

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্‌যাপন সফল হোক”



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, আগস্ট ১২, ২০২০

Government of the People's Republic of Bangladesh

Ministry of Information

NOTIFICATION

Dated : 10 August, 2020

S.R.O. No. 227-Law/2020.—In exercise of the powers conferred by section 20 of the Bangladesh Sangbad Sangstha Act, 2018, the Government is pleased to publish the following Authentic English Text of the Act :

Act No. LXV of 2018

An Act to repeal and re-enact the Bangladesh Sangbad Sangstha Ordinance, 1979 in response to the needs of time by considering the provisions thereof

WHEREAS, all the Ordinances promulgated by Martial Law Proclamation between the period from 15 August, 1975 to 9 April, 1979 have ceased to have effect due to omission of articles 3A and 18 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011), and the Constitution (Fifth Amendment) Act, 1979 (Act No. I of 1979) validating the Martial Law being declared void in the judgment pronounced by the Appellate Division of the Supreme Court of Bangladesh declaring the Martial Law unconstitutional in civil petition for Leave to Appeal No. 1044-1045/2009; and

(৮০১১)

মূল্য : টাকা ১৬.০০

WHEREAS, some of those Ordinances are kept in force by the Act No. VI of 2013; and

WHEREAS, the Government has decided to make new laws in Bangla by way of necessary amendment and modification to such Ordinances as may be considered necessary after reviewing the necessity and relevancy of such Ordinances and soliciting opinions thereon from all stake-holders and relevant Ministries or Divisions; and

WHEREAS, in the light of the aforesaid decision of the Government, it is necessary and expedient to repeal and re-enact the Bangladesh Sangbad Sangstha Ordinance, 1979 (Ordinance No. XX of 1979) in response to the needs of time;

THEREFORE, it is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Bangladesh Sangbad Sangstha Act, 2018.

(2) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Employee” means an officer and includes a journalist;
- (b) “Chairman” means the Chairman of the Board;
- (c) “Director” means a Direction of the Board;
- (d) “regulations” means regulations made under this Act;
- (e) “rules” means rules made under this Act;
- (f) “Board” means the Board of Directors constituted under section 7;

- (g) “Managing Director” means the Managing Director of the Sangstha; and
- (h) “Sangstha” means the Bangladesh Sangbad Sangstha established under section 3.

3. Establishment of the Sangstha.—(1) For the purposes of this Act, the Bangladesh Sangbad Sangstha established under the Bangladesh Sangbad Sangstha Ordinance, 1979 (Ordinance No. XX of 1979) shall continue to be in force as if it had been established under this Act.

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

4. Office of the Sangstha.—(1) The head office of the Sangstha shall be in Dhaka.

(2) The Sangstha may, with the prior approval of the Government, establish its branch office at any place.

5. Duties and functions of the Sangstha.—The duties and functions of the Sangstha shall be as follows, namely :—

- (a) to secure news from home and abroad as well as from international organizations and disseminate the same through mass media to the people of Bangladesh and all over the world;
- (b) to carry out the responsibility of national news agency of Bangladesh for organizing transmission of national news abroad;
- (c) to secure and exchange world-wide political, diplomatic, financial, commercial, technical, cultural and sports related news;

- (d) to make agreements with local or foreign mass media and broadcasting agencies for organizing training for the persons engaged in securing and exchanging news;
- (e) to purchase and sell news, features, photos or video images from or to the mass media and broadcasting agencies of home and abroad;
- (f) to undertake programmes for overall development and modernization of the Sangstha;
- (g) to coordinate with the Press Institute of Bangladesh (PIB), Press Information Department (PID) and external promotion activities of the Foreign Ministry to inform the people about the development activities of the Government; and
- (h) to do such other acts as may be necessary for performing the aforesaid duties and functions.

6. Direction and administration of the Sangstha.—(1) The Direction and administration of the Sangstha shall vest in a Board which may exercise all powers and do all acts which may be exercised or done by the Board.

