

Cost of Port  
Police

**39.** The Authority shall provide such sums as the Government may, from time to time, determine as a contribution for the maintenance of police employed for the protection of the Port and the approaches to the Port.

## CHAPTER VI

### PENALTIES AND PROCEDURE

Penalty

**40.** Whoever contravenes any provision of this Ordinance or any rule or regulation made thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to six months, or <sup>1</sup>[with fine which may extend to Taka fifty thousand], or with both.

Penalty for  
evading tolls,  
etc.

**41.** Any person who removes or attempts to remove, or abets within the meaning of the Penal Code (XLV of 1860), the removal of any goods, vessel, animal or vehicle with the intention of evading payment of the tolls, dues, rates or charges lawfully payable in respect thereof shall be punishable with fine which may extend to <sup>2</sup>[fifty thousand Taka].

Penalty for  
pollution etc.

<sup>3</sup>**41A.** Any person who throws or allows to fall into the water, shore, bank or land within the limits of the Port any goods, ballast ashes or any other thing whatsoever causing pollution of the water or environment shall be punishable with fine which may extend to one lakh Taka.]

Compensation  
for damage to  
property

**42.** (1) In case any damage or mischief is done to any dock, pier or work of the Authority by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, not being in the service of the Authority, any Magistrate of the first class having jurisdiction in the Port area may, on the application of the Authority and on declaration by it that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

<sup>1</sup> The words "with fine which may extend to taka fifty thousand" were substituted for the words "with fine" by section 12 of the Chittagong Port Authority (Amendment) Act, 1995 (Act No. XIX of 1995).

<sup>2</sup> The words "fifty thousand taka" were substituted for the words "five thousand taka" by section 13 of the Chittagong Port Authority (Amendment) Act, 1995 (Act No. XIX of 1995).

<sup>3</sup> Section 41A was inserted by section 14 of the Chittagong Port Authority (Amendment) Act, 1995 (Act No. XIX of 1995).

(2) If, at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed five thousand Taka, the Magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spares, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Authority out of the proceeds of the distress:

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorised officer belonging to the pilot service of the Authority and if such damage or mischief is in any way attributable to the order, act or improper omission of such officer, the case shall not be cognizable by the Magistrate under this section.

**43.** No Court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Authority or by an officer authorised for the purpose by the Authority.

Cognizance of offences

**44.** All fees and sums due on account of property for the time being vested in the Authority and all arrears of tolls, charges, rates and dues imposed under this Ordinance may be recovered as arrears of land revenue, in addition to the other modes provided by this Ordinance.

Recovery of dues as arrears of land revenue

## CHAPTER VII

### MISCELLANEOUS

**45.** (1) It shall be lawful for the Chairman or any member, or for any person either generally or specially authorised by the Chairman in this behalf,-

Power of entry

- (a) to enter upon and survey, inspect or take level of any land;
- (b) to dig or bore into the sub-soil;
- (c) to set out the boundaries and intended lines of any work;