

The Bangladesh Parjatan Corporation Order, 1972 (President's Order)

(PRESIDENT'S ORDER NO. 143 OF 1972)

[27th November, 1972]

WHEREAS it is expedient to provide for the establishment of a Corporation for the purpose of promotion, better operation and development of tourism in Bangladesh and for matters connected therewith or ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Bangladesh Parjatan Corporation Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,-

(a) “Board” means the Board of Directors of the Corporation;

¹[(b) “Chairman” means the Chairman of the Corporation;]

(c) “Corporation” means the Bangladesh Parjatan Corporation established by this Order;

(d) “Director” means a Director of the Corporation;

(e) “domestic tourist” means any person of Bangladesh travelling within the country for the purpose of recreation or education or health;

(f) “Government” means Government of the People's Republic of Bangladesh;

(g) “Prescribed” means prescribed by rules or regulations made under this Order;

²[(gg) “President” means President of the Board;]

³[(h) “regulations” means regulations made under this Order;

(i) “rules” means rules made under this Order;

(j) “tourist” means a person who leaves his ordinary place of residence for a new place and stays there for a period not exceeding 1 (one) year for leisure, recreation, business or for any other reason, except for the purpose of employment for earning.”]

⁴[2A. Notwithstanding anything contained in any other law for the time being in force relating to tourism, the provisions of this Order shall prevail.]

3. (1) On the coming into force of this Order, there shall be established a Corporation to be called the Bangladesh Parjatan Corporation for carrying out the purposes of this Order.

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

4. (1) The Head Office of the Corporation shall be at ⁵[Dhaka].

(2) The Corporation may establish office, branches or agencies at any other place in or outside Bangladesh.

5. (1) It shall be the function of the Corporation to promote and develop tourism, provide facilities, undertake measures and carry out all forms of activities connected with or ancillary to tourism.

(2) Without prejudice to the generality of the foregoing provision, the Corporation shall, in particular, have power-

(a) to promote tourist undertakings and to control and regulate tourist installations and services;

(b) to project the image of Bangladesh abroad for the purpose of attracting tourist by publicising history and culture of the country;

(c) to organize reception and information facilities in or outside Bangladesh;

(d) to encourage and develop domestic tourism;

(e) to promote any organisation, in or outside Bangladesh, for the purpose of engaging in any activity falling within the

functions of the corporation, or, with the previous approval of the Government, to associate with any such organisation;

(f) to enter into tourism agreement with foreign countries with the previous approval of the Government;

(g) to conduct and carry out research on various aspects of tourism;

(h) to publish literature on tourism;

(i) to acquire, establish, construct, arrange, provide and run hotels, restaurants, rest houses, picnic spots, camping sites, theatres, amusement parks, casinos and facilities for water skiing and entertainment for tourist;

⁶[(ii) to operate and manage duty free shops;]

(j) to establish Travel Agency and/or work as agents for railways, shipping companies, airlines, waterways, road transport, for organizing group tours;

(k) to organize shikar agencies and undertake all activities for promotion of Safari tourism and maintain game sanctuaries and game reserves, fish hatcheries and fowl breeding farms.

(l) to establish institutes or make other arrangements for instruction and training of persons engaged or likely to be engaged in any activity connected with or ancillary to tourism;

(m) to acquire, hold or dispose of any property whether movable or immovable;

(n) to invest its moneys and funds and to vary the investments as and when it may seem necessary or proper;

(o) to do all other things connected with or ancillary to any of the matters referred to in the foregoing sub clauses;

(p) to carry out any other functions as may be prescribed.

6. (1) The authorised capital of the Corporation shall be ⁷[one thousand crore Taka], to be subscribed by the Government, in the manner determined by the Government according to the requirements of the

Corporation.

(2) The initial share capital shall be ⁸[four hundred crore Taka] fully paid up and subscribed by the Government.

(3) Notwithstanding anything contained in clause (1), the Corporation may, for carrying on all or any of its functions have separate capital raised by loan or grant from, or in such manner as may be approved by, the Government.

7. (1) Subject to the rules and regulations made under this Order, the general direction and administration of the affairs and business of the Corporation shall vest in a Board of Directors which may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) The Board, in discharging its functions, shall act on commercial considerations having due regard to the public interest generally and shall be guided on question of policy involving national interest by such general or special instructions as may be given to it by the Government from time to time.

