

**THE EXPORT PROMOTION BUREAU
ORDINANCE, 1977**

CONTENTS

SECTIONS

1. Short title
 2. Definitions
 3. Establishment and incorporation of the Bureau
 4. Management of the affairs of the Bureau
 5. Composition of the Board
 6. Chief Executive of the Bureau
 7. Meetings of the Board
 8. Functions of the Bureau
 9. Fund
 10. Borrowing and investment
 11. Budget
 12. Accounts and Audit
 13. Reports, etc.
 14. Appointment of officers, etc.
 15. Public servants
 16. Delegation of powers
 17. Indemnity
 18. Winding up
 19. Power to make rules
 20. Power to make regulations
 21. Transfer of properties, liabilities, etc., of the existing Bureau
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**'THE EXPORT PROMOTION BUREAU
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ORDINANCE NO. XLVII OF 1977

[10th October, 1977]

**An Ordinance to provide for the establishment of a
Bureau for promotion of export.**

WHEREAS it is expedient to provide for the establishment of a Bureau for promotion of export from Bangladesh and for development of plans and policies in support of promotion of export from both private and public sectors of the country, and for matters connected therewith and incidental thereto;

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

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| <p>1. This Ordinance may be called the Export Promotion Bureau Ordinance, 1977.</p> | Short title |
| <p>2. In this Ordinance, unless there is anything repugnant in the subject or context,-</p> <p>(a) "Bureau" means the Bangladesh Export Promotion Bureau established under section 3 of this Ordinance;</p> <p>(b) "Board" means the Board of Management of the Bureau;</p> <p>(c) "Chairman" means the Chairman of the Board;</p> <p>(d) "member" means the member of the Board;</p> <p>(e) "prescribed" means prescribed by rules or regulations made under this Ordinance; and</p> <p>(f) "Vice-Chairman" means the Vice-Chairman of the Board.</p> | Definitions |
| <p>3. (1) Upon the commencement of this Ordinance, there shall be established a Bureau to be called the Export Promotion Bureau for carrying out the purposes of this Ordinance.</p> | Establishment and incorporation of the Bureau |

¹ 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 section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

(2) The Bureau shall be a body corporate having perpetual succession and a common seal with power to enquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(3) The Head Office of the Bureau shall be at Dhaka.

Management of
the affairs of the
Bureau

4. (1) The general direction and administration of the affairs of the Bureau shall vest in a Board of Management of the Bureau which may exercise all powers and do all acts and things which may be exercised and done by the Bureau.

(2) Without prejudice to the generality of the foregoing provisions, the Board may, for the performance of its functions-

- (a) undertake any work, incur any expenditure within the budget or any special allocation of funds, procure machinery and materials required for its use and enter into and perform all such contracts as it may consider necessary or expedient;
- (b) seek or obtain advice and assistance in the preparation or execution of a scheme, from any Local Authority or agency of the Government or any other agency, national or international.

(3) The Board shall in discharging its functions, be guided by such directions as the Government may give from time to time.

Composition of
the Board

¹[5. (1) The Board shall consist of the following members, namely:-

- (a) the Minister-in-charge of the Commerce Division, *ex-officio*, who shall also be the Chairman of the Board;
- (b) the Vice-Chairman of the Board to be appointed by the Government;
- (c) the Director-General of the Bureau to be appointed by the Government, *ex-officio*;

¹ Section 5 was substituted by section 2 of the Export Promotion Bureau (Amendment) Ordinance, 1984 (Ordinance No. XXXV of 1984).

- (d) four members to be appointed by the Government for a term of three years to represent trade and industry in the private sector;
- (e) one senior officer of the Bangladesh Bank to be nominated by that Bank; and
- (f) six members, being persons in the service of the Republic not below the rank of Joint Secretary to the Government, one each to represent the Ministry of Commerce, the Ministry of Industries, the Ministry of Foreign Affairs, the Ministry of Jute and Textiles, the Fisheries and Livestock Division and the Agriculture and Forest Division, to be nominated by the respective Ministry or Division.]

6. (1) The Vice-Chairman shall be the Chief Executive of the Bureau and in whom shall vest, subject to the directions of the Board, all the executive functions of the Bureau.

Chief Executive of the Bureau

(2) The Vice-Chairman shall hold office for such duration and on such terms and conditions as the Government may determine.

(3) Without prejudice to the provisions of sub-section (1), the Vice-Chairman shall exercise such powers, perform such functions and discharge such duties as may from time to time, be assigned to him by the Government or the Board or as may be prescribed.

