

## LAW OPINION

# Deterrence and international legal compliance as key to Bangladesh's maritime security

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The Bay of Bengal, central to the nation's "Blue Economy" ambitions, is a zone of immense opportunity. However, it is also an arena where transnational criminal syndicates consistently challenge maritime security and national sovereignty. For instance, in April 2025 alone, the river police seized over 2.7 crore metres of illegal fishing nets during a six-day operation, arresting 248 suspects.

Certainly, patrols alone cannot secure long term prosperity or security in this riverine country. Rather, a formidable legal architecture is required that aligns with international law and establishes a rigid punitive framework creating a powerful deterrent against illicit activities. Bangladesh's key maritime agencies have, on multiple occasions, acknowledged how the criminals exploit the legal loopholes profICIENTLY. To truly command its maritime territory, Bangladesh must emphasise two core pillars: unwavering compliance with international legal obligations and systematic strengthening of domestic laws.

Bangladesh is duty-bound under key international legal instruments that regulate the maritime zones. For example, the United Nations Convention on the Law of the Sea (UNCLOS), serving as the 'constitution for the oceans,' outlines the fundamental obligations of the states. For narcotics, the 1988 UN Convention

that the laws and procedures are fully harmonised at the implementation level to ensure deterrence at the root level.

Deterrence is fundamentally about risk versus reward. For too long, the rewards of illegal fishing and narcotics trafficking in the Bay of Bengal have outweighed the risks. To reverse this equation, the legal framework must be strengthened on the fisheries front by implementing impactful changes to the MFA. Concurrently, for narcotics trafficking, dismantling the financial incentives by simplifying the bureaucratic hurdles to monitor and track illicit money is paramount. It also means enacting proactive laws, such as requiring courier services to install narcotics detection equipment, and safeguarding the integrity of prosecutions by establishing secure, district-wise storage facilities for seized drugs to prevent tampering with evidence.

Effective deterrence also requires an efficient judiciary. Following the recent establishment of over five hundred subordinate courts in September 2025, priority should also be given to the establishment of special courts or tribunals in key maritime regions, such as Khulna and Chattogram, to prevent cases from languishing in an overburdened court system. These specialised courts, staffed by a judiciary well-versed in the nuances of maritime law, would ensure speedy trials and consistent sentencing, sending a

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against Illicit Traffic in Narcotic Drugs and Psychotropic Substances explicitly obligates the ratifying states to fully cooperate in suppressing illicit trafficking by sea. It is further cemented by the broader UN Convention against Transnational Organized Crime (UNTOC), which makes it mandatory to criminalise and combat every activity of the organised criminal groups that orchestrate such trafficking operations. Similarly, agreements such as the UN Fish Stocks Agreement establish principles for the conservation and management of fisheries, while the FAO's Agreement on Port State Measures (PSMA), obligates the implementation of strict port controls to prevent vessels suspected of IUU fishing from landing and selling their illicit catch.

However, a comprehensive review of all domestic laws related to maritime crimes, from the Territorial Waters and Maritime Zones Act (TWMZA), 1974, as amended in 2021, to the Narcotics Control Act, 2018, and Marine Fisheries Act, 2020 (MFA), reveals minute inconsistencies that blunt full implementation of international duties. For instance, a lack of internal legal clarity, such as confusion over which statute to use for prosecuting a narcotics case or a case of IUU fishing, directly hinders the state's authority at sea and weakens the prosecution's case.

Achieving full acquiescence requires a seamless and unambiguous legal chain from international obligation to domestic court conviction. Bangladesh must ensure

clear message to the offenders. This must be supported by specialised training for judges and prosecutors, ensuring they are equipped to handle complex cases involving digital evidence, transnational elements, and sophisticated criminal methods.

Nevertheless, rigid laws are rendered meaningless without the operational capacity to enforce them. This calls for equipping agencies like the Coast Guard and River Police with modern technology, such as Vessel Monitoring Systems (VMS), drones, and high speed boats. Similarly, body cameras for officers and CCTV cameras in landing ports are essential tools for ensuring the integrity of evidence and documenting crimes in action.