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

7. Constitution of the Board.—(1) The Board of Directors shall consist of in the following manner, namely:—

- (a) 1 (one) Chairman;
- (b) the following 6 (six) Directors namely:—
 - (i) 1 (one) representative of the Ministry of Information not below the rank of joint-secretary;

- (ii) 1 (one) representative of the Finance Division not below the rank of joint-secretary;
- (iii) 1 (one) representative of the Public Security Division not below the rank of joint-secretary;
- (iv) 1 (one) representative of the Ministry of Foreign Affairs not below the rank of joint-secretary;
- (v) the Chief Information Officer, Department of Information, ex-officio;
- (vi) the Managing Director, ex-officio;
- (c) the following 6 (six) Directors nominated by the Government, namely:—
 - (i) 3 (three) editors of the news papers subscribing news from the Sangstha, of whom 2 (two) shall be nominated from Dhaka and 1 (one) from outside Dhaka;
 - (ii) 1 (one) editor or equivalent officer of electronic media;
 - (iii) 1 (one) specialist having skill and experience in information and communication technology;
 - (iv) 1 (one) officer of the Sangstha.

(2) The Managing Director shall perform the secretarial duties of the Board.

8. Appointment, terms of office, etc. of the Chairman and Directors.—(1) The Chairman shall be appointed by the Government, and he shall hold office for 3 (three) years from the date of appointment in such terms and conditions as may be determined by the Government:

Provided that the Chairman shall, after expiry of his tenure, continue to hold office until the next Chairman takes over charge.

(2) The Directors referred to in clause (c) of sub-section (1) of section 7 shall hold office for 3 (three) years from the date of their nomination.

(3) The Chairman and the Directors shall be eligible for re-appointment to their respective posts after expiry of their tenure:

Provided that the Chairman and the Directors shall not be eligible for re-appointment consecutively for more than two terms.

(4) The Government may, if necessary, remove the Chairman and any Director referred to in clause (c) of sub-section (1) of section 7 from his office at any time before expiry of his tenure.

(5) Notwithstanding anything contained in sub-section (4), the Chairman and any Director referred to in clause (c) of sub-section (1) of section 7 may resign his office by writing under his hand addressed to the Government at any time before expiry of his tenure.

(6) Any Director referred to in clause (b) of sub-section (1) of section 7 shall not hold office as a Director if he no longer works in the Ministry or Division from which he was nominated.

(7) In the event of any vacancy in the office of the Chairman or any Director nominated by the Government, the Government may immediately appoint a new Chairman or, as the case may be, nominate a new Director to the vacant post for the remaining period.

9. Meeting of the Board.—(1) The Managing Director shall, in consultation with the Chairman, convene the meeting of the Board on such date, time and place as may be prescribed.

(2) 6 (six) Directors, including the Chairman, shall form the quorum at a meeting of the Board, but no quorum shall be required for an adjourned meeting.

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

(4) The decision of the meeting of the Board shall be taken by the votes of the majority of the Directors present including the person presided over the meeting.

(5) At a meeting of the Board, the person presided over the meeting and every Director present shall have one vote, but in the event of equality of votes, the person presided over the meeting shall have a second or casting vote.

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

10. Managing Director and Chief Editor.—(1) The Managing Director shall be appointed by the Government from amongst the journalists having not less than 18 (eighteen) 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 employee and the Chief Administrative Officer of the Sangstha and, subject to the provisions of this Act, shall—

- (a) administer and manage the affairs and fund of the Sangstha;
- (b) have supervision over and direction to the employees appointed for carrying out the functions of the Sangstha; and
- (c) discharge such duties as may be assigned to him by the Board and prescribed by rules or regulations.

11. **Appointment of employees, etc.**—(1) The Sangstha may, subject to the organogram approved by the Government, appoint such number of employees as may be necessary for the efficient performance of its affairs.

(2) The appointment of the employees and the terms and conditions of their service shall be prescribed by regulations.

12. **Delegation of powers.**—The Board may, by order in writing, in such conditions as may be determined by it, delegate all or any of its powers conferred upon it under this Act and rules or regulations made thereunder to any Director or employee of the Sangstha.

13. **Fund of the Sangstha.**—(1) The Sangstha shall have a fund to which the money received from the following sources shall be credited, namely :—

- (a) grants made by the Government;
- (b) fees from the subscribers of the news;
- (c) sale proceeds and royalties of news, articles, features, photos and such other allied matters;
- (d) grants and contributions from agencies, foundations and organizations;
- (e) income from advertisements; and
- (f) income from other valid sources.

