

The Bangladesh Telegraph and Telephone Board Ordinance, 1979

(Ordinance NO. XII OF 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:-

- Short title and commencement**
1. (1) This Ordinance may be called the Bangladesh Telegraph and Telephone Board Ordinance, 1979.
- (2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
- Definitions**
2. In this Ordinance, unless there is anything repugnant in the subject or context,-
- (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.
- Constitution of the Board**
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.

(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

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

**limited
company**

under the Companies 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 over-rules, 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.

Functions of the Board

8. The functions of the Board shall be-

³[(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 ⁴[sections 4, 7, 8, 15 and 19B] of the said Act, and all powers of the telegraph authority under the said Act;

(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;