⁹[8. There shall be a Board of Directors of the Corporation which shall consist of the following Directors, namely:-

(a) a person to be nominated by the Government for such period and terms and conditions as the Government may determine, who shall also be its President;

(b) Chairman of the Corporation;

(c) an officer not below the rank of Joint Secretary to be nominated by the Ministry of Civil Aviation and Tourism;

(d) an officer not below the rank of Joint Secretary to be nominated by the National Board of Revenue;

- (e) an officer not below the rank of Joint Secretary to be nominated by the Legislative and Parliamentary Affairs Division;
- (f) an officer not below the rank of Joint Secretary to be nominated by the Public Security Division;
- (g) an officer not below the rank of Joint Secretary to be nominated by the Ministry of Environment, Forest and Climate Change;
- (h) two Directors of the Corporation to be appointed by the Government;
- (i) two representatives to be nominated by the Government from non-government organizations who are directly and institutionally associated with the tourism industry.]

¹⁰[9.(1) There shall be a Chairman and such number of Directors of the Corporation, as the Government may determine.

(2) The Chairman shall be the Chief Executive of the Corporation.

(3) The Chairman and the Directors shall be appointed by the Government for such period and on such terms and conditions as may be determined.

(4) The Chairman and the Directors shall be whole-time officers of the Corporation and shall exercise functions and discharge such duties as may be prescribed.]

10. No person shall be or shall continue to be a ¹¹[Chairman and a] Director who,-

(a) is or at any time has been adjudicated insolvent;

(b) is found to be a lunatic or of unsound mind;

(c) is or at any time has been convicted of any offence which, in the opinion of the Government, is an offence involving moral turpitude;

(d) is a minor; ¹²[***]

¹³[(e) is declared as a defaulter by a competent court in repaying any loan taken by him from any bank or financial institutions;

(f) is engaged in any profession or business connected with the interest of the corporation directly or indirectly; or

(g) absents himself from 3 (three) consecutive meetings without reasonable excuse, the Government may remove him by an order.]

11. (1) The meetings of the Board shall be held at such times and at such places as may be prescribed:

Provided that until rules are made in that behalf such meetings of the Board shall be convened by the ¹⁴[President of the Board of Directors].

(2) To constitute a quorum at a meeting of the Board the ¹⁵[President of the Board of Directors] and at least ¹⁶[five Directors] shall be present.

(3) At a meeting of the Board each ¹⁷[Director of the Board] shall have one vote, and in the event of equality of votes the ¹⁸[President of the Board of Directors] shall have a second or casting vote.

(4) If for any reason the ¹⁹[President of the Board of Directors] is unable to be present at a meeting of the Board, a ²⁰[Director of the Board] authorised in writing by the ²¹[President of the Board of Directors] shall preside at the meeting.

12. The Board may delegate such powers as it may deem fit to the Chairman for the efficient functioning of the Corporation.

13. There shall be an Advisory Committee, to be known as the Parjatan Updesta Committee, to perform such advisory functions as may be

prescribed, consisting of not less than three and not more than seven persons to be appointed by the Government from among persons who by virtue of their knowledge and experience can render valuable advice regarding the promotion and development of tourism.

14. The Corporation may open and operate any account with any scheduled Bank or banks.

15. The Corporation may invest its funds in such securities of the Government or in such manner as may be prescribed.

16. (1) The Corporation shall maintain proper accounts and shall prepare annual statement of accounts, including the profit and loss account and balance sheet, in accordance with such general directions as may be issued, and in such form as may be prescribed, by the Government.

(2) The accounts of the Corporation shall be audited by not less than two auditors, being chartered accountants within the meaning of the ²²[Bangladesh Chartered Accountants Order, 1973 (President's Order No. 2 of 1972)], who shall be appointed by the Government.

(3) Every auditor appointed under clause (2) shall be given a copy of the annual balance sheet and other accounts of the Corporation together with the account books and vouchers relating thereto for examination and shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may in connection with such accounts examine any Director or officer of the Corporation.

(4) The auditors shall report to the Government upon the annual balance sheet and the accounts and on any ancillary matter connected therewith.

(5) The Government, at any time, may issue directions to the auditors requiring them to report to it upon the adequacy of measure taken by the Corporation for the protection of the interests of the Government or upon the sufficiency of their procedure in auditing the affairs of the Corporation and may, at any time, enlarge or extend the scope of the audit or direct that different procedure in audit shall be adopted or that any other examination shall be made by the auditors or any other persons if, in its opinion, the interest of the Government so requires.

