

**THE BANGLADESH SANGBAD SANGSTHA
ORDINANCE, 1979**

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**THE BANGLADESH SANGBAD SANGSTHA
ORDINANCE, 1979**

ORDINANCE NO. XX OF 1979

[31st March, 1979]

**An Ordinance to provide for the establishment of the
Bangladesh Sangbad Sangstha.**

WHEREAS it is expedient to provide for the establishment of the Bangladesh Sangbad Sangstha as a national news agency for undertaking and promoting news agency service in Bangladesh, obtaining international news agency service, mobilisation of national news, and for matters connected therewith or 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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| Short title | 1. This Ordinance may be called the Bangladesh Sangbad Sangstha Ordinance, 1979. |
| Definitions | <p>2. In this Ordinance, unless context otherwise requires,-</p> <p>(a) “Board” means the Board of Directors of the Sangstha constituted under section 7;</p> <p>(b) “Chairman” means the Chairman of the Board;</p> <p>(c) “Director” means a Director of the Board;</p> <p>(d) “Managing Director” means the Managing Director of the Board;</p> <p>(e) “prescribed” means prescribed by rules or regulations made under this Ordinance;</p> <p>(f) “Sangstha” means the Bangladesh Sangbad Sangstha established under section 3.</p> |
| Establishment and Incorporation of the Sangstha | 3. (1) There shall be a Sangstha to be called the Bangladesh Sangbad Sangstha for carrying out the purposes of this Ordinance. |

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

4. (1) The Head Office of the Sangstha shall be at Dacca.

Head Office of
the Sangstha

(2) The Sangstha may establish its branches at such other places as the Board may decide.

5. The functions of the Sangstha shall be-

Functions of the
Sangstha

- (a) to carry out the responsibility of national news agency of Bangladesh by securing news from home and abroad, disseminating the same to the people of Bangladesh in general through mass media and organising transmission of national news abroad;
- (b) to secure world-wide news — political, diplomatic, financial, economic and commercial, cultural and sports from international news agencies and exchange news with national news agencies of other countries;
- (c) to sell all kinds of news, general, economic and commercial features and photo to all mass media and news agencies within and outside Bangladesh;
- (d) to sign agreements with international news agencies, national news agencies of other countries for securing and disseminating news and facilities for the same;
- (e) to organise systematic programme for news agency business; and
- (f) to do such other acts and things as may be connected with or incidental to the carrying out of the functions of the Sangstha.

6. (1) Subject to the rules and regulations made under this Ordinance, the general direction, management and administration of the affairs of the Sangstha shall vest in a Board which may exercise all powers and do all acts and things which may be exercised or done by the Sangstha.

Management of
the Sangstha

(2) The Board in discharging its functions shall, as far as practicable, act having due regard to public interest generally and be guided by such general or special instruction as may be given to it from time to time by the Government.

Constitution of the Board

7. The Board shall consist of-

- (a) a Chairman who shall be appointed by the Government;
- (b) the Managing Director, *ex-officio*;
- (c) three Directors to be appointed by the Government, from amongst the officers not below the status of Joint Secretary, one each from the Ministry of Information and Broadcasting, Ministry of Finance and the Posts, Telegraph and Telephone Division;
- (d) five Directors to be appointed by the Government from the editors of newspapers who subscribe news from the Sangstha, of whom at least three must be from Dacca; and
- (e) one person to be appointed by the Government from amongst the employees of the Sangstha.

Terms of office of the Chairman and other Directors

8. (1) Save as otherwise provided, the Chairman and other Directors shall hold office during pleasure of the Government for a period not exceeding three years from the date of appointment but are removable by the Government for permanent incapacity or other cause; and a retiring Chairman or Director shall be eligible for reappointment for another term only.

(2) When a person appointed as Director, ceases to represent the particular interest which he was appointed to represent shall also cease to be the Director, and his seat shall be deemed to have been vacated and a person shall thereupon be appointed to fill the vacancy.

