

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS



**THE BANGLADESH SMALL AND COTTAGE
INDUSTRIES CORPORATION ACT, 1957**
(E.P. Act XVII of 1957)

(As modified up to 31st December, 1976)
And on 7th August 1990 Appendix K.A.

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STATEMENT OF AMENDMENTS

Amended by—

1. E. P. Ord. LXVII of 1958.
2. E. P. Ord. XVII of 1962.
3. E. P. Ord. III of 1970.
4. E. P. Ord. XVII of 1970.
5. P. O. 109 of 1972.
6. P. O. 156 of 1972.
7. XXIII of 1975.
8. Ord. XXXIV of 1976.
9. Ord. 57 of 1990.

**THE BANGLADESH SMALL AND COTTAGE INDUSTRIES
CORPORATION ACT, 1957.**

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বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, আগস্ট ৭, ১৯৯০

৫ম খণ্ড-বাংলাদেশ জাতীয় সংসদের এ্যাক্ট, বিল ইত্যাদি।

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ৭ই আগস্ট, ১৯৯০/২২শে শ্রাবণ, ১৩৯৭

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনগুলি ৭ই আগস্ট, ১৯৯০ (২২শে শ্রাবণ, ১৩৯৭) তারিখে রাষ্ট্রপতির সম্মতি লাভ করিয়াছে এবং এতদ্বারা এই আইনগুলি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :-

১৯৯০ সনের ৫৭ নং আইন

Bangladesh Small and Cottage Industries Corporation Act, 1957

এর অধিকতর সংশোধন কর্ত্তে প্রণীত আইন।

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকর্ত্তে Bangladesh Small and Cottage Industries Corporation Act, 1957 (E. P. Act XVII of 1957) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয় :

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :-

১। সংক্ষিপ্ত শিরোনামা।- এই আইন The Bangladesh Small and Cottage Industries Corporation (Amendment) Act, 1990 নামে অভিহিত হইবে।

২। E. P. Act XVII of 1957 এর section 2 এর সংশোধন।- Bangladesh Small and Cottage Industries Corporation Act, (E. P. Act XVII of 1957), অতঃপর উক্ত of বলিয়া উল্লিখিত এর section 2 এ-

(ক) clause (cc) এর পরিবর্তে নিম্নরূপ clause প্রতিস্থাপিত হইবে, যথা :-

“(cc)” “cottage industry” means an Industry which is carried on primarily with the help of the members of a family either as

(৬৭০৯)

মূল্য : ৬০ পয়সা

a whole time or part time occupation and the total investment of which does not exceed such amount as the Government may, by notification in the official Gazette, fix but shall not include a factory under the Factories Act, 1965 (E. P. Act IV of 1965),"

(খ) clause (g) তে "including" শব্দের পরিবর্তে "excluding" শব্দ প্রতিস্থাপিত হইবে।

৩। E. P. Act XVII of 1957 এর section 6 এর সংশোধন।- উক্ত Act এর section 6 Fr sub-section (3) বিলুপ্ত হইবে।

৪। E. P. Act XVII of 1957 এর section 7 এর প্রতিস্থাপন।- উক্ত Act এর section 7 এর পরিবর্তে নিম্নরূপ section প্রতিস্থাপিত হইবে, যথা :-

"7. Composition of Board.- The Board shall consist of seven Directors to be appointed by the Government."

৫। E. P. Act XVII of 1957 এর section 13 এর সংশোধন।- উক্ত Act এর section 13 এর sub-section (2) এবং (3) বিলুপ্ত হইবে।

৬। E. P. Act XVII of 1957 এর section 17 এর সংশোধন।- উক্ত Act এর section 17 এর sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section প্রতিস্থাপিত হইবে, যথা :-

"(2) The number of Directors necessary for a quorum for transacting business at a meeting of the Board shall be three."

৭। E. P. Act XVII of 1957 এর section 20 এর সংশোধন।- উক্ত Act এর section 20ত, "with prior approval of the Government," কমাগুলি ও শব্দগুলি বিলুপ্ত হইবে।

৮। E. P. Act XVII of 1957 এর section 22 এর সংশোধন।- উক্ত Act এর section 22 এর sub-section (2) এর পর নিম্নরূপ নূতন sub-section (3) সংযোজিত হইবে, যথা:-

"(3) The Corporation may, with the prior approval of the Government borrow money for carrying out the purposes of this Act."