17. (1) The Corporation shall furnish to the Government such returns, reports and statements as the Government may from time to time require.

(2) The Corporation shall, as soon as possible after the end of every financial year, furnish to the Government statement of accounts audited under Article 16 together with an annual report on the conduct of its affairs for that year and on its proposal for the next ensuing financial year.

(3) The copies of the audited accounts and annual report received by the Government under clause (2) shall be published in the official Gazette and shall be laid before the Legislature.

18. The Corporation shall, by such date in each year as may be prescribed by rules, submit to the Government for approval a statement, in the prescribed form, for each financial year showing the estimated receipt and expenditure and the sums which are likely to be required from the Government during the financial year.

19. The Corporation may, subject to any rules or regulations made or directives issued by the Government, appoint such officers, consultants, advisers and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may determine.

20. Notwithstanding anything contained in any other law for the time being in force, or in any memorandum or articles of association, deed or other instrument, on the commencement of this Order-

(a) All assets of the Pakistan Tourism Development Corporation Limited (hereinafter referred to as the said company) in Bangladesh shall stand transferred to, and vested in, the Corporation.

Explanation. The expression “assets” includes all rights, powers, authorities and privileges, all property, movable and immovable, including lands, buildings, cash balances, bank deposits, reserve funds, investments and all other rights and interests in, or arising out of, such property and all books of accounts, registers, records and all other documents of whatever nature relating thereto;

(b) all debts and liabilities incurred, all obligations undertaken, all contracts entered into and all agreements made in Bangladesh by or with the said company shall, unless the Government otherwise directs, stand transferred to, and be deemed to have been incurred, undertaken, entered into or made by or with, the Corporation;

(c) all suits or other legal proceedings instituted by or against the said company in Bangladesh before the commencement of this Order shall, unless the Government otherwise directs, be deemed to have been instituted by or against the Corporation and may be continued or proceeded with accordingly;

(d) all officers and other employees of the said company in Bangladesh shall stand transferred to the Corporation on such terms and conditions as the Corporation may determine:

Provided that an officer or other employee so transferred shall have the option not to continue in the service of the Corporation.

21. The Government may, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Order.

22. (1) The Board may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Order and the rules prescribed by the Government, to provide for all matters for which provision is necessary or expedient.

(2) All regulations under clause (1) shall be published in the official Gazette and shall come into force on such publication.

¹ Clause (b) was substituted by section 2 (a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

² Clause (gg) was inserted by section 2 (b) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

³ Clause (h), (i) and (j) were substituted by section 2(c) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

⁴ Article 2A was inserted by section 3 of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

⁵ The word “Dhaka” was substituted for the word “Dacca” by section 4 of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

⁶ Sub-clause (ii) was inserted after sub-clause (i) by section 5 of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

⁷ The words “one thousand crore Taka” were substituted for the words “fifteen crore Taka” by section 6(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

⁸ The words “four hundred crore Taka” were substituted for the words “Taka five lakhs” by section 6(b) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

⁹ Article 8 was substituted by section 7 of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

¹⁰ Article 9 was substituted by section 8 of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

¹¹ The words “Chairman and a” were inserted before the word “Director” by section 9(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

¹² The word “or” was omitted by section 9(b) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

¹³ Sub-clause (e), (f) and (g) were substituted by section 9(c) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

¹⁴ The words “President of the Board of Directors” were substituted for the word “Chairman” by section 10(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

¹⁵ The words “President of the Board of Directors” were substituted for the word “Chairman” by section 10(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

- 16 The words “five Directors” were substituted for the words “one Director” by section 10(c) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).
- 17 The words “Director of the Board” were substituted for the word “Director” by section 10(b) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).
- 18 The words “President of the Board of Directors” were substituted for the word “Chairman” by section 10(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).
- 19 The words “President of the Board of Directors” were substituted for the word “Chairman” by section 10(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).
- 20 The words “Director of the Board” were substituted for the word “Director” by section 10(b) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).
- 21 The words “President of the Board of Directors” were substituted for the word “Chairman” by section 10(a) of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).
- 22 The words, comma, letters and bracket “Bangladesh Chartered Accountants Order, 1973 (President’s Order No. 2 of 1972)” were substituted for the words, comma, letters and bracket “Chartered Accountants Ordinance, 1961 (Ordinance X of 1961)” by section 11 of Bangladesh Parjatan Corporation (Amendment) Act, 2022 (Act No. 11 of 2022).

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