(3) Any vacancy in the office of a Director shall be filled in by fresh appointment and a Director so appointed shall hold office for the remaining period for which the Director in whose place he is appointed would have held office.

(4) The Chairman and other Directors shall serve without remuneration but may be paid such travelling and other expenses when engaged on business of the Board as may be prescribed.

9. (1) No person shall be or shall continue to be the Chairman or a Director who-

- (a) is a salaried official of the Sangstha other than the Managing Director and an employee appointed as Director;
- (b) is or, at any time, has been convicted of an offence which, in the opinion of the Government, is an offence involving moral turpitude; or
- (c) stands declared by a competent Court to be of unsound mind; or
- (d) is a person who is subject to a disqualification imposed by or under any law for the time being in force to hold any public office; or
- (e) is, or, any time has been adjudicated an insolvent; or
- (f) absents himself from three consecutive meetings of the Board without leave of absence granted by the Chairman or, in case of the Chairman, by the Government.

Vacating the office, disqualifications, etc.

(2) If the Chairman or any other Director, by reason of illness or other incapacity or absence from Dacca, is unable, at any time, to perform the duties of his position, or if the position of the Chairman or any other Director is, at any time, vacant, the Government may make a temporary appointment of any person to act in his place or in such position upon such terms and conditions and for such time as the Government may determine.

10. (1) Meetings of the Board shall be held at such times and places as may be prescribed:

Meetings of the Board

Provided that the meeting of the Board may otherwise be convened by the Managing Director in consultation with the Chairman.

(2) Seven Directors including the Chairman shall form the quorum at a meeting of the Board.

(3) Meeting of the Board shall be presided over by the Chairman, and, in his absence, by a person elected for the purpose by the Directors present from amongst themselves.

(4) All matters of a meeting of the Board shall be decided by the votes of the majority of the Directors present and voting.

(5) At a meeting of the Board each Director shall have one vote, but in the event of equality of votes, the person presiding shall have a second or casting vote.

Validity of the proceeding

11. (1) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board; and a vacancy in the Board or a temporary absence of a Director for any reason shall not impair the right of the remaining Directors to act.

(2) All acts done by the person acting in good faith as the Chairman or a Director shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had been terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act of the Chairman or a Director after his appointment has been shown to be invalid or to have been terminated.

Managing Director

12. (1) The Managing Director shall be appointed by the Government from amongst the journalists having not less than fifteen years experience in journalism on such terms and conditions as may be determined by the Government and he shall also be the Chief Editor of the Sangstha.

(2) The Managing Director shall be a whole time officer and the Chief Administrative Officer of the Sangstha and, subject to the provisions of this Ordinance, he shall administer and manage the affairs and fund of the Sangstha, and shall have supervision over and direction of the work of the Sangstha and of the officers and employees, technical or otherwise, employed for the purpose of carrying out the work of the Sangstha, and shall also discharge such duties as may be assigned to him by the Board or as may be prescribed.

13. (1) The Sangstha may, subject to such general or special orders as the Government may give from time to time and subject to such terms and conditions as the Government may determine, appoint such officers and other employees as it considers necessary for the efficient performance of its affairs.

Appointment of officers, etc.

(2) The Board, subject to approval of the Government and in accordance with the general and specific standing orders of the Government, shall prescribe the procedure for appointment of its officers and employees and for taking disciplinary action against them.

14. The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order be exercisable also by the Chairman, or by such director or officer of the Sangstha as may be so specified.

Delegation of Powers

15. The Chairman, Director and every officer and employee of the Sangstha shall be indemnified by the Sangstha against all losses and expenses incurred by him in or in relation to the discharge of his duties, except such as have been caused by his wilful act or default.

Indemnity, etc.

16. (1) The Sangstha shall have its own fund which shall be utilised by it to meet charges in connection with the affairs of the Sangstha.

