be registered that the provisions of this Ordinance and the rules made thereunder have been complied with, he shall grant to the applicant a certificate of registry which shall contain such particulars as may be prescribed.

<sup>1</sup> The words and figure “officer appointed under section 7” were substituted for the word “Government” by section 9 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>2</sup> The words and comma “of such fee, not exceeding” were omitted by section 9 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>3</sup> The words and comma “as the Government may require,” were omitted by section 9 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

(2) The registrar may refuse to register an inland ship if the ship is found to be mechanically and structurally defective or if the applicant fails to furnish satisfactory evidence in support of his claim to be the owner of the ship and of any of the statements made in the application:

Provided that where the registrar refuses to register an inland ship, he shall furnish to the applicant a statement in writing containing the reasons for such refusal.

(3) [*Omitted by section 10 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).*]

**19.** Where an inland ship has been registered under section 18, the registrar shall assign to the ship a registration number which shall be conspicuously displayed on the ship in the prescribed manner.

Display of registration number

**20.** The registrar shall keep a register book in such form as may be prescribed in which shall be entered in respect of every inland ship registered by him the particulars contained in the certificate of registry of the ship.

Maintenance of book of registry

**21.** The certificate of registry of the inland ship shall at all times be carried on board the ship by the owner or master and shall be open to inspection by a person authorised by the Government in this behalf.

Certificate of registry to be carried on board

**22.** Where a certificate of registry of an inland ship is mislaid, lost or destroyed, the registrar shall grant a new certificate in lieu of her original certificate on payment of such fee as may be prescribed.

Loss, etc. of certificate of registry

**23.** (1) Where an inland ship registered under this Ordinance is actually or constructively lost, taken by the enemy, or burnt or broken up, the owner of the ship shall forthwith give notice thereof, if such notice has not already been given, to the registrar; and the registrar shall make an entry to that effect in the register book.

Notice in respect of loss, etc. of ship

(2) In any such event as is referred to in sub-section (1), except where the certificate of registry has been lost or destroyed, the owner or master of the inland ship shall deliver the certificate-

- (a) If the event occurs in the place of registry, immediately and, if it occurs elsewhere, within ten days of the arrival of the ship at the place of registry, to the registrar; and
- (b) if the ship is not likely to return to the place of registry, within ten days of the occurrence of the event, to the registrar.

Change of ownership

**24.** (1) Whenever a change occurs in the registered ownership of an inland ship, the change of ownership shall be endorsed on her certificate of registry by the registrar.

(2) The owner or master of an inland ship shall, for the purpose of endorsement under sub-section (1), deliver the certificate of registry to the registrar, if the change occurs when the ship is at her place of registry immediately after the change and, if it occurs during her absence from that place, upon her first return to that place.

Ownership acquired outside Bangladesh to be reported to registrar

**25.** If at any place outside Bangladesh an inland ship becomes the property of a citizen of Bangladesh or such a company as is described in sub-section (2) of section 3, the owner of the ship shall immediately on her arrival at a place of registry in Bangladesh report the fact to the registrar of that place and furnish therewith the following particulars, namely:-

- (a) the time of arrival of the ship at the place of registry;
- (b) the name of the ship, if any;
- (c) the time and place of her purchase and the name or names of the purchaser or purchasers;
- (d) the name of her master; and
- (e) the particulars respecting her tonnage, build and description which he is able to obtain.

**26.** (1) An inland ship registered under this Ordinance or any share therein shall not, without the previous approval of the Government, be transferred except to a person who is a citizen of, and residing and carrying on business in, Bangladesh nor shall any such ship be transferred, except by a bill of sale executed before and attested by a Magistrate of the first class.

Transfer of registered inland ship

(2) Where an inland ship registered under this Ordinance is transferred, the transferor and the transferee shall, within <sup>1</sup>[forty-five days] of the transfer, jointly make a report accompanied by the bill of sale or a certified copy thereof and a prescribed fee of the transfer to the registrar who shall enter the particulars of the transfer in the register book:

Provided that the registrar may, if he is otherwise satisfied about the identity of the transferor and the transferee, dispense with the requirement of the joint report and act on the report either of the transferor or the transferee.

**27.** (1) Where an inland ship not registered under this Ordinance is transferred to a citizen of Bangladesh or to such a company as is described in sub-section (2) of section 3, the ship shall be registered under this Ordinance.

Registration of ship transferred to Bangladesh national

(2) Before registering an inland ship as required by sub-section (1), the registrar shall, for the purpose of satisfying himself as to the validity of the transfer and the identity of the transferor and the transferee, require the production of the bill of sale, the certificate of transfer and the certificate of the registry of the ship.

(3) Where an inland ship is registered as required by sub-section (1), the registrar shall enter in the register book the description of the ship contained in her original certificate of registry.

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<sup>1</sup> The words “forty-five days” were substituted, for the words “thirty days” by section 4 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

Registration,  
etc., in case of  
loss, etc., of  
certificate of  
transfer

**28.** Where in respect of an inland ship a certificate of sale is lost or destroyed or is so defaced or mutilated as to be useless, the <sup>1</sup>[Director-General] may,-

- (i) if the transfer authorised by the certificate has not been carried out, on the proof of such loss, destruction, defacement or mutilation; and
- (ii) if the transfer has been carried out, on the further proof of several matters and things that have been done,

direct the registrar to register the transfer or to make such entries in the register book or do such other things as might have been made or done if the loss, destruction, defacement or mutilation had not taken place.

Ships when  
altered are to be  
registered anew

**29.** (1) Where an inland ship registered under this Ordinance is so altered as not to correspond with particulars relating to her tonnage or description contained in the register book, she shall be deemed not to be so registered until the registrar shall have, on receipt of an application made to him in this behalf and a certificate of survey from the surveyor stating the particulars of alteration, register the alteration or, if he thinks fit, register the ship anew.

(2) For the purpose of registering an alteration of an inland ship under sub-section (1), the registrar may, require the existing certificate of registry of the ship to be delivered to him, and may either grant in substitution of the existing certificate a new certificate of registry containing a description of the ship as altered or endorsed and sign on the existing certificate a memorandum of the alteration.

(3) For the purpose of registering an inland ship anew under sub-section (1), the registrar shall proceed as in the case of first registry and shall upon the delivery to him of the existing certificate of registry of the ship, the payment of the same registration fee as is payable in the case of first registry and the fulfilment of the other requirements for registry or, in the case of a change of ownership, such of them as he thinks material, register the ship and grant her a new certificate of registry.

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<sup>1</sup> The word "Director-General" was substituted, for the word "Government" by section 11 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

(4) When an inland ship is registered anew under this section, her former registry shall be considered as closed, except so far as it relates to any unsatisfied and unexpired certificate of sale entered thereon, but the names of all persons appearing in the former register to be interested in her as owners shall be entered on the new register and the registry anew shall not in any way affect the rights of any of those persons.

<sup>1</sup>[**30.** (1) Subject to the other provisions of this Ordinance, a certificate of registry of an inland ship granted under this Ordinance shall remain valid for 30 (thirty) years of her age from the date of first registry unless the ship is rendered total loss, scrapped or otherwise transferred within the said period :

Duration of certificate of registry, etc.

Provided that the validity of the registration may be extended, if it is found that the inland ship is fit for plying to the satisfaction of the registrar after special docking survey in a manner as may be prescribed, for a maximum period of five years and continued for the same further period subject to special docking.

