

Territorial Waters and Maritime Zones Act 1974, Act No. XXVI of 1974

An act to provide for the declaration of the territorial waters and maritime zones.

Whereas clause (2) of Article 143 of the Constitution provides that Parliament may, from time to time, by law provide for the determination of the territorial waters and the continental shelf of Bangladesh;

And whereas it is necessary to provide for the declaration of the territorial waters, continental shelf and other maritime zones and for matter ancillary thereto;

It is hereby enacted as follows:

Short title

1. This Act may be called the Territorial Waters and Maritime Zones Act, 1974.

Definitions

2. In this Act, unless there is anything repugnant to the subject or context:
 - (a) "conservation zone" means a conservation zone established under section 6;
 - (b) "contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;
 - (c) "continental shelf" means the continental shelf of Bangladesh referred to in section 7;
 - (d) "economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;
 - (e) "territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

Territorial waters

3. (1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh which shall be the territorial waters of Bangladesh specifying in the notification the baseline:

- (a) from which such limits shall be measured; and
- (b) the waters on the landward side of which shall form part of the internal waters of Bangladesh.

(2) Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seawards from the main coast or baseline, territorial waters shall extend to the limits declared by notification under sub-section (1) measured from the low waterline along the coast of such island, rock or composite group.

- (3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the

bed and subsoil of, such waters.

(4) No foreign ship shall, unless it enjoys the right of the innocent passage, pass through the territorial waters.

(5) Foreign ship having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

(6) The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7) No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

(8) The Government may take such steps as may be necessary:

- (a) to prevent the passage through the territorial waters of any foreign ship having no right of innocent passage;
- (b) to prevent and punish the contravention of any law or rule in force in Bangladesh by any foreign ship exercising the right of innocent passage;
- (c) to prevent the passage of any foreign warship without previous permission of Government; and
- (d) to prevent and punish any activity which is prejudicial to the security or interest of the Republic.

Explanation - In this section "warship" includes any surface or sub-surface vessel or craft which is or may be used for the purpose of naval warfare.

Contiguous zone

4. (1) The zone of the high seas contiguous to the territorial waters and extending seawards to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation in force in Bangladesh relating to:

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

Economic zone

5. (1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

(2) All natural resources within the economic zone, both living and non-living, on or under the seabed and sub-soil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in sub-section (2) shall be deemed to affect fishing within the economic zone by a citizen of

Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Conservation zone

6. The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

Continental shelf

7. (1) The continental shelf of Bangladesh comprises:

(a) the seabed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and

(b) the seabed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to sub-section (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of, a licence or permission granted by Government explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf:

Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Explanation: Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

Control of pollution

8. The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

Power to make rules

9. (1) The Government may make rules for carrying out the purposes of this Act.

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

(a) for the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;

- (b) for measures to protect, use and exploit the resources of the economic zone;
- (c) for conservation measures to protect the living resources of the sea;
- (d) for measures regulating the exploration and exploitation of resources within the continental shelf;
- (e) for measures designed to prevent and control of marine pollution of the high seas.

(3) In making any rule under this section the Government may provide that a contravention of the rule shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand takas.