

**THE BANGLADESH TELEGRAPH AND TELEPHONE
BOARD ORDINANCE, 1979**

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THE FIRST SCHEDULE

THE SECOND SCHEDULE

**¹THE BANGLADESH TELEGRAPH AND TELEPHONE
BOARD ORDINANCE, 1979**

ORDINANCE NO. XII OF 1979

[27th February, 1979]

An Ordinance to provide for the constitution of a Board for the purpose of efficient management, operation and development of telegraphs and telephones.

WHEREAS it is expedient to provide for the constitution of a Board for the purpose of efficient management, operation and development of telegraphs and telephones;

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:-

1. (1) This Ordinance may be called the Bangladesh Telegraph and Telephone Board Ordinance, 1979.

Short title and commencement

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

Definitions

- (a) "Board" means the Bangladesh Telegraph and Telephone Board constituted under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "member" means a member of the Board;
- (d) "prescribed" means prescribed by regulations made under this Ordinance.

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the *official Gazette*, constitute, for carrying out the purposes of this Ordinance, a Board to be called the Bangladesh Telegraph and Telephone Board.

Constitution of the Board

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 Board shall consist of -

- (a) a Chairman;
- (b) four whole-time members, including a finance member who shall be an officer having experience in public finance administration; and
- (c) ¹[three] part-time members.

(3) The Chairman and other members shall be appointed by the Government from amongst persons who are in the service of the Republic and shall hold office for such period and on such terms and conditions as the Government may determine.

Powers and functions of the Chairman and members

4. (1) The Chairman shall be the chief executive of the Board and shall be responsible for the efficient management, operation and development of the telegraphs and telephones.

(2) The Chairman and other members shall exercise such powers and perform such functions as may be prescribed or as may, from time to time, be assigned to them by the Government or the Board.

Control, management and operation of the telegraphs and telephones

5. (1) The general control and supervision of the affairs of the telegraphs and telephones in Bangladesh shall vest in the Board which may exercise all such powers and do all acts and things as may be necessary for the efficient management, operation and development of the telegraphs and telephones.

(2) The Board shall, in the discharge of its functions, act on commercial considerations with due regard to the public interest and shall be guided on the questions of policy by such general and special instructions as may, from time to time, be given by the Government.

Transfer of undertaking of the Board to a public limited company

²**[5A.** (1) Notwithstanding anything contained to the contrary in this Ordinance, the Government may, in public interest, by agreement, transfer the entire undertaking of the Board to a public limited company registered under the Companies

¹ The word “three” was substituted for the word “two” by section 2 of the Bangladesh Telegraph and Telephone Board (Amendment) Ordinance, 1985 (Ordinance No. III of 1985).

² Sections 5A and 5B were inserted by section 2 of The Bangladesh Telegraph and Telephone Board (Amendment) Act, 2009 (Act. No. XXV of 2009) (with effect from 1st June, 2008).

Act, 1994, on such terms and conditions as may be specified in the agreement.

(2) As soon as the entire undertaking of the Board has been transferred to the Company, the Government shall notify the fact in the official Gazette and shall, by the same notification, declare that the Board has been dissolved.

Explanation: The word "undertaking of the Board" includes its officers and employees, business, projects, schemes, assets, rights, powers, license, authorities and privileges, its properties, movable and immovable, reserve funds investments, deposits, borrowings, liabilities and obligations of whatever nature, but does not include those related to the submarine cable as referred to in section 5B.

(3) Upon dissolution of the Board, all officers and employees who were serving under the dissolved Board shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of service, be deemed to be officers or, as the case may be, employees of the Company on such terms and conditions as may be determined by the said Company or, until so determined, on the same terms and conditions as were applicable to them in the dissolved Board prior to its dissolution:

Provided that any such officer or employee may, after 24 (twenty four) months of the dissolution, exercise his option not to continue in the service of the Company.

(4) If any officer or employee of the dissolved Board opts not to continue his service in the Company and intends to continue his service in the government, he shall be retained in the service of the government and the conditions of the service as were applicable to him shall continue to be applicable to him in such manner as if he never ceased to be in the service of the Board.

(5) The Government may, if deems necessary, by notification published in the official Gazette, make further

provisions regarding absorption, posting on deputation, lien, retention in the service of the Government as well as other conditions of service, including the creation of supernumerary posts, in respect of officers and employees of the Board.

(6) The Government may, for the purpose of removing any difficulty in relation to the transfer of the undertaking of the Board under sub-section (1) or the dissolution thereof under sub-section (2) make, by notification published in the official Gazette, such order as it considers expedient and any such order shall be deemed to be, and given effect to as, part of the provisions of this Ordinance.

Transfer of undertaking of the Board related to the submarine cable

5B. Notwithstanding anything contained to the contrary in this Ordinance, before the dissolution of the Board under section 5A, the Government may, by agreement, transfer such undertaking of the Board as is related to the submarine cable, including landing station (SEA-ME-WE 4), to a public limited company registered under the Companies Act, 1994, on such terms and conditions as may be specified in the agreement.]

