

Published in Bangladesh Gazette Extraordinary

Dated 6th November, 1992

Act No. 43 of 1992

An Act made to constitute the Bangladesh Tariff Commission

Whereas it is expedient to constitute the Bangladesh Tariff Commission;

Now, therefore, it is enacted as follows:-

1. Short title.- This Act may be called the Bangladesh Tariff Commission Act, 1992.

2. Definitions.- Unless there is anything repugnant in the subject or context, in this Act-

- a) "Commission" means the Bangladesh Tariff Commission constituted under this Act;
- b) "Chairman" means the Chairman of the Commission;
- c) "Regulation" means any Regulation made under this Act;
- d) "rule" means any rule made under this Act;
- e) "member" means a member of the Commission;
- f) "Secretary" means the Secretary of the Commission.

3. Establishment of the Commission.- (1) After the commencement of this Act, the Government shall, as fast as possible, establish, by notification in the official Gazette, a Commission to be called the Bangladesh Tariff Commission.

(2) The Commission shall be a body corporate and shall have perpetual succession and-

- a) shall have a seal;
- b) shall have power to acquire, hold and transfer property, both movable and immovable;
- c) cases may be filed by or against it.

4. Head office of the Commission.- The head office of the Commission shall be situated in Dhaka, and it may, if necessary, establish branch offices at any place.

5. Composition of the Commission.- (1) The Commission shall consist of one Chairman and no more than three members.

(2) The Chairman and the members shall be appointed by the Government, and their service conditions shall be determined by the Government.

(3) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge his functions on account of absence, illness or any other cause, a member nominated by the Government shall act as the Chairman until the freshly appointed Chairman enters upon office or until the Chairman is able again to discharge his functions.

6. Chief Executive Officer.- The Chairman shall be the Chief Executive Officer of the Commission and he shall divide up the functions of the other members of the Commission.

7. Functions of the Commission, etc. - (1) The Commission shall give advice to the Government with respect to the following matters, namely:-

- a) the protection of the interests of the industry of the country;
- b) the promotion of competition in the production of industrial wealth;
- c) the ensuring of the adequate use of the industrial wealth;
- d) the development of the export of goods of the country;
- e) the development of the use of the industrial wealth of the country at home and through bilateral and multilateral agreements;
- f) the measures to be taken to stop dumping and unfair methods regarding the import and selling of foreign goods;
- g) such matters as are submitted by the Government to the Commission and which relate to the matters referred to in clause a), b), c), d) and e).

(2) In discharging the functions referred to in sub-section (1), the Commission shall, among other things, duly consider the following matters, namely:-

- a) the economics of the market;
- b) the economical situation;
- c) bilateral and multilateral commercial and customs agreements;
- d) the public opinion.

(3) The Commission shall, on consideration of the interests of the industry, consumers and population which are likely to be injured as a result of the implementation of recommendations submitted under this section, submit to the Government such proposals and recommendations as are, in its opinion, necessary for the reduction of such injury.

(4) The Government shall accept and duly consider the recommendations submitted by the Commission under this section.

8. Conduct of investigations.- The Commission may search or investigate any industrial and commercial institution for the purposes of this Act, and any institution concerned shall be bound to grant any person authorized by the Government to conduct such search or investigation the facilities required.

9. Commission to have the power of a civil court in certain cases.- The Commission may, when conducting searches or investigations under

this Act, exercise with regard to the matters mentioned below the same powers as may be exercised by any civil court under the Code of Civil Procedure, 1908 (Act V of 1908) with regard to the said matters, namely:-

- a) the service of a summons on any person to appear in court and his enforced appearance in court and his examination under oath;
- b) the supply of any information and the production of any document required for any search or investigation.

10. Meetings.- (1) The Commission may, subject to the other provisions of this section, determine the procedure of its meetings.

(2) The Secretary shall, on consent of the Chairman, summon the meetings of the Commission, and the meetings shall be held at the time and place fixed by the Chairman.

