

THE NATIONAL BROADCASTING AUTHORITY ORDINANCE, 1986

No.266-Pub-The following Ordinance made by the President of the People's Republic of Bangladesh , on the 24th May, 1986, is hereby published for general information:-

Ordinance No. XXXII of 1986 AN ORDINANCE

to provide for the establishment of the National Broadcasting Authority

WHEREAS it is expedient to provide for the establishment of the National Broadcasting Authority and for matters connected there with;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March,1982, 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 National Broadcasting Authority Ordinance, 1986.
2. Definitions.- In this Ordinance, unless there is anything repugnant in the subject or context,-
 - (a) "Authority" means the National Broadcasting Authority established under this Ordinance;
 - (b) "Chairman" means the Chairman of the Authority;
 - (c) "member" means a member of the Authority;
 - (d) "prescribed" means prescribed by rules made under this Ordinance.
3. Establishment of the Authority.- (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish an Authority to be called the National Broadcasting Authority for carrying out the purposes of this Ordinance.
 - (2) The Authority shall consist of a Chairman and not less than three and not more than seven other 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 on such terms and conditions as the Government may determine.
 - (4) The Chairman shall be the chief executive of the Authority.

(5) All decisions of the Authority shall forthwith be transmitted to the members shall exercise such powers and perform such functions as may be prescribed or as may be assigned to them by the Government or the Authority.

4. **Meetings of the Authority.-** (1) The meetings of the Authority shall be held in such manner as may be prescribed:

Provided that until rules are made in this behalf, the meetings of the Authority shall be held in such manner as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Authority at least three members shall be present.

(3) All meetings of the Authority shall be presided over by the Chairman and, in his absence, by a member authorized in writing by the Chairman.

(4) All questions at a meeting of the Authority shall be decided by the votes of the majority of the members present and voting and, in the case of equality of votes, the person presiding shall have second or casting vote.

(5) All decisions of the Authority shall be transmitted to the Government.

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

5. **Functions of the Authority.-** (1) The functions of the Authority shall be-

(a) to control, manage, operate and develop the radio and television in Bangladesh;

(b) to implement policy of the Government in respect of radio and television broadcasting;

(c) to prepare plans and programmes for development of radio and television and, with the prior approval of the Government, execute such plans and programmes;

(d) to establish and maintain institutes for the instruction and training of person engaged or likely to be engaged in any activities connected with broadcasting radio and television;

(e) to make all purchases of plant, machinery and stores for radio and television within and without the country in accordance with the procedure laid down by the Government and to dispose of such plant, machinery and stores;

(f) subject to the approval of the Government, to negotiate and sign contracts and agreements with any foreign organization in respect of any matter relating to radio and television;

(g) to associate with any international organization engaged in any activities connected with radio and television;

(h) to exercise all such powers and do all acts and things as may be necessary for the efficient control, management, operation and development of radio and television;

(i) to do all other matters and things connected with, or ancillary to, any of the aforesaid functions.

(2) The Authority, in the discharge of its functions, shall be guided on questions of policy by such general or special instructions as may, from time to time, be given by the Government.

6. **Officers and other employees of the Authority:-** (1) The Authority may, for the efficient performance of its functions, appoint such officers and other employees as it considers necessary and in such manner as may be prescribed.

(2) All officers and other employees appointed by the Authority shall be Government servants and, subject to the provisions of this Ordinance, be governed by all law, rules, orders and notifications applicable to Government servants.

(3) Notwithstanding anything contained in this section, all posts under the Authority which are borne on the Bangladesh Civil Service (Information) Cadre shall be filled by appointment made by the Government, but the persons serving in those posts shall be under the control of the Authority.

7. **Finance.-** (1) The Authority shall have its own fund which shall consist of -

(a) Grants made by the Government;

(b) Loans made by the Governments and obtained from other sources with the approval of the Government;

(c) foreign grants obtained by the Authority with the prior approval of the Government;

(d) income accrued from the license fees of radio and television;

(e) revenue from the sale of advertisement time in radio and television;

(f) money obtained from the sale proceeds of film records, tapes and discs containing programmes already broadcast;

(g) income from any other source.

(2) The Authority shall maintain its account with the Bangladesh Bank and drawls from the accounts shall be made by the officers authorized by the Authority in accordance with the budget approved by the Government.

(3) The Authority shall provide for all administrative and operating expenses of radio and television, depreciation of assets thereof and repayment of loans, including interest thereon, received for the purposes of radio and television.

(4) The surplus from the revenue account of the Authority budget shall be utilized or disposed of at the end of each financial year in consultation with, and with the approval of, the Government.

8. **Transfer of certain assets and liabilities.**- All assets and undertakings, including lands, buildings, works, machinery, equipments, materials and plants belonging to or vested in the Radio Bangladesh and the Bangladesh Television shall stand transferred to and vest in the Authority, and all liabilities of the Radio Bangladesh and the Bangladesh Television in respect thereof shall be the liabilities of the Authority.

9. **Authority to review and revalue assets.**- The Authority shall, as soon as possible, initiate a review and revaluation of the assets of the Government in respect of radio and television in accordance with sound financial principles and restructure the capital and reconstruct financial obligations of the assets in accordance with the same principles and shall carry out such revaluation not often than every five years.

10. **Borrowing powers.**- The Authority may, with the approval of the Government borrow funds from internal or external sources.

11. **Budget.**-The Authority shall, by such date in each year as may be prescribed, submit to the Government for approval a budget for each financial year

12. **Accounts and audit.**- (1) The Authority shall maintain its accounts in such manner and form as may be directed by the Government in consultation with the Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General.

(2) The account of the Authority shall be audited by 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 authorized by him in this behalf, shall have access to all records, books, documents, cash, securities, stores and other property of the Authority and may examine the Chairman, member or any officer or employee of the Authority.

- (4) The Authority shall produce all such accounts, books and connected documents and furnish such explanations and information as the Auditor General or any person authorized by him in this behalf may require at the time of the audit.
- (5) The Auditor General shall submit his annual report to the Government and forward a copy thereof to the Authority.
- (6) The Government may, at any time, require the Auditor General to report to it upon the adequacy of measures taken by the Authority for the management of its financial matters.
13. **Reports and statements.-** (1) The Authority shall, as soon as possible after the end of every financial year, submit to the Government a report on the conduct of its affairs for that year.
- (2) The Authority shall submit to the Government at such time and intervals as the Government may specify-
- (a) such returns, accounts, statement, 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 and any other purpose.
14. **Payment of a fixed return on Government investment.-** The Authority shall pay to the General Revenue a fixed return of such per centum on Government investment in Radio and Television as may be determined from time to time by the Government at the close of the preceding financial year.
15. **Delegation of powers.-** The Authority may, by general or special order delegate to the Chairman or any members or officer of the Authority any of its functions subject to such conditions as may be specified in the order.
16. **Power to make rules.-** The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

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