Special powers of the Chairman

6. The affairs of the Board shall generally be conducted in accordance with the decision of the majority of its members but the Chairman may, where he considers it necessary in the interest of efficient management of the affairs of the telegraphs and telephones so to do, with the prior approval of the Government, over-rule such decision and, where he so overrules, his decision shall be deemed to be the decision of the Board.

Meeting of the Board

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

Provided that until regulations are made in this behalf, such meeting shall be held at such times and places and shall be conducted in such manner as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Board, not less than four members, at least one of whom shall be a part-time member, shall be present.

(3) Subject to the provisions of section 6, all questions at a meeting of the Board shall be decided by a majority of the members present and voting, and in the case of equality of votes, the person presiding shall have a second or casting vote.

(4) The meetings of the Board shall be presided over by the Chairman or, in his absence, by a member elected for the purpose by the members present from amongst themselves.

(5) All decisions of the Board shall forthwith be transmitted to the Government.

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

8. The functions of the Board shall be-

Functions of the Board

- ¹[(a) to establish, maintain and operate, telegraphs and telephones in any part of Bangladesh;
- (aa) to prepare and execute development plans;]
- (b) to exercise all powers of the Government under the Telegraph Act, 1885 (XIII of 1885), other than those under ²[sections 4, 7, 8, 15 and 19B] of the said Act, and all powers of the telegraph authority under the said Act;

¹ Clauses (a) and (aa) were substituted for clause (a) by section 2 of the Bangladesh Telegraph and Telephone Board (Amendment) Act, 1995 (Act No. XVI of 1995).

² The words, commas and figures “sections 4, 7, 8, 15 and 19B” were substituted for the words and figures “section 7 and 15 ” by section 2 of the Bangladesh Telegraph and Telephone Board (Amendment) Act, 1995 (Act No. XVI of 1995).

- (c) to associate with any international organisation engaged in any activity falling within the functions of the Board;
- (d) to establish and maintain institutes for the instruction and training of persons engaged or likely to be engaged in any activities connected with telegraphs and telephones;
- (e) to determine the structure and strength of its organisation, manage its affairs, plan its future investments and maintain its financial position in accordance with sound business and financial principles;
- (f) to operate and maintain, at all times, its facilities and properties and, from time to time, make all necessary renewal and repairs thereto in accordance with sound engineering, telegraph, telephone and business practices;
- (g) to carry out all technical and engineering projects and works;
- (h) to make all purchases of plant, machinery and stores either in the country or abroad in accordance with the procedure laid down by the Government and, subject to the provisions of this Ordinance, also to dispose of stores and equipments;
- (i) to discharge with the prior approval of the Government the functions specified in the First Schedule to this Ordinance;
- (j) to do all other matters and things connected with, or ancillary to, any of the aforesaid functions.

Appointment of officers and other employees

9. The Board may, for the efficient performance of its functions, appoint such officers and other employees as it considers necessary.

Telegraph and telephone finance

10. (1) The telegraph and telephone finance shall be administered separately from the general revenues of the Government and, for this purpose, separate accounts shall be maintained for the Board by the Bangladesh Bank and drawals from the accounts shall be made by the officers authorised by the Board.

(2) For the purpose of separate administration of telegraph and telephone finance under sub-section (1), the provisions of the Second Schedule shall apply and the Government may, by notification in the *official Gazette*, amend or repeal any of the provisions of that Schedule.

(3) The Board shall provide for all administrative and operating expenses, depreciation of assets, interests on all loans and also build up a reserve fund by depositing a percentage of the surplus revenue after meeting the obligatory expenses.

11. The Board shall, as soon as possible, initiate a review and revaluation of the assets of the Government in respect of telegraphs and telephones in accordance with sound financial principles and reconstruct the capital structure and financial obligations of the assets in accordance with the same principles and shall carry out such revaluation not often than every five years.

Board to review and revalue assets

12. The Board may, with the approval of the Government, borrow funds from internal source or from an external agency.

Borrowing power

13. The Board shall, by such date in each year as may be directed by the Government, prepare the capital and revenue budgets of the Board and submit to the Government along with necessary statements and clarifications for further processing of the budget.

Budget

14. (1) The Board shall maintain its accounts in such manner and form as may be directed by the Government in consultation with the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General.

Accounts and audit

(2) The accounts of the Board shall be audited by the Auditor-General in such manner as he deems fit.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorised by him in that behalf, shall have access to all records, books, documents, cash, securities, stores and other property of the Government held and controlled by the Board and may examine the Chairman or any member, officer or other employee of the Board.

(4) The Auditor-General shall submit his annual audit report to the President and forward a copy thereof to the Board.

(5) The Government may, at any time, require the Auditor-General to report to it upon the adequacy of measures taken by the Board for the efficient management of its financial matters.

Submission of reports, etc.