(4) If the Vice-Chairman is for illness, or for any other reason incapable of performing his duties under this Ordinance, the Government may authorise any other member to perform the duties of the Vice-Chairman during the period for which he is so incapable.

7. (1) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed:

Meetings of the Board

Provided that the Board shall meet at least once in a month.

(2) No act or proceeding of the Board shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of, the Board.

Functions of the Bureau**8. It shall be the functions of the Bureau-**

- (a) to suggest to the Government measures designed to provide efficient, adequate, economic and co-ordinated plans and policies for promotion of exports from the country by both private and public sectors;
- (b) to explore and examine the potentials of export-oriented products within the country and help ensure quality control of all exporters; and
- (c) to co-ordinate the export efforts of various private and public sector organisations within the country and provide necessary advice, information and assistance to such organisations so as to enable them to participate in, or increase their exports to, other countries.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board may-

- (a) explore and examine markets of other countries with a view to promoting export of raw, semi-finished and finished products from Bangladesh to such countries;
- (b) establish such regional or other offices, branches, agencies, display and or sale centres within Bangladesh and, with prior approval of Government, abroad;
- (c) establish with the approval of the Government, subsidiary organisations in Bangladesh or abroad for promotion of export of Bangladesh products;
- (d) organise and arrange participation in industrial, trade and export fairs and exhibitions abroad;
- (e) organise trade and export fairs within the country;
- (f) undertake and organise publicity of Bangladesh export products abroad;
- (g) perform such functions as may be assigned to it by the Government;
- (h) appoint such committee or committees as it think fit to assist it in the formulation of policies and programmes and for efficient and expeditious execution of those policies and programmes;

- (i) provide for training, studies, surveys, experiments or technical research; or contribute towards the costs of any such studies, surveys, experiments or technical research made by any other agency;
- (j) impose any fee or other charges for services rendered by it;
- (k) do all other things connected with or ancillary to the attainment of the objectives aforesaid.

9. (1) There shall be a fund of the Bureau to which shall be credited- Fund

- (a) grants from the Government;
- (b) grants from Local Authorities and other corporate bodies;
- (c) loans raised in Bangladesh with the prior approval of the Government;
- (d) aids and grants, if any, received from foreign countries with the prior approval of the Government;
- (e) contributions from the chambers of commerce, trade organisations and associations;
- (f) all other receipts of the Bureau.

(2) The funds of the Bureau shall be utilised to meet charges in connection with its functions under this Ordinance and all payments of the Bureau shall be made out of that fund.

(3) All monies of the Bureau shall be kept with such bank as may be approved by the Board.

10. (1) For carrying out its business and functions, the Bureau may, with the approval of, and as such conditions, if any, as may be laid down by the Government, raise funds by loan or otherwise from such local and foreign sources, including banks, as may be approved by the Government. Borrowing and investment

(2) The Bureau may invest such monies as are not required for immediate expenditure in any of the securities described in section 20 of the Trusts Act, 1882 (II of 1882), or place them in fixed deposit with any bank approved under sub-section (3) of section 9.

Budget

11. The Bureau shall submit, by such date before commencement of every year and in such manner and form as the Government may direct, for approval of the Government, two statements to be called the Annual Administrative Budget statement and the Annual Export Market Development Budget statement showing therein the estimated receipts and expenditure of the Bureau in respect of that year.

Accounts and
Audit

12. (1) The Bureau shall maintain proper accounts and other relevant records, and prepare annual statements of accounts, in such manner and form as the Government may direct, and such direction may require maintenance of separate accounts, one for administrative and maintenance expenses to be financed out of the administrative Budget, and the other for export market development expenses to be financed out of the Export Market Development Budget.

(2) The accounts of the Bureau shall be audited by a firm of chartered accountants within the meaning of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973), who shall be appointed, with the approval of the Government, by the Board on such remuneration as it may think fit, and such remuneration shall be paid by the Bureau.

(3) The firm of chartered accountants appointed under subsection (2) shall be given the accounts and other relevant records of the Bureau and shall examine them together with the account books and vouchers relating thereto; and shall have a list delivered to it of all books kept by the Bureau, and shall at all reasonable times have access to the books, accounts and other documents of the Bureau, and may in relation to such accounts examine the Vice-Chairman, Directors-General, or any member, officer or other employee of the Bureau.