And lastly, developing a coordinated and inescapable enforcement front is crucial as criminals thrive in the grey areas between jurisdictions. This requires establishing a robust inter-agency joint monitoring system and clarifying the distinct operational responsibilities of the Navy, the Coast Guard, the River Police, and other relevant ministries. This must also be extended regionally through joint patrols and real-time intelligence sharing with neighbouring countries, ensuring there are no safe havens for criminals in the Bay of Bengal.

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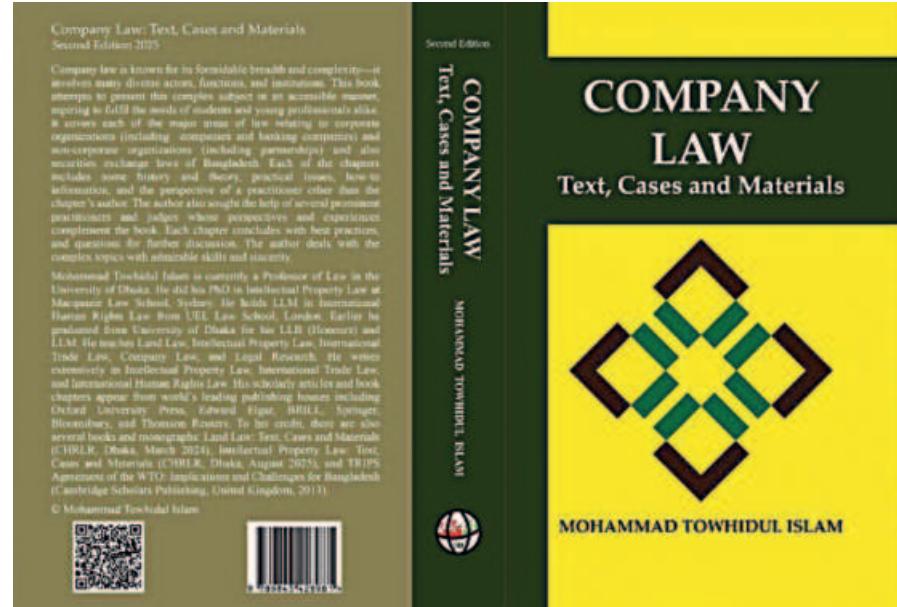
## BOOK REVIEW

# Reflections on 'Company Law: Text, Cases and Materials'

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Few areas of law are as labyrinthine as Company Law, where intricate rules on formation, governance, and finance demand both precision and insight. A sound understanding of the discipline, therefore, requires a thorough grasp of its evolving jurisprudence, ranging from a web of rules contained in the statutes, case laws from domestic and overseas courts, and its foundational principles.

In this context, Professor Mohammad Towhidul Islam, PhD, masterfully renders the complexities and expansive scope of Company Law both clear and accessible in his book, 'Company Law: Text, Cases and Materials'. While charting the lifespan of a company – from its formation to dissolution – the book aptly integrates the relevant primary legislation (Companies Act, 1994), secondary legislation (Companies Rules, 2009), and notifications



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issued by the BSEC. The laws form the basis of the author's analysis, while relevant cases, from both domestic and overseas courts, corroborate and expand upon it.

This work distinguishes itself from conventional Company Law texts by traversing four interrelated but distinct fields – Company Law, Partnership Law, Banking Companies Law, and the Law of Societies. Divided into seven parts, the book comprises a total of twenty-six chapters. The first and second part broadly introduces Company Law to the readers. The third part addresses the formation procedure of companies as of 2025, carefully outlining the obligations of

promoters during the pre-formation phase, the requirements of registration and the foundational components of companies – Memorandum and Articles of Association. The fourth part is devoted to corporate governance, analysing the functions of company directors and the procedure for calling and conducting meetings. The fifth part curates the regulation of share capital, debentures and company charges. Concluding the Company Law portion, the sixth part addresses company administration, statutory reporting, amalgamation, and winding up. Finally, the last part sketches the regulatory and legal frameworks of partnerships, banking companies, and societies.