(2) Where an inland ship, other than dumb barges and other crafts which are not propelled but are towed or pushed by a propelled vessel, registered under this Ordinance is not surveyed for three consecutive years, referred to in section 11(1) the registration of the inland ship shall cease to be in force from the date of expiration of the last survey.

(3) Where an inland ship has been laid up or scrapped or otherwise not in use, the owner of the ship shall immediately inform the registrar in writing within thirty days of such events.]

**31.** The registrar shall every year, not later than the 15<sup>th</sup> day of January and the 15<sup>th</sup> day of July, submit to the Government or to such officer as the Government may authorise in this behalf, a report in such forms as it may direct stating therein the particulars of all registries, cancellation of registry, transfers

Submission of report regarding registry, etc.

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<sup>1</sup> Section 30 was substituted by section 5 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

and other dealings with respect to inland ships registered by him under this Ordinance during the six months next preceding the month in which the report is required to be submitted, the names of the persons concerned in the same, and such other particulars as the Government may direct.

Reciprocity in the matter of recognition of certificates of survey and registry

**32.** (1) Where the Government is satisfied that by the law or practice of any foreign country inland ships having certificates of registry granted under this Ordinance-

- (a) obtain, by reason of such certificate, any special exemption in that country while plying on inland waters thereof, or
- (b) are required as a condition of plying on inland waters of that country to comply with any special requirement, whether by way of registration anew or payment of a fee or otherwise,

the Government may, by notification in the *official Gazette*, direct that the same exemption or requirement, or an exemption or a requirement as similar thereto as may be, shall by way of reciprocity, be granted to or imposed upon inland ship registered in that country while plying on inland waters of Bangladesh.

(2) The Government may, by notification in the *official Gazette*, direct that the provision of sub-section (1) relating to reciprocity in the matter of certificates of registry shall apply, so far as may be, to certificates of survey, certificates of competency and licences granted or issued under this Ordinance.

Voyage of ships without certificate of survey prohibited

**33.** No inland ship shall proceed on any voyage or be used for any service on inland waters unless she has a certificate of survey and a certificate of registry granted under this Ordinance which are in force and applicable to the voyage or service.

<sup>1</sup>[CHAPTER-III

## MANNING, EXAMINATION AND CERTIFICATION

**34.** In this Chapter, “Director-General” means the Director-General of the Department of Shipping established under the Bangladesh Merchant Shipping Ordinance, 1983 (XXVI of 1983). Definition

**35.** The Director-General may, by notification in the *official Gazette*, classify the Inland ships into such categories as he may deem fit. Categories of inland ship

**36.** (1) The Director-General shall grant certificate of competency for <sup>2</sup>[inland engineers, various grades of masters and engine-drivers] in an inland ship after conducting such examinations or tests as may be prescribed. Certificate of Competency

(2) No <sup>3</sup>[ inland engineer, master or engine-driver] shall be employed or engaged for service on board an inland ship unless he has the requisite certificate of competency granted under sub-section (1).

**37.** (1) No inland ship shall proceed on any voyage or be used for any service on inland water unless it is manned in accordance with the provisions of sub-section (2). Manning of inland ship

(2) The Director-General may, by order notified in the *official Gazette*, require an inland ship to have such number of <sup>4</sup>[inland engineers, masters, engine-drivers and ratings] of such grades as may be specified in the order.

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<sup>1</sup> Chapter III (sections 34-42) was substituted for the former Chapter III (sections 34-43) by section 4 of the Inland Shipping (Amendment) Act, 1990 (I of 1990).

<sup>2</sup> The words and comma “inland engineers, various grades of masters and engine-drivers” were substituted, for the words “various grades of masters and drivers” by section 6 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> The words and comma “inland engineer, master or engine-driver” were substituted, for the words “master or driver” by section 6 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> The words and commas “inland engineers, masters, engine-drivers and ratings ” were substituted, for the words “masters and drivers” by section 7 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).



(3) The Director-General may exempt an inland ship or any category of inland ship from any requirement of an order made under sub-section (2).

(4) An exemption granted under sub-section (3) may be in respect of a particular period or of one or more particular voyages.

(5) Notwithstanding anything contained in this section Director-General may relax the requirement of this section in respect of a person if-

- (a) such person satisfies the Director-General that he is reasonably capable of discharging the duties and responsibilities of the trade for which he is sought to be employed or engaged;
- (b) the owner of the ship satisfies the Director-General that despite due efforts persons with requisite certificate could not be available for employment or engagement.

Uniform and  
identity card for  
the crew of  
inland ship

<sup>1</sup>[37A. (1) The Director-General may by order-

- (a) in writing require the owner of an inland ship to provide standard uniform for the crews on board as may be specified in that order;
- (b) provide for the issue to every crew an identity card, in this section referred to as crew's identity card, in such form and containing such particulars with respect to the holder thereof and such other particulars, if any, as may be specified in that order, and for requiring every crew to apply for such card;
- (c) require the holder of a crew identity card to produce it to such person in such circumstances as may be specified in the order;
- (d) require to surrender the crew's identity card in such circumstances as may be specified in the order.

(2) If any person who is required to wear the standard uniform or display identity card, does not do so, he shall be punishable with fine which may extend to Taka two thousand

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<sup>1</sup> Sections 37A and 37B were inserted by section 8 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

or his certificate of competency, if any, may be suspended for a maximum period of three months.

(3) If a person makes a statement which the Director-General thinks to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or for any other person a crew's identity card, he shall be liable to a fine not exceeding Taka five thousand and in that event the crew's identity card shall be cancelled.

**37B.** (1) Director-General shall cause to conduct training programs from time to time on crowd management, fire fighting, personal survival technique, tanker safety and other kind of similar training for inland engineers, masters, engine-drivers, seacunny, greaser, ratings and the persons primarily responsible for passenger safety or other safety measures of an inland ship.

Training of inland engineers, masters, engine-drivers, etc.

(2) If-

- (a) any training programme is conducted under sub-section (1) and any person is selected for the training, he shall be bound to undertake the training as required; and
- (b) any person refuses to undertake the training without any reasonable cause, his competency certificate or identity card may be suspended till the training is obtained.]

**38.** For the purpose of examining the qualifications of persons desirous of obtaining certificates of competency under this Ordinance, the Government may appoint such examiners or Board of examiners as it may deem fit and allow them such remuneration as may be prescribed.

Appointment of examiners, etc.

**39.** Where an applicant for certificate of competency is reported by the examiners or the Board of examiners to have passed the examination prescribed for the certificate and given satisfactory evidence of his sobriety, ability and general good conduct on board inland ship, the Director-General or such officer as he may appoint in this behalf shall grant the applicant the certificate of competency applied for:

Grant of certificate of competency

Provided that before granting a certificate of competency, the Director-General or, as the case may be, the officer may, if he finds report of the examiners or the Board of examiners in respect of any applicant to be defective or has reason to believe that the report has been unduly made require a further examination or a re-examination of the applicant.

Certificate to be made in duplicate

**40.** A certificate of competency granted under this Ordinance shall be made in the prescribed form in duplicate, one copy of which shall be delivered to the person entitled thereto and the other shall be kept and recorded in the prescribed manner.

Loss of certificate

**41.** Where a certificate of competency granted under this Ordinance is, during the period of its validity, lost or destroyed or so defaced or mutilated as to be useless and the person to whom it was granted, being entitled thereto, proves to the satisfaction of the authority granting or authorised to grant the same that such loss, destruction, defacement or mutilation is not due to his fault, such person shall be granted a copy of the certificate to which, according to the record kept under section 40 he appears to be entitled, and the copy so granted shall have the same effect as the original.

