

The Bangladesh Export Processing Zones Authority Act, 1980

(ACT NO. XXXVI OF 1980)

An Act for the establishment of the Bangladesh Export Processing Zones Authority.

WHEREAS it is expedient to make provision for the establishment of the Bangladesh Export Processing Zones Authority for creation, development, operation, management and control of export processing zones and for matters connected therewith;

It is hereby enacted as follows:-

- Short title and commencement**
1. (1) This Act may be called the Bangladesh Export Processing Zones Authority Act, 1980.
 - (2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
- Definitions**
- ¹[2. In this Act, unless there is anything repugnant in the subject or context,-
- (a) “Authority” means the Bangladesh Export Processing Zones Authority established under section 3;
 - (b) “Board” means the Board of Governors of the Authority;
 - (c) “Executive Board” means the Executive Board of the Authority;
 - (d) “Executive Chairman” means the Executive Chairman of the Board;
 - (e) “prescribed” means prescribed by rules made under this Act; and
 - (f) “zone” means a place or places to be specified by the Government under section 10 as an export processing zone for the purposes of setting up export oriented industries.]

**Establishment
of the
Authority**

3. (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the official Gazette, establish an Authority to be called the Bangladesh Export Processing Zones Authority for carrying out the purposes of this Act.

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

**General
direction**

²[3A. (1) The general direction and administration of the affairs of the Authority shall vest in the Executive Board which may, subject to subsection (2), exercise all powers and do all acts and things as may be exercised or done by the Authority.

(2) The Executive Board, in discharging its functions, shall act in accordance with the guidance, order and instructions given by the Board of Governors of the Authority from time to time.]

**Head office,
etc.**

4. (1) The Head office of the Authority shall be located at Chittagong.

(2) The Authority may establish its offices and branches at such places as it may deem fit.

**Objects of
the
Authority**

³[4A. The objects of the Authority shall be-

(a) to foster and generate economic development of Bangladesh by encouraging and promoting foreign investments in a Zone;

(b) to diversify the sources of foreign exchange earnings by increasing export of Bangladesh through a Zone ⁴;

(c) to encourage and foster the establishment and development of industries and commercial enterprises in a zone in order to widen and strengthen the economic base of Bangladesh;

(d) to generate productive employment opportunity and to upgrade labour and management skills through acquisition of advanced technology.]

**Board of
Governors**

⁵[5. (1) There shall be a Board of Governors of the Authority which ⁶[shall, subject to the provisions of sub-section (3), consist] of the following members, namely:-

(a) Chairman;

(b) Minister-in-charge of the Ministries or Divisions dealing with industries, commerce, finance, planning, foreign affairs, energy and ports and shipping, ex-officio;

(c) Governor, Bangladesh Bank, ex-officio;

(d) Secretaries of the Ministries or Divisions dealing with industries, commerce, finance, planning, foreign affairs, energy, ports and shipping and internal resources, ex-officio;

(e) Chairman of the Executive Board, who shall also be the Secretary of the Board, ex-officio;

(2) The ⁷[Prime Minister], or a member, who is a Minister, nominated by the ⁸[Prime Minister], shall be the Chairman of the Board.

⁹[(3) The Government may, by notification in the official Gazette, include in the Board any person or exclude from the Board any member with approval of the Prime Minister.]

**Functions
of the
Board**

5A. (1) The Board-

(a) shall formulate the policies for operation and management of the Authority and the zones;

(b) shall review, from time to time, the activities and performance of the Executive Board and the zones;

(c) may give orders or issue instructions which are deemed appropriate for the purpose of efficient management of the affairs of the Authority and the zones.

(2) The policies formulated, orders given and instruction issued by the Board shall be deemed to be the policies formulated, orders given and instructions issued by the Government and shall be followed accordingly;

and they shall not require any formal approval of any Ministry or Division dealing with the matters for their implementation.

Executive Board

5B. (1) There shall be an Executive Board of the Authority consisting of a Chairman and three other members.

(2) The Chairman of the Executive Board shall be called the Executive Chairman and he shall be the Chief Executive officer of the Authority.

(3) The Executive Chairman and other members of the Executive Board shall be appointed by the Government and shall hold office on such terms and conditions as the Government may determine.

(4) If a vacancy occurs in the office of the Executive Chairman or if the Executive Chairman is unable to discharge the functions of his office on account of his absence, illness or any other cause, the Government shall make such arrangement for discharging the functions of the Executive Chairman as it may consider expedient.

(5) No act or proceedings of the Executive Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Executive Board.

Meetings

6. (1) Save as provided in this section, the Board of Governors and the Executive Board shall regulate the procedure for their meetings.

(2) All meetings of the Board of Governors shall be convened by the Secretary of the Board in consultation with its Chairman and shall be held at such times and places as may be determined by him.

(3) All meetings of the Executive Board shall be convened by the Executive Chairman and shall be held at such times and places as may be determined by him.

(4) All meetings of the Board of Governors shall be presided over by its Chairman and, in his absence, by a member of the Board, who is a Minister, authorised by the Chairman.

(5) All meetings of the Executive Board shall be presided over by its Chairman.]

**Consultative
Committee**

¹⁰[6A. (1) ¹¹[The Executive Board shall, in the discharge of its functions, be aided] and advised by a Consultative Committee which shall consist of the following members:-

(a) one member to be nominated by the Internal Resources Division from among its officers;

(b) one member to be nominated by the Ministry of Industries from among its officers;

(c) one member to be nominated by the Ministry of Commerce from among its officers;

(d) one member to be nominated by the Export Promotion Bureau from among its officers;

(e) one member to be nominated by the Finance Division from among senior bankers;

(f) one member to be nominated by the Ministry of Industries from among prominent industrialists;

(g) one member to be nominated by the Government from among industrialists of each Zone;

(h) Director General, Department of Industries, or his nominee;

(i) Division Chief (Industries), Planning Commission;

(j) Commissioner of the Division in which a Zone is situated or his nominee;

(k) Chairman of the Water Supply and Sewerage Authority within the area of which a Zone is situated;

(l) Chairman of Chittagong Port Authority or Port of Chalna Authority to be nominated by the Government;

(m) Chairman of the body, by whatever name called, responsible for the development or improvement of the urban area within which a Zone is