(2) The money of the fund shall be credited to the name of the Sangstha in any Scheduled Bank approved by the Board.

(3) Necessary expenditure of the Sangstha shall be met out of the money of the fund according to the policies and rules-regulations of the Government.

Explanation.—For carrying out the purposes of the section, “Scheduled Bank” means the Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).

14. **Budget.**—The Sangstha shall, by such date in each year as may be determined by the Government, submit a budget statement to the Government for the next financial year showing the estimated receipt and expenditure likely to be required for that financial year from the Government.

15. **Accounts and audit.**— (1) The Sangstha shall, in such manner as may be determined by the Government, maintain its accounts and prepare an annual balance sheet or such accounts.

(2) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, shall audit the accounts of the Sangstha every year and submit necessary copies of the audit report to the Government and the Sangstha.

(3) If any objection is raised against the report referred to in sub-section (2), the Sangstha shall immediately take appropriate measures to dispose of such objection.

(4) Apart from the audit mentioned in sub-section (2), the accounts of the Sangstha may be audited by a Chartered Accountant defined in Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973).

(5) For carrying out the purposes of sub-section (4), the Sangstha may appoint one or more Chartered Accountants and the Chartered Accountants so appointed shall be entitled to such remuneration as may be decided by the Board.

(6) For the purpose of audit of the accounts of the Sangstha, the Auditor-General or any person authorized by him or the Chartered Accountant appointed under sub-section (4) shall have access to all records, documents, annual balance sheet, cash or deposit in bank, security, store or other properties of the Sangstha and may examine the Chairman, any Director or any employee of the Sangstha.

16. **Report.**— (1) Every year, the Sangstha shall, by 31 January of the next year, furnish to the Government a report on the conduct of its affairs during the previous year.

(2) The Government may, if necessary, at any time, require the Sangstha to furnish any report, statement or return on any of its affairs, and the Sangstha shall be bound to provide with it to the Government.

17. **Power to make rules.**— For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

18. **Power to make regulations.**— For carrying out the purposes of this Act, the Sangstha may, with the prior approval of the Government and by notification in the official Gazette, make regulations not inconsistent with this Act or rules made thereunder.

19. **Repeal and savings.**— (1) Upon the commencement of this Act, the Bangladesh Sangbad Sangstha Ordinance, 1979 (Ordinance No. XX of 1979), hereinafter referred to as the said Ordinance, shall stand repealed.

(2) Notwithstanding such repeal under sub-section (1)—

- (a) any act done, action taken or proceeding initiated under the said Ordinance shall be deemed to have been done, taken or initiated under this Act;
- (b) all movable and immovable property, cash and bank balance, fund, investment of money, fair claims or rights, facilities received, and all rights, included in, or arising out of such property, intellectual property and interests, and all books of accounts, registers, records and all other ancillary documents of the Sangstha established under the said Ordinance shall be transferred to, and vested in, the Sangstha established under this Act;

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- (c) all debts, liabilities and responsibilities of the Sangstha established under the said Ordinance, and all agreements made by or with it shall be deemed to be the debts, liabilities and responsibilities of, and the agreement made by or with, the Sangstha established under this Act;
- (d) any case filed, measures taken or proceeding initiated by or against the Sangstha established under the said Ordinance shall, if pending, be disposed of in such way as if the case, measures or proceeding had been filed, taken or initiated by or against the Sangstha established under this Act;
- (e) the activity of the Board of Directors, if any, constituted under the said Ordinance shall continue to function unless it had already been terminated before expiry of its existing term, or until the Board of Directors is constituted under this Act;
- (f) the employees appointed by the Sangstha established under the said Ordinance shall be engaged in the service of the Sangstha established under this Act in such terms and conditions as were applicable to them immediately before the commencement of this Act until the terms and conditions of their service are changed according to the provisions of this Act, and be entitled to get the same salary, allowances and other benefits as they were previously entitled to; and
- (g) all rules, regulations, orders, directions, policies or other instruments applicable to the Sangstha established under the said Ordinance shall, subject to being consistent with this Act, until made or issued afresh or repealed under this Act, *mutatis mutandis*, remain in force, continue and have effect as before.

20. **Publication of Authentic English Text.**—(1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English Text of this Act.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

By order of the President

মুহঃ জাকির হোসেন
যুগ্মসচিব (লে.অ.)
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়।