

The
Bangladesh  Gazette

Extraordinary
Published by Authority

WEDNESDAY, OCTOBER 13, 1976

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION

Dacca, the 13th October, 1976.

No.985-Pub.—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 11th October, 1976, is hereby published for general information:—

THE KHULNA DIVISION DEVELOPMENT BOARD ORDINANCE, 1976

Ordinance No. LXXV of 1976

AN

ORDINANCE

to provide for the establishment of a Development Board for the Khulna Division:

WHEREAS it is expedient to provide for the establishment of a Development Board for the Khulna Division and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 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. **Short title.**—This Ordinance may be called the Khulna Division Development Board Ordinance, 1976.

(2943)

Price: 50 Paisa.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject of context,—

- (a) "Board" means the Khulna Division Development Board established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Member" means a member of the Board;
- (d) "prescribed" means prescribed by rules made under this Ordinance.

3. **Establishment of the Board.**—(1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish a Board to be called the Khulna Division Development Board for carrying out the purposes of this Ordinance.

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

4. **Composition of the Board.**—(1) The Board shall consist of the following members, namely:—

- (a) the Commissioner, Khulna Division, *ex-officio*, who shall also be its Chairman;
- (b) the Additional Commissioner, Khulna Division, *ex officio*;
- (c) the Deputy Commissioners of the districts in the Khulna Division, *ex officio*;
- (d) three full-time members, to be appointed by the Government.

(2) One of the full-time members, to be specified by the Government, shall act as the Secretary of the Board.

(3) Full-time members shall hold office on such terms and conditions as the Government may determine.

(4) The Chairman shall be the Chief executive of the Board.

(5) The Chairman and other members shall perform such functions as the Board may assign to them from time to time or as may be prescribed.

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

5. **Head office, etc.**—(1) The head office of the Board shall be located at the headquarters of the Khulna Division.

(2) The Board may, with the prior approval of the Government, establish offices at any other place in the Khulna Division.

6. **Meetings of the Board.**—(1) Save as hereinafter provided, the Board shall regulate the procedure for its meetings.

(2) Meetings of the Board shall be held on such date and at such time and place as may be determined by the Chairman:

Provided that at least one meeting of the Board shall be held in every two months.

(3) To constitute a quorum at a meeting of the Board, not less than four members shall be present.

(4) 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.

(5) All meetings of the Board shall be presided over by the Chairman or, in his absence, by a member authorised in writing by the Chairman.

7. Consultative Committee.—(1) There shall be a Consultative Committee consisting of the following members, namely:—

(a) the Chairman of the Board who shall also be its Chairman;

(b) one non-official member from each subdivision in the Khulna Division, to be nominated by the Chairman;

(c) such other members, official or non-official, as may be nominated by the Chairman with the approval of the Government.

(2) The members of the Consultative Committee shall hold office for such period and shall be paid such travel costs for attending meetings as may be determined by the Board.

(3) The Board shall regulate the procedure for the meetings of the Consultative Committee.

(4) The Consultative Committee shall advise the Board in the formulation and execution of its projects and schemes.

8. Functions of the Board.—The functions of the Board shall be—

(a) to prepare projects and schemes for the development of Khulna Division;

(b) to approve of projects and schemes involving not more than ten lakh Taka each and to submit other projects and schemes to the Government for approval;

(c) to execute approved projects and schemes;

(d) to supervise execution of approved projects and schemes;

(e) to advance funds, on such terms and conditions as it may determine, for the execution of development schemes sponsored by various development agencies;

(f) to grant loans, on such terms and conditions as may be prescribed, to any person for setting up or development of any small scale or cottage industry or project;

(g) to do such acts and things as may be necessary or convenient to be done in connection with, or incidental or conducive to, the performance of the aforesaid functions.

9. Execution of projects and schemes through other agencies.—Notwithstanding anything contained in any other law for the time being in force or in section 8, the Board may require any local authority or Government agency within whose jurisdiction any area covered by any project or scheme approved under section 8 lies to execute the project or scheme, or any portion thereof, in consultation with the Board, and the expenditure incurred on the execution of any such project or scheme or portion thereof shall be borne as may be

agreed to between the Board and the local authority or Government agency, or, in the event of disagreement, as may be determined by the Government.

10. **Appointment of officers, etc.**—The Board may appoint such officers and other employees as it considers necessary for the performance of its functions on such terms and conditions as it may deem fit:

Provided that no post shall be created by the Board without the prior approval of the Government.

11. **Board Fund.**—(1) There shall be formed a Fund to be known as the Khulna Division Development Board Fund which shall vest in the Board and shall be utilised by the Board to meet charges in connection with its functions under this Ordinance, including the payment of salaries and other remuneration to the officers and other employees of the Board.

(2) The Khulna Division Development Board Fund shall comprise—

- (a) a non-lapsable revolving fund, not exceeding taka five crore, to be granted by the Government;
- (b) loans raised by the Board with the sanction of the Government;
- (c) receipts from any other source.