Suspension and cancellation of certificate

**42.** (1) A certificate of competency granted under this Ordinance may be suspended or cancelled by the Director-General if the person holding the certificate-

- (a) has been convicted of an offence under this Ordinance or of any other non-bailable offence; or
- (b) has been on duty on board an inland ship which proceeded on any voyage or was used for any service in contravention of the provisions of this Ordinance; or
- (c) has been certified by a medical officer appointed by the Director-General to be physically unfit for the performance of his duties; or
- (d) has become, in the opinion of the Director-General, unfit to act in the capacity in which he is authorised to act in terms of the certificate; or

- (e) has been reported by any court, authority or officer conducting any trial, inquiry or investigation under this Ordinance-
  - (i) that any shipping casualty, or wreck or abandonment of any inland ship or the loss or damage to any such ship or any loss of life, or any injury or damage to person or property, has been caused by or due to any wrongful act or default of such person; or
  - (ii) that such person has been incompetent or guilty of gross act of negligence, drunkenness or other misconduct:

Provided that no certificate of a person shall be suspended or cancelled except after giving him an opportunity of showing cause against it and, in a case referred to in clause (e), also after furnishing him a copy of the report of the court, authority or officer.

(2) A certificate of competency suspended or cancelled under sub-section (1) shall be delivered to such person and within such time as the order of suspension or cancellation may specify.

(3) The Government or any officer authorised by the Government in this behalf may, at any time on consideration of the prayer, if any, made by the aggrieved person, revoke the order of suspension or cancellation under sub-section (1) of a certificate of competency of any person, and grant him, without examination, a new certificate and the new certificate shall, unless otherwise provided therein, have the same effect as the one suspended or cancelled.]

#### **CHAPTER IV**

##### **SHIPPING CASUALTIES**

- 44.** (1) A shipping casualty shall be deemed to occur when-
- (a) any inland ship is lost, wrecked, abandoned or materially damaged;
  - (b) any loss of life or property ensues by reason of any casualty happening to or on board any such ship; or

Shipping  
casualty and  
report thereof

- (c) any such ship causes loss or material damage to any other inland ship or property or person on board that ship.

(2) Every shipping casualty shall forthwith and, if this be not possible, within twenty-four hours of its occurrence, be reported to the officer in charge of the nearest police station by the master of the inland ship and, where more inland ships than one are involved, by the master of each such ship or other person or persons in charge thereof and, in the absence or physical inability of such master or persons, by any member of the crew of the ship or ships <sup>1</sup>[or by any passenger of the ship or ships or any other person having the knowledge of such casualty].

(3) Upon receipt of the report of a shipping casualty under sub-section (2) <sup>2</sup>[or upon receipt of any information from any reliable source], the officer in charge of the police station shall, as soon as possible, and in any case not later than <sup>3</sup>[twelve hours] of the occurrence of the casualty, make a report in writing of the facts and circumstances of the casualty to the Government, <sup>4</sup>[Director-General,] the District Magistrate and the <sup>5</sup>[Upazilla Nirbahi Officer] within the limits of whose jurisdiction the casualty has occurred.

Inquiry into shipping casualty

**45.** (1) Upon the receipt of a report of shipping casualty under section 44, the <sup>6</sup>[Upazilla Nirbahi Officer] shall-

- (a) forthwith hold or cause to be held an inquiry respecting the shipping casualty, and

<sup>1</sup> The words “or by any passenger of the ship or ships or any other person having the knowledge of such casualty” were inserted by section 9 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words “or upon receipt of any information from any reliable source” were inserted by section 18 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>3</sup> The words “twelve hours ” were substituted, for the words “seventy two hours” by section 9 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> The word and comma “Director-General,” was inserted by section 18 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>5</sup> The words “Upazilla Nirbahi Officer” were substituted, for the words “Sub-divisional Magistrate” by section 9 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>6</sup> The words “Upazilla Nirbahi Officer” were substituted, for the words “Sub-divisional Magistrate” by section 10 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

- (b) within seven days, submit to the Government and to the District Magistrate a report stating the facts and circumstances of the casualty together with his observations, if any, as to the reasons of and responsibilities for the casualty.

(2) The person holding inquiry under sub-section (1) may-

- (a) go on board any inland ship or other vessel involved and inspect any part, or any machinery equipment or other article on board, such ship or vessel;
- (b) enter and inspect any such premises as appear to him to be necessary for the purpose of the inquiry;
- (c) require the attendance of, and examine, any person who, he has reason to believe, has the knowledge or information relating to the facts and circumstances of the casualty; and
- (d) require the production of such books, papers and documents as may reasonably appear to him to be necessary for the purpose of the inquiry.

(3) Notwithstanding the provisions of sub-section (1), the Government may, upon receipt of a report under sub-section (3) of section 44, cause to be held an inquiry respecting the casualty by such officer as it may appoint in this behalf and the officer shall-

- (a) submit to the Government a report stating the facts and circumstances of the casualty together with his observation, if any, as to the reasons of and responsibilities for the casualty;
- (b) have the powers and privileges referred to in sub-section (2).

(4) Where an inquiry is held under sub-section (3), no inquiry shall be held under sub-section (1).

**46.** (1) Where, after considering the report under sub-section (1) or under sub-section (3) of section 45, the Government is of opinion that any contravention of any provision of this Ordinance or any other law which might have caused or contributed to occurrence of the casualty should be tried, the Government may direct the District Magistrate or the

Trial of offences

<sup>1</sup>[Upazilla Nirbahi Officer] or the officer holding inquiry under sub-section (1) or sub-section (3) of section 45, as the case may be, to submit, for trial, a statement of the case to-

- (a) a court of the Magistrate of the first class having jurisdiction at the place at which the casualty occurred; or
- (b) a Marine Court constituted under section 47.

(2) The statement of case under sub-section (1) shall include-

- (a) the names of the persons accused of the offences to be tried;
- (b) the formal charges of the offences alleged to have been committed; and
- (c) the list of witnesses intended to be produced in support of each charge:

Provided that the submission of the list of witnesses under clause (c) shall not preclude the District Magistrate or the <sup>2</sup>[Upazilla Nirbahi Officer] or the officer holding inquiry under sub-section (3) of section 44, or the prosecution from submitting additional names of witnesses at any subsequent stage of the trial.

Constitution of  
Marine Court

<sup>3</sup>[47. (1) There shall be constituted one or more Marine Courts consisting of a Magistrate of the first class to try the offences punishable under this Ordinance.

(2) The Government may, by notification in the *official Gazette*, determine the jurisdiction of the Marine Courts, if the number of court is more than one.

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<sup>1</sup> The words “Upazilla Nirbahi Officer” were substituted, for the words “Sub-divisional Magistrate” by section 11 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words “Upazilla Nirbahi Officer” were substituted, for the words “Sub-divisional Magistrate” by section 11 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> Section 47 was substituted by section 12 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

(3) The Marine Court trying the offences punishable under this chapter shall be assisted by not less than two or more than four assessors of whom one shall be a person conversant with maritime affairs and the other or others shall be person or persons conversant with navigation of inland ships or mercantile or marine engineering affairs.

(4) Every assessor of a Marine Court shall, unless he is for sufficient reason permitted absence on any day by the Magistrate constituting the Court, attend every proceeding of the court and shall deliver his opinion in writing which shall be recorded on the proceedings.]

**48.** The Marine Court shall have the same powers as are vested in the Court of a Magistrate of the first class under the Code of Criminal Procedure, 1898 (Act V of 1898).

Marine Court to have powers of a Magistrate of the first class.