15. (1) The Board shall, as soon as possible after the end of every financial year, submit to the Government a report on the conduct of its affairs for that year.

(2) The Board shall submit to the Government at such times and intervals as the Government may specify-

- (a) such returns, accounts, statements, estimates and statistics as may be required by the Government;
- (b) information and comments asked for by the Government on any specific subject;
- (c) copies of documents required by the Government for examination or any other purpose.

Delegation of powers

16. The Board may, by general or special order, delegate to the Chairman or any member or officer any of its functions subject to such conditions as may be specified in the order.

Power to make regulations

17. (1) The Board may, with the prior approval of the Government, make regulations to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

(2) All regulations made under this section shall be published in the *official Gazette* and shall come into force on such publication.

Repeal and savings

18. (1) Upon the constitution of the Board under section 3, the Telegraph and Telephone Board Ordinance, 1975 (Ord. XLVII of 1975), hereinafter referred to as the said Ordinance, shall stand repealed.

(2) Upon the repeal under sub-section (1),-

- (a) the Telegraph and Telephone Board established under the said Ordinance, hereinafter referred to as the dissolved Board, shall stand dissolved;
- (b) all assets, rights, powers, authorities and privileges, and all properties, movable and immovable, including lands, buildings, works, workshops, machinery, leases, leaseholds, licences, cash and bank balances, funds and investments of the dissolved Board and all other rights and interests in, or arising out of, such property shall stand transferred to, and vested in, the Government for the purposes of the Board;

- (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the dissolved Board immediately before its dissolution shall be deemed to have been incurred, entered into or engaged to be done by, with or for Government for the purposes of the Board;
- (d) all rates, charges and fees levied by the dissolved Board shall, until they are varied by the Board, continue to be levied at the same rate at which they were levied immediately before the constitution of the Board;
- (e) all suits and other legal proceedings instituted by or against the dissolved Board immediately before its dissolution shall be deemed to be suits and proceedings by or against the Government and shall be proceeded or otherwise dealt with accordingly;
- (f) (i) every person in the service of the Republic who were required to serve the dissolved Board under clause (e) of section 7 of the said Ordinance shall stand transferred to the Board on the same terms and conditions of service as were applicable to them immediately before their transfer to the dissolved Board;
- (ii) every person other than those mentioned in sub-clause (i) who were serving under the dissolved Board shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of service, stand transferred to the Board and they shall be deemed to be officers or, as the case may be, employees of the Government appointed by it on such terms and conditions as may be determined by the Government or, until so determined, on the same terms and conditions as were applicable to them in the dissolved Board:

Provided that any such person may, within such time as may be specified by the Government, exercise his option not to continue in the service.

THE FIRST SCHEDULE

[See section 8 (i)]

- (1) Capital and Revenue budget of the Board.
- (2) Re-appropriation of funds within the capital budget except from one minor head to another.
- (3) Incurring any new expenditure not provided for within the budget grants.
- (4) Exercise of powers of the Government under section 7 of the Telegraph Act, 1885 (XIII of 1885).
- (5) Sale of any item of Telegraph and Telephone assets valued over Taka 10 lakhs which have not been declared surplus or worn-out by a duly constituted Survey Committee.
- (6) Changes in the general conditions of service and methods of recruitment of the officers and employees.
- (7) General revision or change in the pay structure and allowances of the officers and employees in accordance with the national policy and adjustments of pay scales and allowances within the overall pay structure laid down by the Government from time to time.
- (8) Creation of posts with pay scale in the New National Scale IV and above and appointment of officers thereto.
- (9) Selection of officers for foreign training, attendance to Conferences, Seminars and Workshops.
- (10) Appointment of officers or consultants from outside the country.
- (11) Deputation of officers to other departments or outside the country on any assignment.

THE SECOND SCHEDULE

[See section 10 (2)]

(1) The Board shall pay to the General Revenue a fixed return of such *per centum* on Government investment in telegraph and telephone as may be determined from time to time by the Government at the close of the preceding financial year. The balance of their surpluses will be retained for credit to such funds and reserves as may be considered necessary.

(2) The Board will pay actual interest charges on all foreign loans including existing foreign loans obtained for its purposes. It will also be responsible for repayment of the foreign loans required for rehabilitation and replacement of the assets held, managed and controlled by it. Repayment of foreign loans raised for additions and developments of the telegraphs and telephones shall be made from the General Revenues. As and when on instalment toward repayment of a loan is paid from the General Revenues, the Board will cease to pay interest on the loan to that extent and the amount of the instalment will be added to the Government's investment in telegraphs and telephones and will qualify for a fixed return determined under paragraph (1).

(3) The surplus from the Revenue account of the Board budget shall be utilised or disposed of at the end of each financial year in consultation with, and with the approval of, the Government.

(4) The practice, procedure and convention regarding maintenance of separate telegraph and telephone funds by the Bangladesh Bank followed immediately before the commencement of this Ordinance, shall continue to be so followed until modified by the Government.