12. **Budget.**—The Board shall, by such date in each year as may be prescribed, submit to the Government for approval a budget in the prescribed form 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.

13. **Audit and accounts.**—(1) The Board shall maintain its accounts in such manner and form as may be prescribed.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of Bangladesh (hereinafter in this section referred to as 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 this behalf shall have access to all records, books, documents, cash, securities, stores and other property of the Board and may examine the Chairman or any member, officer or employee of the Board.

(4) The Auditor-General shall, as soon as possible after completion of the audit, send to the Board his audit report and the Board shall forward it, with its comments thereon, to the Government.

(5) The Board shall take steps forthwith to remedy any defects or irregularities pointed out in the audit report.

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

(2) The Board shall submit to the Government at such time and at such interval 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.

15. **Power of entry.**—The Chairman or any member, or any other person authorised by the Chairman in this behalf, may, with or without assistants or workmen, enter into or upon any land in order—

- (a) to make any inspection, survey, experiment, valuation or inquiry;
- (b) to take level of such land;
- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of work;
- (e) to mark such levels, boundaries and lines by placing marks and cutting trenches; or
- (f) to do any other thing, whenever it is necessary to do so for any of the purposes of this Ordinance:

Provided that no such entry shall be made without giving the occupier of the land at least twenty-four hours' notice of the intention to make such entry.

16. **Compulsory acquisition of land for the Board.**—Any land required by the Board for carrying out its functions under this Ordinance shall be deemed to be needed for a public purpose and such land may be requisitioned or acquired for the Board by the Government or the Deputy Commissioner, as the case may be, in accordance with any law for the time being in force.

17. **Delegation of powers.**—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 it may think fit to impose.

18. **Power to issue directions.**—The Government may, from time to time, issue directions to the Board to take such measures as it considers necessary for carrying out the purposes of this Ordinance; and the Board shall comply with all such directions.

19. **Indemnity.**—No suit, prosecution or other legal proceeding shall lie against the Board, the Chairman or any member, officer or employee of the Board for anything done or intended to be done in good faith under this Ordinance.

20. **Winding up.**—No provision of law relating to the winding up of bodies corporate shall apply to the Board, and the Board shall not be wound up except by order of the Government and in such manner as the Government may direct.

21. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

22. **Power to make regulations.**—The Board may, with the approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder, to provide for all matters not required to be provided for by rules and for which provision is necessary or expedient for carrying out the purposes of this Ordinance.

DACCA ;

The 11th October, 1976.

ABUSADAT MOHAMMAD SAYEM

President.

A. K. TALUKDAR
Deputy Secretary.

MINISTRY OF LAND ADMINISTRATION, LOCAL GOVERNMENT,
RURAL DEVELOPMENT AND CO-OPERATIVES

Local Government, Rural Development and Co-operatives Division

Section Co-operative I

NOTIFICATION

Dacca, the 11th October, 1976.

No. S.R.O. 347/L/76/Co-op-1/2R-5/76/909.—In exercise of the powers conferred by section 140 of the Co-operative Societies Act, 1940 (Ben. Act XXI of 1940), the Government is pleased to make the following amendments in the Co-operative Societies Rules, 1942, the same having been previously published, as required by sub-section (1) of that section in the *Bangladesh Gazette, Extraordinary*, dated September 2, 1976, namely:—

Amendments

In the aforesaid Rules, *after* rule 8, the following new rule 8A shall be inserted, namely:—

“8A. Notwithstanding anything contained in rule 8, where it is necessary to reorganise any co-operative society relating to any thana irrigation programme in order to promote a uniform type of primary co-operative societies at the grassroot level, the procedure for the purpose of amalgamation of such co-operative societies shall be as under :—

- (1) In a special general meeting the members of co-operative societies may adopt a resolution, hereinafter referred to as the preliminary resolution, to amalgamate with one or more other societies into one society and send a copy of such resolution to all members and creditors of the society.
- (2) The preliminary resolution adopted under sub-rule (1) shall contain detailed information with regard to the proposed new society, particularly the name of the proposed new society, its area of operation, its authorised share capital and the value of each of its shares.
- (3) After the expiry of fifteen days from the date of sending the copy of the preliminary resolution under sub-rule (1), a second general meeting shall be convened for considering the preliminary resolution and the views, if any, of the creditors.
- (4) If, at the meeting referred in sub-rule (3), the preliminary resolution is confirmed by the majority of the members present, the Registrar shall, on receipt of an application, unless for reasons to be recorded in writing he thinks fit to refuse, register the new society or societies and the bye-laws thereof and thereupon the registration of the old society or societies shall be deemed to have been cancelled.

- (5) The registration under sub-rule (4) shall be a sufficient conveyance to vest the assets and liabilities of the original society or societies in the new society or societies and upon such registration the creditors and financing banks of the original society or societies shall have a right to demand from the new society or societies return of the amount, if any, due to them in respect of the original society or societies”.

By order of the President

KHORSHED ALAM

Additional Secretary.