**49.** For the purpose of a trial under this Chapter, a Court [which expression shall hereinafter mean both the Courts referred to in sub-section (1) of section 46] shall follow as nearly as may be the procedure for summary trials under the Code of Criminal Procedure, 1898 (Act V of 1898).

Procedure for trial

**50.** (1) If a Court conducting any trial under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, authorise any police officer to enter any inland ship or other vessel or any premises.

Arrest of witnesses

(2) The police officer authorised to enter any inland ship or vessel or premises under sub-section (1) may, for the purpose of enforcing the entry, call to his aid any officer of police or customs or any other person and may seize and detain the vessel for such time, not exceeding forty-eight hours, as may be reasonably necessary for effecting the arrest.

**51.** (1) A Court undertaking a trial under this Chapter may, in the course of such trial investigate into any charge against any <sup>1</sup>[owner and] master, engineer, engine-driver or any other person holding a certificate or licence granted under this

Power to investigate into charge of incompetency, etc.

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<sup>1</sup> The words “owner and” were inserted by section 13 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).



Ordinance of incompetency, misconduct, wrongful act or default which might have caused, or contributed to the occurrence of, the casualty.

(2) For the purpose of an investigation under sub-section (1) into any charge against any person, the Court may summon him to appear and shall give him full opportunity of making a defence, either in person or otherwise.

Special powers  
of Courts

**52.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), a Court trying under this Chapter any offence may award any punishment provided for the offence.

(2) In a case where a shipping casualty has resulted in any loss of life or injury to person or property, or damage to any inland ship and the Court trying an offence is satisfied that the casualty or the loss, injury or damage is attributable to the fault of any inland ship or any other vessel or to any default, incompetence, misconduct or offence of the master or any other officer or crew of the ship, it may, without prejudice to the provisions of sub-section (1) or any of its other powers, by order, direct the owner or the master of the vessel or both to pay by way of compensation within three months a sum not exceeding <sup>1</sup>[five lakh Taka]-

- (a) in the case of loss of life, to the heirs of the deceased,
- (b) in the case of injury to person or <sup>2</sup>[damage to property, to the person suffering the injury or the owner of the property, as the case may be,] and
- (c) in the case of damage to any other vessel, to the owner of such vessel.

(3) An order to pay compensation shall have effect as if it were a decree of a civil Court of competent jurisdiction and the

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<sup>1</sup> The words “five lakh Taka” were substituted, for the words “one lakh Taka” by section 14 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words and commas “damage to property, to the person suffering the injury or the owner of the property, as the case may be,” were substituted, for the words and comma “property, to the person suffering the injury” by section 19 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

amount of compensation may, if the Government so directs in case of default in payment, also be recovered by distraint and sale of the inland ship concerned.

**53.** A Court holding a trial under this Chapter shall, after the conclusion of the trial, submit to the Government a report of its findings or, as the case may be, a copy of its judgement together with the evidence recorded and, in the case of a Marine Court, also with the opinion of the assessors.

Report by Court to Government

### CHAPTER V

#### PROTECTION OF VESSELS AND PASSENGERS

**54.** No inland ship engaged in carrying passengers shall proceed on any voyage or be used for any service for mercantile purposes-

Plying without route permit <sup>1</sup>[, time table, fare table and printed ticket] prohibited

(a) unless she has a valid route permit granted by the Government or an authority authorised by it in this behalf and an approved time-table <sup>2</sup>[;]

(b) except in the route allocated by, and in accordance with the terms and conditions of, such route permit <sup>3</sup>[; and]

<sup>4</sup>[(c) without printed tickets or receipts showing payment of fares for carriage of passengers and freights for carriage of goods which shall be issued in such manner as may be prescribed.]

<sup>5</sup>[**54A.** (1) No inland ship shall proceed on any voyage or be used for any service without a written permission from the registrar to ply in coastal water.

Plying in coastal water without permission prohibited

<sup>1</sup> The commas and words “, time table, fare table and printed ticket” in the marginal note were inserted by section 20 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>2</sup> The semi-colon (;) was substituted for the word “and” by section 20 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>3</sup> The semi-colon (;) and the word “and” were substituted, for the full-stop (.) by section 20 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>4</sup> Clause (c) was inserted by section 20 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>5</sup> Sections 54A and 54B were inserted by section 15 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

(2) The registrar shall issue a written permission referred to in sub-section (1) in such manner and on such conditions as may be specified by the Director-General in this behalf.

(3) The permission to ply in coastal water shall remain valid till the validity of the survey certificate referred to in section 11.

(4) The Government may exempt any inland ship from the operation of this section for a maximum period of three months.

Voyage without  
Telecommunica  
tion Equipment  
prohibited

**54B.** (1) Inland ship carrying-

- (a) one hundred or more than one hundred passengers; or
- (b) oil, gas or chemical of more than two hundred gross tonnage; or
- (c) cargo of more than three hundred gross tonnage; shall not proceed on any voyage or be used in service unless she has been provided with such telecommunication equipment as may be prescribed.

(2) The Government may by order exempt from the operation of this section any inland ship or class of inland ships, if it is of the opinion that, having regard to the nature of the voyage in which the inland ship is engaged or other circumstances of the case, the provision of the telecommunication equipment is unnecessary or unreasonable.]

Voyage during  
storm signal  
prohibited

**55.** Except for the purpose of proceeding to the assistance of any vessel, craft or person in distress, no inland ship shall proceed on any voyage or be used for any service when there is hoisted or announced a danger signal of storm or where there is reasonable apprehension of a storm.

Measures for  
protection  
against  
explosion, fire,  
etc.

**56.** No inland ship shall proceed on any voyage or be used for any service for mercantile purposes, unless she has been equipped or provided with such <sup>1</sup>[ life-saving apparatus, fire-fighting equipments and instruments], and there has been taken in respect of her such measures against explosion, fire, collision and other accidents, as may be prescribed.

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<sup>1</sup> The words and comma "life-saving apparatus, fire-fighting equipments and instruments" were substituted, for the words "apparatus and instruments" by section 21 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>1</sup>[**56A.** Every inland ship while underway shall comply with such rules for prevention of collisions or relating to steering and sailing as may be prescribed.]

Compliance with rules for preventing collisions, etc.

**57.** (1) Except in accordance with such conditions and after taking such precautions as may be prescribed, no inland ship shall carry on board any dangerous goods.

Carriage of dangerous goods

(2) No person shall-

- (a) take with him on board an inland ship any dangerous goods without permission of the owner or the master of the ship, or
- (b) deliver or tender for carriage by such ship any dangerous goods without such permission and without distinctly marking their nature on the outside of the package or receptacle containing the goods.

(3) If the owner or master of an inland ship suspects, or has reason to believe, that any luggage or parcel taken or delivered or tendered for carriage, on the ship contains dangerous goods, he may,-

- (a) refuse to carry it by the ship;
- (b) require it to be opened to ascertain the nature of its contents; or
- (c) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.

(4) Where any dangerous goods have been taken or delivered on board any inland ship in contravention of this section, the owner or master of the vessel may, if he thinks fit, cause the goods to be thrown overboard or destroyed, together with any package or receptacle in which they are contained; and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard or destroyed be subject to any liability, civil or criminal in any Court.

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<sup>1</sup> Section 56A was inserted by section 22 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

Causing obstruction, etc. on any navigable water route prohibited

<sup>1</sup>[57A. No person shall,-

- (a) by setting any fishing net or any other means, cause obstruction to navigation of any inland ship in any navigable water route;
- (b) by any means, cause damage, destroy or remove any buoy or beacon or any other similar equipment or mark which has been installed for the purpose of aid to navigation.]