(4) The aforesaid firm of chartered accountants shall report to the Government upon the annual accounts, and in the report it shall state whether, in its opinion, the accounts contain all necessary particulars and is properly maintained so as to exhibit a true and correct view of the state of the affairs of the Bureau, and if it has called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(5) Without prejudice to the aforesaid provisions, the Government may also cause the accounts of the Bureau to be audited by such officer or agency as it may deem fit.

13. (1) The Bureau shall furnish to the Government such reports and statements as the Government may from time to time require. Reports, etc.

(2) The Bureau shall, as soon as possible after the end of every financial year, furnish to the Government statement of audited accounts together with annual report on the conduct of its affairs during that year.

14. The Bureau may appoint such advisors, consultants, officers and other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be prescribed and, until they are so prescribed, on such terms and conditions as it may determine. Appointment of officers, etc.

15. The Chairman, Vice-Chairman, ¹[Director-General], members, advisors, consultants or officers and other employees of the Bureau shall, while acting or purporting to act in pursuance of the provisions of this Ordinance or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Penal Code (Act XLV of 1860). Public servants

16. (1) The Board may, by general or special order, delegate to the Vice-Chairman, any member or officer of the Bureau any of its powers under this Ordinance or regulations made thereunder. Delegation of powers

(2) The Vice-Chairman may likewise delegate to any member or officer of the Bureau any of his powers under this Ordinance or the rules made thereunder, not being a power delegated to him by the Board under sub-section (1).

¹ The words "Director-General" was substituted for the words "Directors-General" by section 3 of the Export Promotion Bureau (Amendment) Ordinance, 1984 (Ordinance No. XXXV of 1984).

- Indemnity **17.** No suit, prosecution or other legal proceedings shall lie against the Chairman, Vice-Chairman, ¹[Director-General], members or any advisor, consultant or officer, or other employees of the Bureau for anything which is in good faith done or intended to be done under this Ordinance.
- Winding up **18.** No provision of law relating to the winding up of companies shall apply to the Bureau and it shall not be wound up save by order of the Government and in such manner as it may direct.
- Power to make rules **19.** (1) The Government may, by notification in the *official Gazette*, make rule for carrying out the purposes of this Ordinance.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for-
- (a) meeting of the Board;
- (b) determinations of the terms and conditions of service of the Vice-Chairman, the ²[Director-General] and the members;
- (c) powers, functions and duties of the Chairman, Vice-Chairman, the ³[Director-General] and the members;
- (d) any other matters required by the provisions of this Ordinance to be prescribed.
- Power to make regulations **20.** (1) Subject to the provisions of this Ordinance and the rules, the Board may, by notification in the *official Gazette*, and with previous approval of the Government, make regulations for the purpose of giving effect to this Ordinance.

¹ The words "Director-General" was substituted for the words "Directors-General" by section 4 of the Export Promotion Bureau (Amendment) Ordinance, 1984 (Ordinance No. XXXV of 1984).

² The words "Director-General" was substituted for the words "Directors-General" by section 5 of the Export Promotion Bureau (Amendment) Ordinance, 1984 (Ordinance No. XXXV of 1984).

³ The words "Director-General" was substituted for the words "Directors-General" by section 5 of the Export Promotion Bureau (Amendment) Ordinance, 1984 (Ordinance No. XXXV of 1984).

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for-

- (a) formulation of training schemes;
- (b) terms and conditions of service and duties and conduct of the officers and other employees of the Bureau;
- (c) constitution and management of provident funds, benevolent and welfare funds for the officers and other employees of the Bureau and all matters connected with such funds;
- (d) appointment of advisory committee for the purpose of this Ordinance.

21. (1) Notwithstanding anything contained in any law, agreement or contract, upon the establishment of the Bureau-

Transfer of properties, liabilities, etc., of the existing Bureau

- (a) the Export Promotion Bureau functioning immediately before the commencement of this Ordinance (hereinafter referred to as the superseded Bureau) shall stand superseded
 - (b) all such properties, movable and immovable, and all rights, liabilities and obligations of the Government relating to the superseded Bureau shall stand transferred to, and vest in, the Bureau; and
 - (c) every person in the service of the Republic serving in, or in connection with the affairs of the superseded Bureau shall, if so required by the Government, serve under the Bureau established by this Ordinance, on such terms and conditions, not being to his disadvantage as the Government may, in consultation with the Bureau, determine; and the person so serving under the Bureau shall, except in the matter of dismissal, removal or reduction in rank, be subject to the power and control of the Bureau in the same manner and to the same extent as any officer or employee appointed by the Bureau.
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