Funds of the Sangstha

(2) The fund of the Sangstha shall consist of-

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) fees from the subscribers of the news;
- (d) gifts and endowments;
- (e) sale proceeds and royalties of news items, features, photos and such other allied matters;
- (f) grants and contributions from agencies, foundations and organisations; and
- (g) other sources.

(3) All money of the fund of the Sangstha shall be kept in any bank or banks approved by the Board.

Budget

17. The Sangstha shall, by such date before the commencement of every financial year as the Government may direct, submit to the Government for approval a budget, in such form as the Government may specify, for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year.

Accounts

18. The Sangstha shall maintain its accounts in such manner and form as the Government may direct.

Audit

19. (1) The accounts of the Sangstha shall be audited every year by the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, in such manner as may be prescribed:

Provided that the Auditor-General may in addition to the yearly audit either of his own motion or upon a request received in this behalf from the Government undertake such audit of the accounts of the Sangstha at such time as may be considered necessary.

(2) For the purpose of audit, the Auditor-General or any person authorised by him shall have access to all records, books, documents, accounts, cash and other properties of the Sangstha and may examine, the Chairman, any Director or any officer or other employee of the Sangstha and the Sangstha shall at the time of such audit, produce the account books and connected documents and furnish such explanations and information as the Auditor-General or an officer authorised by him in this behalf may ask for.

(3) The Auditor-General shall submit an audit report to the Government, with a copy to the Sangstha, in which he shall state whether, in his opinion, accounts of the Sangstha are properly drawn up and, if he has called for any explanation or information from the Sangstha, whether it has been given and whether it is satisfactory.

(4) The Sangstha shall comply with any directive issued by the Government for the modification of the matters objected to in audit.

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

(2) The Sangstha shall, as soon as possible after the end of every financial year, furnish to the Government, a statement of accounts audited by the Auditor-General together with an annual report giving therein a true and faithful account of its activity during that year and its proposal for the next financial year.

(3) The copies of the audited accounts and annual report received by the Government under sub-section (2) shall be published in the *official Gazette* and shall be laid before Parliament.

21. No provision of law relating to the winding up of companies or corporations shall apply to the Sangstha and the Sangstha shall not be wound up save by an order of the Government and in such manner as the Government may direct. Winding up of the Sangstha

22. (1) The Government may make rules for the purpose of giving effect of the provisions of this Ordinance. Power to make rules and regulations

(2) The Sangstha may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and the rules made by Government, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

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

23. Notwithstanding anything contained in any other law for the time being in force or in any contract or agreement or in any other instrument or notification or order, on the commencement of this Ordinance,- Transfer of assets, etc.

- (a) all assets, rights, powers, authorities and privileges and all properties, movable and immovable, cash and bank balances, grants and funds of the erstwhile Associated

Press in Bangladesh and vested in the Government under the Bangladesh (Vesting of Property and Assets) Order, 1972 (P.O. No. 29 of 1972), and all other rights and interests in, or arising out of, such properties and all books of accounts, register, records and all other documents of whatever nature relating thereto shall stand transferred to, and vested in, the Sangstha;

- (b) all debts, liabilities and obligation of whatever kind of the erstwhile Associated Press in, and in relation to, Bangladesh shall, unless the Government otherwise directs, be the debts, liabilities and obligations of the Sangstha;
- (c) every officer or other employee of the erstwhile Associated Press serving in Bangladesh immediately before the commencement of this Ordinance shall stand transferred to the Sangstha and continue to be in the service of the Sangstha on the same terms and conditions as were applicable to them immediately before the commencement of this Ordinance:

Provided that if an officer or other employee is considered by the Sangstha as surplus of requirement, his employment shall be terminated by the Sangstha with due notice and with such compensation as may be prescribed:

Provided further that, notwithstanding anything contained in any terms and conditions of service or in any award, settlement or agreement for the time being in force, the Government or the Sangstha, with the prior approval of the Government, may alter the remuneration, whether by way of reduction or otherwise, and other terms and conditions of service of any officer or other employee.

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