Passenger ship not to carry cargo on upper deck, etc.

58. No inland ship carrying passengers for mercantile purposes shall carry-

- (a) any passenger on the open roof, or
- (b) any cargo on the upper deck, or
- (c) any passenger or cargo in contravention of any rules regulating the carriage and protection of passengers, or
- (d) any dangerous goods, or
- (e) any passenger or cargo in any space not certified for carrying the same.

Voyage without Insurance or Marine Casualty Trust Fund coverage prohibited

<sup>2</sup>[58A. No inland ship carrying passenger shall proceed on any voyage unless her passengers and crew are insured with an insurance company engaged in the insurance business in Bangladesh or the owner of that ship be a member of the Marine Casualty Trust Fund to be established by the Government in such manner as may be prescribed.]

Maximum and minimum fares and freights

59. In respect of any system or stretch of, or the run between any two places on, inland waterways or in respect of any class of inland ship, the Government or any authority authorised by it in this behalf, after such enquiry as it considers necessary, may, by notification in the *official Gazette*,-

- (a) fix the maximum and minimum rates per mile of passenger fares for different classes;

<sup>1</sup> Section 57A was substituted by section 16 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> Section 58A was inserted by section 17 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

- (b) fix the maximum and minimum rates per mile of freight for carriage of goods of any description;
- (c) declare where maximum or minimum rates of fares or freights have been so fixed, what shall be deemed to be the distance between two places on any inland waterway for the purpose of calculating fares and freights for carriage of passengers and goods between such places.

**60.** (1) Where the Government or an authority authorised by it in this behalf so directs, the owner of an inland ship shall, subject to the approval of such authority, publish as often as may be necessary and put on sale to the public tables showing-

Publication of fare and freight tables

- (a) times of sailing from different places of the ship,
- (b) fares for carriage to different places of passengers of different classes, and
- (c) freights for carriage to different places of goods of different descriptions.

(2) The owner and master of every inland ship in respect of which the tables referred to in sub-section (1) have been published shall cause a copy of the same to be affixed on some conspicuous part of the ship and kept so affixed so long as they remain in force and the ship is in use so that the content of the tables may be easily read by all persons on board the ship.

(3) Notwithstanding the provisions of sub-section (1) an authority authorised by Government in this behalf, may publish for sale to the members of the public consolidated time and fare-tables in respect of any or all classes of inland ship; and such tables shall contain the information required under clauses (a), (b) and (c) of sub-section (1).

<sup>1</sup>[CHAPTER VA

PROTECTION OF INLAND WATER FROM POLLUTION

**60A.** (1) No inland ship or a facility plying or operating in or around inland waterways shall be used without registration and sanitation facilities as may be prescribed and no inland ship activity shall be conducted to cause pollution of inland water.

Inland Water Pollution Prohibited

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<sup>1</sup> Chapter VA was inserted by section 18 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

(2) Every inland ship shall be granted yearly renewable pollution prevention certificate(s) by the surveyor after getting the application along with prescribed fee(s) from the owner or master of the inland ship.

(3) Every inland ship carrying more than 12 persons including passenger, master, officer and members of the crew of the inland ship, shall have potable water and sanitation system approved by the Department of Shipping.

(4) The discharge of oily mixture and sewage into inland water is prohibited except when:

- (a) the inland ship is discharging comminuted and disinfected sewage using a system approved by the Department of Shipping; or
- (b) the inland ship has in operation an approved sewage treatment plant or a retention tank of adequate capacity which has been certified by the Department of Shipping; or
- (c) the discharging of sewerage, oil or oily mixture into inland water necessary for the purpose of securing the safety of a inland ship or saving life on board; or
- (d) the discharge into inland water of oil, oily mixture or sewage resulting from damage to an inland ship or its equipment, provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; or
- (e) the discharge for the purpose of combating specific pollution incidents in order to minimize the damage from pollution, subject to the approval of the Department of Shipping.

**Explanation.-** In this section-

- (a) "Pollution" means contamination or other alteration of the physical, chemical or biological properties of inland water, soil or air including change in their temperature, taste, odour, density, colour or any other characteristics of such water, soil or air including sound or noise level more than a prescribed limit or such discharge of any liquid, gaseous, solid substance, radio active or other substance including non biodegradable waste and

sewage into such water, soil or air as it will, or is likely to create a nuisance or render such water, soil or air harmful, injurious, detrimental or disagreeable to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational or other *bonafide* uses or to livestock, wild animal, bird, fish, plant or other form of life; and

- (b) "sewage" means:
  - (i) drainage and other wastes from any form of toilets, urinals, and water commode scuppers;
  - (ii) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;
  - (iii) drainage from spaces containing livening animals; or
  - (iv) other waste water when mixed with drainages defined above.

(5) Pollution prevention certificate(s) shall be obtained by the owner of the-

- (a) existing inland ship within three years from;
- (b) new inland ship immediate after;

the commencement of the Inland Shipping (Amendment) Act, 2005.

**60B.** Pollution prevention certificate(s) mentioned in section 60A be carried on board the ship, at all times, by the owner or master and shall be open to inspection by a person authorised by the Government or the Department of Shipping.]

Pollution prevention certificate(s) to be carried on board

### CHAPTER VI

#### PENALTY AND PROCEDURE

**61.** The owner and the master of an inland ship shall each be punishable with imprisonment for a term which may extend

Penalty for contravention of sections <sup>1</sup>[33, 43, 54 and 56]

<sup>1</sup> The figures, commas and word "33, 43, 54 and 56" were substituted, for the figures, commas and word "11, 33, 43, 54, 55 and 56" by section 24 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).



to <sup>1</sup>[two years, or with fine which may extend to Taka thirty thousand], or with both, if-

<sup>2</sup>[\* \* \*]

- (b) the inland ship proceeds on any voyage or is used for any service on inland waters without having a certificate of survey and a certificate of registry <sup>3</sup>[or the certified copy thereof] as required by section 33;
- (c) the inland ship proceeds on any voyage in contravention of the provisions of section 43 without a master and an engineer or engine-driver;
- (d) the inland ship does not have a valid route permit and time-table plies in a route other than the one specified in the route permit in contravention of the provisions of section 54;

<sup>4</sup>[\* \* \*]

- (f) the inland ship <sup>5</sup>[is not equipped or provided with such apparatus and instruments] for protection against explosion, fire, collision and accidents as required by section 56.

Penalty for  
contravention of  
sections 55 and  
56A

<sup>6</sup>**61A.** The master of an inland ship shall be punishable with imprisonment for a term which may extend to three years

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<sup>1</sup> The words and comma “two years, or with fine which may extend to Taka thirty thousand” were substituted, for the words and comma “one year, or with fine which may extend to Taka ten thousand” by section 19 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> Clause (a) was omitted by section 24 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>3</sup> The words “or the certified copy thereof” were inserted by section 24 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>4</sup> Clause (e) was omitted by section 24 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>5</sup> The words “is not equipped or provided with such apparatus and instruments” were substituted, for the words “does not take measure” by section 24 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>6</sup> Section 61A was inserted by section 25 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

or with fine which may extend to Taka <sup>1</sup>[thirty thousand], or with both, if the inland ship contravenes the provisions of section 55 or 56A.]

