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~~GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH~~
MINISTRY OF SHIPPING, IWT AND AVIATION.

N O T I F I C A T I O N

NO. WD/IM-4/73-10

Dated; Dhaka the 19th April, 1973

In exercise of the powers conferred by section 25 read with clause (VI) of Sub-section (I) of section 15 of the Inland Water Transport Authority Ordinance, 1958 (Ordinance No. LXXV of 1958) the Government is pleased to make the following rules, namely :-

THE REMOVAL OF WRECKS AND OBSTRUCTIONS IN INLAND NAVIGABLE WATERWAYS RULES, 1973.

- I. (i) These rules shall be called the Removal of wrecks and obstructions in inland navigable waterways Rules, 1973.
- (ii) These rules shall come into force at once and shall be deemed to have taken effect on the 1st day of January, 1973.
2. In these Rules unless there is anything repugnant in the subject or context :-
 - (i) "Inland navigable waterways " means and includes -
 - (a) All rivers and canals where vessels can ply during any part of a year;
 - (b) any lake, haor, beel or any other expanse of water which are used by vessels in any part of the year;
 - (c) Shores of the above mentioned waterways;
 - (d) inland river ports, landing ghats and terminals maintained and operated by the Authority on any of the above mentioned waterways.
 - (ii) "Obstruction" means any impediment to the use of inland navigable waterways by any means.
 - (iii) "Vessels" means and includes any thing made for the conveyance by water of human being or of property;
 - (iv) "Wreck " means and includes the following when found in the inland navigable waterways or on the shores thereof:-
 - (a) goods which have been cast into the waterways and then sink and remain under water;
 - (b) goods which have been cast or fall into the waterways and remain floating on the surface;
 - (c) goods which are sunk in the waterways, but are attached to a floating object in order that they may be found again;
 - (d) goods which are thrown away or abandoned;

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(e) a vessel abandoned without hope or intention of recovery;

(f) a vessel sunk or capsized due to collision, storm or any other reasons;

3. If any wreck or obstruction is found or reported in any inland navigable waterways so as to impede, or likely to impede navigation, the Authority may cause the wreck or obstruction to be raised, removed or destroyed.
4. (i) The Chairman may himself or through any person appointed by him/ⁱⁿ that behalf take possession of any wreck.
(ii) The Chairman or the person appointed by him under sub rule (i) may constitute a Committee to assist him in the performance of his duties.
5. Any person finding and taking possession of any wreck within the inland navigable waterways or bringing within such limit any wreck which has been found and taken possession of elsewhere, shall, as soon as practicable-
 - (a) if he be the owner thereof, give the Chairman or the person appointed by him notice in writing of the finding of the wreck and of the marks by which such wreck is distinguished;
 - (b) if he be not owner of the same, deliver the same to the Chairman or the person appointed by him.
6. (i) Whenever any wreck is found by the Chairman or the person appointed by him or existence of any wreck is brought to his notice, it shall be published in atleast two local newspapers containing description of the wreck and the time and place where the same was found, as far as practicable, calling upon the lawful owner to remove the wreck within a period of 15 (fifteen) days from the date of publication of such notice;

Provided that anyone claiming to be an owner shall have to establish his claim by producing documents to the satisfaction of the Chairman or the person appointed by him.

- (ii) After publication of the notice aforesaid, if any owner applies for extension of time for its removal and there are reasons to believe that such extension is necessary the Chairman or the person appointed by him may extend the time up a period of sixty days from the date of publication of the notice.
- (iii) If the owner fails to respond to the notice published under sub-rule (i) the Chairman or the person appointed by him may take possession of and cause the wreck to be raised, removed or destroyed.

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(iv) Notwithstanding anything contained in these rules, the Authority may, for reasons to be recorded in writing, remove or salvage, without any notice, any wreck and keep the wreck under its custody by making arrangements for guarding the same, the cost of which shall be borne by the owners.

7.(i) The Chairman or the person appointed by him shall, on taking possession of any wreck under rule 6, or when the wreck has been delivered to him in accordance with clause (b) of rule 5 by any person not being the owner thereof, publish the same by notification in the official gazette and in at least two local newspapers giving a description of such wreck and time and place where it was found, as far as practicable.

(ii) If the wreck is of perishable nature the Chairman or the person appointed by him may dispose of the same immediately by public auction.

8. (i) If after publication of notification under rule 7, the wreck is unclaimed, or if the person claiming the same fails to pay the cost incurred and a further sum of 20% in respect thereof, the Chairman or the person appointed by him may sell such wreck by public auction, after waiting for a period of sixty days from the date of publication of the notice.

Provided that the Government may order disposal of such wreck in any manner deemed necessary.

(ii) In case ^{of} any dispute concerning the amount due under sub rule (i) the decision of the Authority shall be final.

9. When a wreck has been sold in the manner prescribed in sub-rule (1) of rule 8, the amount due for salvage and the charges together with the expenses of the sale shall be deducted from the proceeds of such sale, and the balance shall be deposited, with the Government or shall be disposed of as otherwise directed by the Government.

- IO. Having established his claim within the aforesaid period if the owner cannot pay the cost of salvage and other charges forthwith the Chairman or the person appointed by him may allow the owner to take custody or the wreck on execution of an indemnity bond or on furnishing Bank Guarantee to the satisfaction of the Chairman or the person appointed by him:

Provided that the period of such custody shall not exceed one year.

- II. (i) The Authority may cause to be removed and destroyed any obstruction on any inland navigable waterway .
(ii) In removing and destroying obstruction no public notice is required to be issued.

S.Z. Khan,
Secretary.

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Dhaka, dated the 19th April, 1973.

Copy forwarded to :-

1. The Chairman, BIWTA, DIT Building Annexe, Dhaka.
2. The Chairman, BIWTC, Dhaka.
3. The Ministry of Law and Parliamentary Affairs, Govt. of Bangladesh, Dhaka.
4. The Ministry of Communications, Govt. of Bangladesh, Dhaka.
5. The Ministry of Finance, Govt. of Bangladesh, Dhaka.

Sd/- Ramjan Ali Miah,
Deputy Secretary.

O. Haq/