The book's prominence rests on its several noteworthy features. To begin with, the book in several parts differentiates between and sets out the advantages and disadvantages of various kinds of enterprises, such as Joint Venture Company, One Person Company and Partnership, so as to enable readers to determine which structure best suits their needs. Moreover, the text incorporates key theories of Company Law, such as the organic, alter ego, and agency theories, wherever the occasion arises. Moreover, it

highlights contemporary developments, such as the UK's reform of the ultra vires doctrine. The book's originality is further marked by its inclusion of underexplored themes such as Corporate Taxation, Corporate Social Responsibility, and Corporate Arbitration. Each chapter concludes with a touch of best practices and questions for further discussions.

By virtue of its breadth and depth, the book has the potential to benefit students and members of both the bar and the bench, providing, within one volume, a unified resource that spares readers from resorting to fragmented notifications and dispersed rules. Corporate lawyers, academics, regulators, and policy-makers are also likely to benefit from its comprehensive treatment of Company Law.

To conclude, 'Company Law: Text, Cases and Materials' marks a milestone as a seminal contribution to Bangladeshi corporate legal scholarship. The penmanship of the author instils the readers with confidence in the book's ongoing refinement in future editions.

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## LAW VISION

# Regulating battery-run rickshaws

MEHELIKA ANAN RAMISHA

Battery-run rickshaws are the blind spot for the laws governing the streets in Bangladesh, and we might be suffering all the more for it. In this piece, I will attempt to discuss the relevant legal framework and give my views on what ought to be done.

In July 2014, a High Court Division (HCD) bench passed an order to ban the use of battery-run rickshaws, also known as e-rickshaws, countrywide. Since then, there have been multiple pushes to regulate the use of such vehicles. Early last year, the then government announced that laws would

not have any regulation on them. This lapse in policy and regulation has led to underground garages manufacturing e-rickshaws with no regard as to safety. Governments have tried and failed multiple times trying to get rid of these vehicles. However, massive protests erupted each time bans were placed on these e-rickshaws.

E-rickshaws face stern opposition by many due to the frequent accidents caused by sudden speed ups and a lack of trained rickshaw puller. These e-rickshaws travel at unreasonable speeds estimated to be up to 40 km/h, leading to deaths and injuries during accidents, with very few and inadequate



measures being put in place to prevent this. The e-rickshaws even have effects on the energy sector as well as the environment. Most e-rickshaws are powered by lead-acid batteries, and due to the unregulated nature of these vehicles, battery disposal and other waste management are not done in appropriate manner. In addition, different reports suggest that around 90% of garages use illegal electricity connections. It is evident that these systematic issues need to be addressed through strict legislation.

The reaction to the ban has been mixed, with some holding sympathetic views towards the use of battery-run rickshaws, while others agree with the decision. Given the fact that the authorities are actively attempting to reduce the use of these vehicles, the dependence thousands of people have on battery-run rickshaws (both as a means of transport and livelihood), the policies in this regard must be evaluated.

The government is in a strange situation regarding e-rickshaws. The Bangladesh Road Transport Authority (BRTA) has endorsed multiple regulations and guidelines on the usage of pedal rickshaws and CNGs, but given that the BRTC does not recognise e-rickshaws, they do

existence of e-rickshaws. Speed limits, the number of passengers, and the structure of the rickshaw are some of the aspects that need to be regulated.

The authorities have attempted to control the use of these e-rickshaws by methods such as the destruction of apprehended vehicles. However, a more pragmatic approach has been recently approved by the North and South City Corporations, which approved the use of special slow-speed e-rickshaws created by BUET with hope that the existing e-rickshaws will be phased out over time. The project sounds quite optimistic, but critics severely question how this would, in fact, compete with illicit e-rickshaws. A policy titled 'Three-Wheeled Low-Speed Battery-Operated Rickshaw (e-rickshaw) Operation Regulations 2025' has also been finalised recently, which allows e-rickshaws to only run on specific roads designated by the city corporations and the traffic police.

The success of this project and others similar to this remains to be seen. However, one thing is certain, and it is that legislation and policy building are necessary to control e-rickshaws. In my opinion, eradicating e-rickshaws wholly is not the solution Dhaka needs right now. Instead, creating more citizen-focused practical legislation should be the top priority for the authorities. Legally recognising e-rickshaws would allow the government to set safety standards, develop guidelines that protect the environment and ensure training of the drivers. Without legal regulation, these vehicles will continue to pose a threat to the safety of millions and continue to burden an already tumultuous traffic situation.

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