**62.** The owner and the master of an inland ship shall each be punishable with imprisonment for a term which may <sup>2</sup>[extend to three months, or with fine which may extend to Taka five thousand], or with both, if-

Penalty for contravention of sections 10, 19 and 60

- (a) the certificate of survey of the ship is not affixed and kept affixed on the ship as required by section 10;
- (b) the registration number is not displayed on the ship as required by section 19;
- (c) the tables published under section 60 have not been affixed and kept affixed on the ship as required by sub-section (2) of that section.

**63.** The owner or the master of an inland ship or both shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka <sup>3</sup>[five thousand], or with both, if he, without reasonable cause, fails to deliver-

Penalty for contravention of sections 13, 23 and 24

- (a) the certificate of survey of the ship which has ceased to be in force, as required by section 13;
- (b) the certificate of registry <sup>4</sup>[or the certified copy thereof] of the ship which is lost, taken by the enemy, burnt or broken, as required by sub-section (2) of section 23; or
- (c) the certificate of registry <sup>5</sup>[or the certified copy thereof] for endorsement of the change of ownership of the ship, as required by sub-section (2) of section 24.

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<sup>1</sup> The words “thirty thousand” were substituted, for the words “ten thousand” by section 20 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words and comma “extend to three months, or with fine which may extend to Taka five thousand” were substituted, for the words and comma “extend to six months, or with fine which may extend to Taka two thousand” by section 21 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> The words “five thousand” were substituted, for the words “one thousand” by section 22 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> The words “or the certified copy thereof” were inserted by section 26 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

<sup>5</sup> The words “or the certified copy thereof” were inserted by section 26 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).

Penalty for transfer of ship in contravention of section 26, etc.

**64.** (1) Any person who transfers or attempts to transfer an inland ship in contravention of sub-section (1) of section 26 shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to Taka <sup>1</sup>[thirty thousand] or with both.

(2) The transferor or the transferee of an inland ship or both shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka <sup>2</sup>[twenty thousand] or with both, if he fails to make a report of the transfer of an inland ship as required by sub-section (2) of section 26.

Penalty for contravention of section 42

**65.** A person shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka <sup>3</sup>[fifteen thousand or with both], if he fails to deliver certificate of competency or licence which has been suspended or cancelled, as required by sub-section (2) of section 42.

Penalty for acting on ship without certificate, etc.

**66.** A person shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to Taka <sup>4</sup>[fifty thousand], or with both, if he-

- (a) without ascertaining that a person is entitled to, and in possession of, appropriate valid certificate of competency or licence for the purpose, employs or engages such person to act as master, engineer or engine-driver of an inland ship;
- (b) without being entitled to, or in possession of, appropriate valid certificate of competency or licence, acts in any voyage as master, engineer or engine-driver of such ship.

<sup>1</sup> The words “thirty thousand” were substituted, for the words “ten thousand” by section 23 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words “twenty thousand” were substituted, for the words “five thousand” by section 23 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> The words “fifteen thousand or with both” were substituted, for the words “five thousand” by section 24 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> The words “fifty thousand” were substituted, for the words “ten thousand” by section 25 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>1</sup>[67. Where on any voyage for mercantile purposes an inland ship carries on board or in any part of the ship passengers in excess of the number set forth in the certificate of survey of the ship as the number of passengers which the ship or the part thereof is fit to carry,-

Penalty for over-loading of passengers

<sup>2</sup>[\* \* \*]

<sup>3</sup>[(b) the owner or his representative, if present, on board the inland ship or at the terminal at the time of voyage, loading or unloading or master of the inland ship shall be punishable with fine which may extend to Taka three hundred for each passenger so in excess up to a maximum of Taka one lakh.]

<sup>4</sup>[67A. The owner or his representative, if present, on board the inland ship or at the terminal at the time of voyage, loading or unloading or master or both of an inland ship shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka fifty thousand, or with both, if he loads the inland ship in such a manner which endangers the ships, its property or lives on board thereof.

Penalty for improperly loading an inland ship

**67B.** If an inland ship carries on board any goods in excess of the load line mark set forth in the certificate of registration of the ship for which the ship is fit to carry, the owner or his representative, if present, on board the inland ship or at the terminal at the time of voyage, loading or unloading or master of the inland ship carrying the excess goods shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to,-

Penalty for over loading of goods (solid, liquid, gaseous or bulk)

(a) in the case of an inland ship having capacity up to one hundred fifty gross ton, ten thousand Taka; and

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<sup>1</sup> Sections 67 and 68 were substituted by section 4 of the Inland Shipping (Amendment) Ordinance, 1979 (XIV of 1979).

<sup>2</sup> Clause (a) was omitted by section 5 of the Inland Shipping (Amendment) Act, 1990 (I of 1990).

<sup>3</sup> Clause (b) was substituted by section 26 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> Sections 67A and 67B were inserted by section 27 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

- (b) in the case of an inland ship having capacity above one hundred fifty gross ton, fifty thousand Taka, or with both.]

Penalty for  
contravention of  
sections 57 and  
58

**68.** If an inland ship carries on board any dangerous goods in contravention of sub-section (1) of section 57, or any passenger or cargo or dangerous goods in contravention of section 58,-

- (a) the owner of the ship shall be punishable with fine which may extend to Taka three thousand; and
- (b) the master of the ship shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka three thousand, or with both.]

Penalty for  
contravention of  
section 57A

<sup>1</sup>**68A.** Any person who contravenes the provisions of section 57A shall be punishable with imprisonment for a term which may extend to <sup>2</sup>[one year, or with fine which may extend to Taka twenty five thousand], or with both, and the court trying such offence may order confiscation of any material used in the obstruction to navigation to the Government.]

Penalty for  
Contravention  
of sections 54A,  
54B and 58A

<sup>3</sup>**68B.** The owner and the master of an inland ship shall each be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka thirty thousand, or with both if any of them contravenes the provisions of section 54A, 54B or 58A.]

Penalty for  
tendering, etc., of  
dangerous goods  
for carriage

**69.** A person shall be punishable with imprisonment for a term which may extend to <sup>4</sup>[one year, or with fine which may extend to Taka twenty five thousand], or with both, if he takes with him on board, or delivers or tenders for carriage by, an

<sup>1</sup> Section 68A was inserted by section 27 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>2</sup> The words and comma “one year, or with fine which may extend to twenty five thousand” were substituted, for the words and comma “six months, or with fine which may extend to Taka five thousand” by section 28 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> Section 68B was inserted by section 29 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> The words and comma “one year, or with fine which may extend to Taka twenty five thousand” were substituted, for the words and comma “three months, or with fine which may extend to Taka five thousand” by section 30 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

inland ship any dangerous goods in contravention of sub-section (2) of section 57; and such goods so taken, delivered or tendered shall be forfeited to the Government.

**70.** (1) A person employed or engaged in any capacity on board an inland ship shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to Taka ten thousand, or with both, if he, by wilful breach or neglect of duty,-

Penalty for misconduct, etc., for endangering ship

- (a) does any act tending to wreck, destroy or materially damage the ship or to endanger the life or limb of any person, or to destroy or damage any property, on board, or belonging to, such ship or any other ship, or
- (b) refuses or fails to do any such act as may be done by him for preserving the ship or any other vessel from wreck, destruction or damage, or for preserving any such person from danger to life or limb.

(2) Where a shipping casualty caused by an inland ship resulted in the loss of life of, or injury to, any person, or damage to any property, on board such ship or any other ship, and such casualty occurred due to the fault of such inland ship or due to the incompetence or misconduct of, or contravention <sup>1</sup>[by the owner, master or any officer or other member of the crew of the ship, the owner, master or any officer or other member of the crew of such ship or each of them shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to Taka one lac but shall not be less than Taka ten thousand, or with both].