(3) The meetings of the Commission shall be presided over by the Chairman and, in his absence, by any member of the Commission nominated by the Chairman.

(4) No act or proceeding of the Commission shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Commission.

11. Secretary.- (1) There shall be one Secretary to the Commission.

(2) The Secretary shall be appointed by the Government and his service conditions shall be determined by the Government.

(3) The Secretary shall-

- a) prepare the budget of the Commission and submit it for approval to the Commission;
- b) keep the accounts of the Commission, prepare the annual statement of accounts and provide for the auditing of the accounts;
- c) keep, hold in custody, control and manage the money and property of the Commission and shall keep and hold in custody the documents and deeds of the Commission;
- d) supervise the administrative actions of the Commission and see to it that such actions are performed properly;
- e) perform such other duties as may be assigned or prescribed by the Commission or the Chairman.

12. Other officers and employees of the Commission.- The Commission may appoint such other officers and employees as may be required for the proper management of its affairs, and the conditions of service of such officers and employees shall be determined by rules: Provided that the Commission may not create offices for any officer or employee without the prior approval of the Government.

13. Committees.- The Commission may establish one or more committees to render it assistance in the performance of its duties.

14. Fund of the Commission.- (1) There shall be a fund of the Commission to which shall be credited grants made by the Government, gifts and grants received from any other source and fees received by the Commission and any other sums.

(2) The fund shall be kept in the name of the Commission in a schedule bank approved by the Commission.

(3) Necessary expenditures of the Commission shall be met from this fund.

15. Budget.- The Commission shall every year, within such period as the Government may fix, submit to the Government a budget statement of the following financial year showing the extent to which the Commission may require money from the Government for that financial year.

16. Accounts and audit.- (1) The Commission shall accurately maintain its accounts and prepare an annual statement of accounts.

(2) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, shall annually audit the accounts of the Commission and shall send one copy of the audit report to the Government and Commission, respectively.

(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 money or money deposited with banks, securities, stores and other property of the Commission and may examine any member, officer or employee of the Commission.

17. Power of the Government to give directions.- For the purpose of this Act, the Government may give directions to the Commission, and the Commission shall be bound to observe such directions.

18. Reports.- (1) The Commission shall every year before the 30th June submit a report together with an account-book to the Government on the conduct of its affairs during the preceding year.

(2) The Government may, if necessary, require the Commission to furnish any report or statement regarding any matter connected with the Commission, and the Commission shall be bound to comply with such requests.

19. Protection of action taken in good faith.- No civil suit or criminal suit or other legal proceedings shall lie against the Chairman, any member or any officer or employee of the Commission for any damage caused or likely to be caused to any person as a result of any action done in good faith under this Act or the rules or regulations.

20. Public servant.- The Chairman, members, officers and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Penal Code (Act XLV of 1860).

21. Delegation of powers.- The Commission may, under well-defined conditions, delegate any of its powers or duties to its Chairman, any member or any officer.

22. Power to make rules.- The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

23.- Power to make regulations.- The Commission may, on prior approval of the Government and by notification in the Official Gazette, make regulations, not inconsistent with this Act or any rules, for carrying out the purposes of this Act.

24. Abolition of Tariff Commission, etc. - (1) Immediately after the establishment of the Bangladesh Tariff Commission, Resolution No. EdMin-Ii-20/73/636 of 28th July, 1973 of the Ministry of Commerce, heretofore referred to as the said Resolution, shall stand abolished.

(2) Immediately after the abolishment of the said Resolution,-

- a) the Tariff Commission constituted under the said Resolution, heretofore referred to as the abolished Commission, shall stand

abolished;

b) all properties, movable and immovable, cash money and money deposited with banks, of the abolished Commission shall stand transferred to vest in the Commission;

c) all the officers and employees of the abolished Commission and its Institutional Development Project (IDTC Project) shall stand transferred to the Commission and shall be deemed officers and employees appointed by the Commission and shall serve the Commission on the same terms and conditions as were applicable to them before such transfer until their conditions of service are altered by the Commission.
