

The Inland Water Transport Authority Ordinance, 1958 (East Pakistan Ordinance)

(Ordinance NO. LXXV OF 1958)

♣An Ordinance to set up an Authority for development, maintenance and control of inland water transport and of certain inland navigable waterways [* * *].

WHEREAS it is necessary to make provisions for setting up of an Authority for the development, maintenance and control of inland water transport and of certain inland navigable waterways in [Bangladesh];

AND WHEREAS the Provincial Assembly of East Pakistan has been dissolved with the abrogation of the Constitution by the Proclamation of the President on 7th October, 1958;

AND WHEREAS the Governor of a Province has been vested with the powers of promulgating Ordinance as if clauses (1) and (3) of Article 102 of the late Constitution are still in force;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 5 of the Laws (Continuance in Force) Order, 1958, promulgated by the President of Pakistan on the 10th October, 1958 and of all other powers enabling him in that behalf the Governor of East Pakistan is pleased to make and promulgate the following Ordinance:-

Short title, extent and commencement

1. (1) This Ordinance may be called the ¹[* * *] Inland Water Transport Authority Ordinance, 1958. (2) It extends to the whole of Bangladesh.
- (3) It shall come into force at once.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-
 - (i) “Authority” means the Bangladesh Inland Water Transport Authority established under section 3 of this Ordinance;
 - (ii) “Chairman” means the Chairman appointed under section 4 of this Ordinance; and
 - (iii) “Prescribed” means prescribed by rule made under this Ordinance.

**Establishment
and
Incorporation
of Authority**

3. (1) The Government may, by notification in the official Gazette, establish an Authority to be known as the Bangladesh Inland Water Transport Authority for carrying out the purposes of this Ordinance.

²[(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, and any other law for the time being in force, to acquire, hold and dispose of, by lien, mortgage, sale, alienation or otherwise, property, both movable and immovable, and shall by the said name sue and be sued.]

**Appointment
and term of
office of
Chairman
and
Members**

4. ³[(1) The Authority shall consist of a Chairman and such number of members as the Government may, from time to time, determine.

⁴[(1A) The Chairman and Members of the Authority shall be the whole time Officers of the Authority and shall be appointed by the Government on such terms and conditions as it may determine.]]

(2) The term of office of the Chairman shall be five years and that of a member three years.

(3) [Omitted by section 3 of the Inland Water Transport Authority (Amendment) Act, 1997 (Act No. IX of 1997).]

(4) Any person ceasing to be the Chairman or member by reason of the expiry of the term of his office shall be eligible for re-appointment for another term or for such shorter term as the Government may decide.

(5) The Chairman or any member may at any time resign:

Provided that his resignation shall not take effect until accepted by the Government.

(6) In the case of temporary absence of the Chairman or any member, the Government may appoint a Chairman or a member, as the case may be, for the period of absence.

**Remuneration
and**

5. The Chairman and each member shall receive such salary and allowances and be subject to such conditions of service as may be

**Conditions
of service**

prescribed by the Government, and shall perform such duties as are assigned to them under this Ordinance or by any rules framed under it.

**Removal of
Chairman
or Members**

6. The Government may, by notification in the official Gazette, remove the Chairman or any member-

(a) if he refuses or fails to discharge or becomes, in the opinion of the Government, incapable of discharging his responsibilities under this Ordinance; or

(b) if he has been declared insolvent; or

(c) if he has been declared to be disqualified for employment in, or has been dismissed from the service of ⁵[the Republic], or has been convicted of an offence involving moral turpitude; or

(d) if he has knowingly acquired or continued to hold without the permission in writing of the Government, directly or indirectly or through a partner, any share or interest in any contract or employment with or by or on behalf of the Authority, or in any land or property which, in his knowledge, is likely to benefit him or has benefited him as a result of the operation of the Authority.

**Meetings of
Authority**

7. (1) The Authority shall meet at such time and place and in such manner, as may be prescribed:

Provided that until rules are made in this behalf, such meetings shall be convened by the Chairman.

(2) The Chairman, or in his absence a member authorised by him, and one other member shall be present to constitute a quorum at a meeting of the Authority.

(3) The Chairman shall have power to vote in a meeting of the Authority and in the case of equality of votes he shall have a casting vote also.

**Advisory
Committee**

8. ⁶[(1) The Government may constitute, as and when it considers necessary so to do, an Advisory Committee consisting of the Chairman

who shall also be the Chairman of the Committee and such number of other members as the Government may deem fit.]

(2) Secretary of the Authority shall act as the Secretary of the Advisory Committee.

(3) The Advisory Committee shall meet at least once in every three months and the meetings of the Advisory Committee shall be called by the Chairman.

(4) The members of the Advisory Committee shall be entitled to such fees and allowances as may be prescribed.

(5) The Advisory Committee may advise the Authority in respect of all matters relating to the development, maintenance and operation of inland water transport and of inland waterways in Bangladesh.

(6) [Omitted by section 7 of the Inland Water Transport Authority (Amendment) Ordinance, 1977 (Ordinance No. LV of 1977).]

Powers of the Government to supersede the Authority

9. If, in the opinion of the Government, the Authority have shown their incompetency, to perform or have persistently made default in the performance of the duties imposed on them by or under this Ordinance or have exceeded or abused their powers, the Government may, by an order published in the official Gazette, supersede them for a period specified in the order:

Provided that the Government before six months of such order or supersession shall give notice to the Authority to show cause why such action shall not be taken and also to provide them an opportunity to take remedial measures:

Provided further that except in case of misappropriation of Authority funds or persistent default in the performance of duties by the Authority the Government shall not ordinarily exercise powers under this section.

Temporary association of members with the

10. (1) The Authority may associate with themselves any person whose assistance or advice they may desire in carrying out any of the provisions of this Ordinance.

Authority for particular purposes	(2) A person associated with themselves by the Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Authority.
Sub-Committees	11. The Authority may constitute sub-committees from amongst the members of the Advisory Committee constituted under section 8 and associated members under section 10 of this Ordinance to study and advise on the specific local requirements.
Determination of number, designation, etc., of officers and servants of the Authority	12. The Authority may, subject to such conditions as may be prescribed, determine the number, designation and grade of officers and servants whom the Authority consider necessary to employ for the purpose of this Ordinance and the amount and nature of salary and allowances to be paid to each such officer and servant.
Power of appointment, suspension, etc., of officers and servants of the Authority	13. The power of appointing, promoting and granting leave to officers and servants of the Authority and reducing in rank, suspending and dismissing them for misconduct, shall, subject to such conditions as may be prescribed, be vested in the Authority.
Transfer of Officers on deputation	⁷ [13A. Notwithstanding anything contained in this Ordinance or in any other law, rule or regulation for the time being in force, the Government may, if it considers necessary in the public interest, transfer on deputation any Officer of the Authority to Chittagong Port Authority established under the Chittagong Port Authority Ordinance, 1976 (LII of 1976) and Mongla Port Authority established under the Mongla Port Authority Ordinance, 1976 (LIII of 1976) and vice versa.]
Delegation of powers to Chairman, etc.	⁸ [14. The Authority may by general or special order, delegate to Chairman or a Member or an Officer of the Authority any of its powers, duties or functions under this Ordinance subject to such conditions as it may think fit to impose.]