**71.** A person shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Taka <sup>2</sup>[ten thousand], or with both, if he, without sufficient cause, fails to report a shipping casualty to the officer in charge of a police station as required by sub-section (2) of section 44.

Penalty for failure to report casualty

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<sup>1</sup> The words and commas “by the master or any officer or other member of the crew of the ship, the master or any officer or other member of the crew of such ship or each of them shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to Taka ten thousand, or with both” were substituted by section 31 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words “ten thousand” were substituted, for the words “two thousand” by section 32 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

Penalty for  
Contravention  
of section 60A

<sup>1</sup>[71A. (1) Any person who contravenes the provision of section 60A shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to Taka one lakh, or with both, and with recovery as compensation for the actual damage caused in any form, including the cost of clean up or containment or mitigation measures required.

(2) The extent of environmental damages and other relevant expenses shall be determined by a committee appointed by the Government for this purpose.]

Penalty for  
other  
contraventions

72. A person shall be punishable with fine which may extend to Taka <sup>2</sup>[ten thousand] if he intentionally contravenes any of the provisions of this Ordinance for the contravention of which no penalty is provided elsewhere in this Ordinance.

Offences by  
companies, etc.

<sup>3</sup>[72A. (1) If the person committing an offence under this Ordinance is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment under this Ordinance if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the

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<sup>1</sup> Section 71A was inserted by section 33 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> The words “ten thousand” were substituted, for the words “one thousand” by section 34 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> Section 72A was inserted by section 7 of the Inland Shipping (Amendment) Act, 1990 (I of 1990).

company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

**Explanation.-** For the purposes of this section-

- (a) "Company" means any body corporate and includes a firm or other association of individual, and
- (b) "director" in relation to a firm, means a partner in the firm.]

**73.** (1) Save as otherwise provided in this Ordinance, an offence punishable under this Ordinance, not being an offence made punishable by rules made under this Ordinance, shall not be tried by any Court other than a Court of Magistrate of the first class or the Marine Court.

Trial of offences

(2) Unless in any case the Government, by notification in the *official Gazette*, appoints any other place for the purpose, an offence punishable under this Ordinance may be tried, subject to the provisions of sub-section (1) by a Court within the local limits of whose jurisdiction it was committed or the accused may be found.

<sup>1</sup>[**73A.** Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, a Magistrate of the first class presiding over the Marine Court constituted under section 47 may also try an offence punishable under this Ordinance as a Court of the Magistrate of the first class.]

Trial of offences by the Magistrate of the Marine Court

**74.** Where the owner or the master of an inland ship is sentenced to pay a fine for an offence punishable under this Ordinance, the Court passing the sentence may also direct that, in case of failure to immediately pay the fine, the amount of the fine may be recovered by distraint and sale of the ship or the tackle, apparel or furniture of the ship, or so much thereof as may be necessary for the recovery of the fine.

Recovery of fine by distraint

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<sup>1</sup> Section 73A was inserted by section 28 of the Inland Shipping (Amendment) Ordinance, 1983 (XIX of 1983).



## CHAPTER VII

## MISCELLANEOUS

**75.** [*Exemption of Government ships.- Omitted by section 29 of the Inland Shipping (Amendment) Ordinance, 1983(XIX of 1983).*]

Power to  
modify  
application of  
the Ordinance

**76.** (1) The Government may, by notification in the *official Gazette*, declare that the provisions of Chapters II and III or any of those provisions shall not apply, or shall apply with such modifications as may be specified in the notification, to any inland ship so specified.

(2) The Government may exempt a foreign ship not registered under this Ordinance from the requirements of the provisions of Chapters II and III and permit the ship to ply in the inland waters of Bangladesh subject to such terms and conditions as the Government may specify.

Certificated  
master to be  
pilots under Act  
XV of 1908

**77.** Every master of an inland ship who has in his possession a valid certificate of competency of master granted under this Ordinance shall, for the purpose of section 30 of the Ports Act, 1908 (Act XV of 1908), be deemed to be the pilot of that ship in the port to which that section applies .

Surveyor and  
registrar to be  
public servant

**78.** Every surveyor, registrar and other officer performing any functions under this Ordinance shall be deemed to be a public servant within the meaning of the Penal Code (Act XLV of <sup>1</sup>[1860]).

Power to  
regulate  
movement of  
goods, etc.

**79.** (1) If the Government is of opinion that an emergent necessity has arisen rendering it essential to regulate the movement of goods and passengers and to provide for allocation of specific routes to inland ships, the Government or any authority authorised by it in this behalf, may regulate the movement of goods and passengers in such manner as may be prescribed and requisition, for the purpose of movement of goods and passengers any inland ship on such terms and

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<sup>1</sup> The figure “1860” was substituted, for the figure “1908” by section 35 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

conditions as the Government may determine or direct, by order in writing, the owner or master of an inland ship-

- (a) that the ship shall ply on a route or routes specified in the order; and
- (b) that the ship shall be used for such traffic purposes as may be specified in the order.

(2) Whoever fails to abide by regulation, or comply with requisition or direction, if any, under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka ten thousand, or with both.

**80.** (1) The owner or master of an inland ship-

- (a) shall afford reasonable facilities for receiving, forwarding and delivering goods to be carried by the ship and for transshipment of goods to any other ship with which an agreement for such transshipment has been entered into; and
- (b) shall not, in the matter of such receiving, forwarding, delivering or transshipment, discriminate between persons, commercial concerns, goods or classes of goods.

Facilities for receiving and delivering goods, etc.

(2) In the event of contravention of any of the provisions of sub-section (1), the owner and the master of the inland ship shall each be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka ten thousand, or with both.

**81.** (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 officers as it may deem fit and any officer so appointed may-

- (a) go on board any inland ship at all reasonable times and inspect the same and any part thereof, or any of the machinery, equipments <sup>2</sup>[, cargo and passenger] on board thereof;

Inspection <sup>1</sup>[and detention] to ensure compliance with the provisions of the Ordinance

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<sup>1</sup> The words “and detention” in the marginal note were substituted, for the commas and letters “, etc.,” by section 30 of the Inland Shipping (Amendment) Ordinance, 1983 (Ordinance No. XIX of 1983).

<sup>2</sup> The comma and words “, cargo and passenger” were substituted, for the words “and cargo” by section 36 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

- (b) require and enforce the production of the certificate of registry, certificate of survey, certificate of competency, route permit, fare-table, freight-table, time-table and such other documents as he considers necessary;
- (c) examine the owner or master of the ship or any other person engaged on board thereof and obtain from him statement in writing;

<sup>1</sup>[ \* \* \* ]

<sup>2</sup>[(e) inspect and examine an inland ship which is overloaded or improperly loaded.]

(2) Where any officer, after inspection and examination <sup>3</sup>[under sub-section (1), section 81A or 81B,] is of opinion that an offence under this Ordinance has been committed, he may make a complaint in writing to the Court competent to try such offence; and upon such complaint the Court shall take cognizance of the offence.

Temporary detention of inland ship for unsafe plying, etc.

<sup>4</sup>**[81A.** (1) Where an officer, after the inspection and examination under sub-section (1) of section 81, is of the opinion that the inland ship is not complying with the provisions of this Ordinance or rules made thereunder, for which the voyage is unsafe for the ship, lives or properties on board thereof, he may temporarily detain that ship and such documents as he feels necessary and make an order in writing not to proceed on any voyage till such time the ship is made safe for the voyage to the satisfaction of that officer.

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<sup>1</sup> Clause (d) was omitted by section 36 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>2</sup> Clause (e) was added by section 36 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>3</sup> The words, figures, brackets and commas “under sub-section (1), section 81A or 81B,” were substituted, for the words, figure, brackets and comma “under sub-section (1)” by section 36 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

<sup>4</sup> Sections 81A, 81B, 81C, 81D and 81E were inserted by section 37 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

**81B.** (1) Any officer appointed under section 81 has reason to believe that an inland ship has been or is being used in contravention of the provisions of sub-section (1) of section 18 or without the certificate of survey required by sub-section (1) of section 9 or without the permit required by sub-section (3) of section 9, seize and detain the inland ship.

Power to detain inland ship plying without certificate of registration or certificate of survey or temporary plying permit

(2) Notwithstanding anything contained in sub-section (1), where any such officer or person has reason to believe that an inland ship has been or is being used without the certificate of survey required by sub-section (3) of section 9, he may, instead of seizing the inland ship, seize the certificate of registration of the ship, certificate of competency of master and driver and shall issue an acknowledgement in respect thereof.

(3) Where no owner of a detained inland ship is found after a reasonable enquiry, the ship may be auctioned in public in such manner as may be prescribed or taken in to custody in favour of the Government, in order to stop the non-compliance.

**81C.** The Director-General or a person authorised by him or an officer appointed under the provisions of this Ordinance may, for the purpose of exercising any power or performing any function under this Ordinance, request any law enforcing agency, or any other Government or statutory authority to render necessary assistance, and upon such request that agency or authority shall render the assistance.

Assistance from law enforcing agencies and other authorities

**81D.** The Government may, by notification in the *official Gazette*, direct that the powers exercisable by it or the Director-General under any of the provisions of this Ordinance shall, subject to such conditions, if any, as may be so specified in that notification, be exercisable by a competent authority declared as such by the Government in the said notification.

Delegation of Power

**81E.** Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any Magistrate of the first class to pass a sentence of fine under this Ordinance exceeding ten thousand Taka.]

Special provision regarding fines

**82.** (1) The Government may, subject to the condition of previous publication, by notification in the *official Gazette*, make rules to carry out the purposes of this Ordinance.

Power to make rules

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

- (i) the time and places at which, and the manner in which, surveys are to be made;
- (ii) the duties of the surveyor making a survey and where more than one surveyor is employed, the respective duties of each surveyor;
- (iii) the manner in which free board deck in relation to an inland ship will be determined and marking on each side of the ship will be made to indicate the position of that deck by a mark to be known as “free board line”;
- (iv) the form in which declarations of survey, certificates of survey and certificates of registry are to be prepared, and the nature of the particulars to be stated therein;
- (v) the rates according to which fees payable in respect of surveys and registry are to be calculated in the case of all or any of the places of survey or places of registry;
- (vi) the cases in which, and the extent to which, a survey or registry may be dispensed with;
- <sup>1</sup>[(via) grades of masters and drivers;
- (viaa) syllabus and courses of examination and test for certificate of competency;]
- (vii) the time and place of holding and the mode of conducting examinations of persons desirous of obtaining certificates of competency and fees to be paid for such examinations;
- (viii) the qualifications to be required of persons desirous of obtaining certificates of competency;
- (ix) regulating the grant of certificates of services and fees to be paid for such certificates;
- (x) regulating the grant of licences under section 38 and fees to be paid for such licences;

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<sup>1</sup> Clauses (via) and (viaa) were inserted by section 8 of the Inland Shipping (Amendment) Act, 1990 (Act No. I of 1990).

- (xi) the forms in which and the authorities by which the certificates and licences aforesaid are to be granted and the manner in which copies thereof are to be kept and recorded;
- (xii) the manner in which and the conditions subject to which dangerous goods may be carried on an inland ship;
- (xiii) the measures and precautions to be taken to prevent explosions and fires on board an inland ship;
- (xiv) the apparatus and other things to be kept and carried on board an inland ship for the purpose of extinguishing fires;
- (xv) the carriage and exhibition of lights and the making of sounds and visual signals by inland ship;
- (xvi) the carriage and exhibition of lights or other signals by any <sup>1</sup>[inland ship] or craft plying on inland waters on which inland ships ply;
- <sup>2</sup>[(xvii) the collisions, steering and sailing rules to be observed by inland ships;]
- (xviii) the manner of towing and pushing by an inland ship of any vessel or craft;
- (xix) the speed at which an inland ship may navigate in specified areas;
- (xx) the equipment, instrument and appliance to be kept and carried on board an inland ship for the purpose of safety of the ship and of the life and property on board;

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<sup>1</sup> The words “inland ship” were substituted, for the word “vessels” by section 31 of the Inland Shipping (Amendment) Act, 1983 (Act No. XIX of 1983).

<sup>2</sup> Clause (xvii) was substituted by section 31 of the Inland Shipping (Amendment) Act, 1983 (Act No. XIX of 1983).

- (xxi) regulating the navigation of inland ships to prevent danger to other vessels or crafts, or damage or injury to navigation marks, river banks, navigable channel or to any property in or abutting on such banks or channels;
- (xxii) regulating the carriage of passengers by, and the conduct of passengers on board, an inland ship;
- (xxiii) the conditions and circumstances in which passengers may be refused admission to, and may be required to leave, an inland ship;
- <sup>1</sup>[(xxiv) the supply of drinking water free of charge for the use of the passengers;]
- <sup>2</sup>[(xxv) pollution prevention, sanitary and other measures to be taken on board an inland ship for ensuring cleanliness and convenience of passengers and inland water];
- (xxvi) separate accommodation for women and children;
- (xxvii) the issue and exhibition of tickets or receipts showing payment of fares for carriage of passengers and freights for carriage of goods;
- (xxviii) the printing or otherwise denoting the price of tickets issued to passengers;
- (xxix) the expulsion from, or arrest on, an inland ship of any person committing a breach or contravention of any provision thereof;
- (xxx) terms and conditions of appointment of assessors;

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<sup>1</sup> Clause (xxiv) was substituted by section 31 of the Inland Shipping (Amendment) Act, 1983 (Act No. XIX of 1983).

<sup>2</sup> Clause (XXV) was substituted by section 38 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

- (xxxix) inspection and detention of an inland ship, production of certificates and other documents and making of complaint under section 81; and
- xxxii) such other matters as are considered necessary or expedient for carrying out the purposes of this Ordinance.

(3) Rules made under this Ordinance may provide that any person contravening or committing a breach of any provision thereof 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.

(4) For the purpose of arrest of any person under the rules made under this Ordinance, the procedure for arrest by private persons prescribed in section 59 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall, so far as may be, apply.

**83.** (1) The Inland Mechanically Propelled Vessels Act, 1917 (Act I of 1917), hereinafter referred to as the said Act, is hereby repealed.

Repeal and savings

(2) Without prejudice to section 24 of the General Clauses Act, 1897 (Act X of 1897), and unless the Government in any case otherwise directs,-

- (a) any rule, notification, order or exemption made, issued or granted under the said Act and in force immediately before the commencement of this Ordinance, shall be deemed to have been made, issued or granted under the corresponding provisions of this Ordinance;
- (b) any officer or authority appointed or empowered under the said Act shall be deemed to have been appointed or empowered under the corresponding provisions of this Ordinance;



- (c) any certificate, licence or other document issued, granted or made under the said Act and in force immediately before the commencement of this Ordinance shall be deemed to have been issued, granted or made under the corresponding provisions of this Ordinance.
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