৯। E. P. Act XVII of 1957 এর section 22 এর সংশোধন।- উক্ত Act এর section 24 এর-

(ক) sub-section (1) এ "Corporation shall" শব্দগুলির পরিবর্তে "Corporation shall implement industrial policy of the Government in respect of small and cottage industries and" শব্দগুলি প্রতিস্থাপিত হইবে ;

(খ) sub-section (2) এর clause (f) এর শেষে full-stop এর পরিবর্তে একটি semi-colon প্রতিস্থাপিত হইবে এবং তৎপর নিম্নরূপ clause গুলি সংযোজিত হইবে, যথা :-

"(g) prepare and implement investment schedules for small and cottage industries ;

- (h) assist in setting up of small and cottage industries ;
- (i) provide assistance to sick small and cottage industries ;
- (j) register small and cottage industries ;
- (k) collect, collate and analyse industrial data and establish data bank for small and cottage industries to assist the Government in the formulation of policy in the field of small and cottage industries ;
- (l) assist entrepreneurs with information relating to small and cottage industries ;
- (m) develop manufacturing processes and technology for development of small and cottage industries ;
- (n) assist small and cottage industries in the matter of entering into contract and establishing business connections with medium and big industries for the purpose of supplying to them their products ; and big industries for the purpose of supplying to them their products ;
- (o) do such other acts and things as may be considered necessary for carrying out the purposes of this Act."1

১০। E. P. Act XVII of 1957 এর section 24A এর প্রতিস্থাপন।- উক্ত Act এর section 24A এর পরিবর্তে নিম্নরূপ নূতন section 24A এবং 24AA প্রতিস্থাপিত হইবে, যথাঃ-

"24A. Registration of small and cottage industries, etc.-

(1) Any person who has set up a small or cottage industry or intends to set up such industry and desires to have assistance and help from the Corporation shall apply to it, in such manner as may be prescribed by regulations, for registration of such industry.

(2) An application for registration shall be allowed and the industry shall be registered if the Corporation is satisfied that the applicant has fulfilled all the conditions required for registration as may be prescribed by regulations.

(3) On the registration of an industry, the Corporation shall grant a certificate of registration to the applicant.

(4) The registration of an industry may be cancelled by the Corporation if it is satisfied that the industry for which the registration was granted has ceased to exist or, as the case may be, has not been set up within the period of one year from the date of its registration.

(5) The Corporation shall, on an application made by an industry registered under this section, give its decisions on all or any of the following matters, namely :-

- (a) requirement of machinery, spare parts, components and raw materials ;
- (b) import entitlement in respect of machinery, spare parts, components and raw materials ;
- (c) terms and conditions of suppliers credits ;
- (d) terms and conditions of royalties, technical know-how and technical assistance fees ;
- (e) appointment of foreign personnel ;
- (f) allotment of land in the Corporation's estate.

(6) The Corporation shall, on an application made by an industry registered under this section, endeavour to facilitate the supply of electricity, water and gas and the providing of sewerage and telephone facilities within such time as may be agreed upon between the Corporation and the authorities or organisations concerned therewith.

24AA. Power of the Corporation to enter into agreements with financial institutions.- The Corporation may enter into agreement with a financial institution in order that the latter may provide credit facilities to the small and cottage industries against adequate security subject to the condition that the losses and bad debts, if any, and the interest on the credit would be shared between the Corporation and the financial institution in the ratio agreed upon between them.

Explanation.- In this section, " financial institution" means the Bangladesh Bank, Bangladesh Shilpa Bank, Bangladesh Shilpa Rin Sengstha, Bangladesh Krishi Bank, Rajshahi Krishi Unnayan Bank, any scheduled bank and a financial institution as defined in section 50(c) of the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972)."

১১। E. P. Act XVII of 1957 এর section 25 এর বিলোপ।- উক্ত Act এর section 25 বিলুপ্ত হইবে।

১২। E. P. Act XVII of 1957 এর section 26 এর পর নূতন section 26A এর সন্নিবেশ।- উক্ত Act এর section 26 এর পর নিম্নরূপ নূতন section 26A সন্নিবেশিত হইবে, যথা :-

"26A. Exemption from taxes.- Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification in the official Gazette, exempt the Corporation in

respect of any estate established by it or any small or cottage industry registered under this Act from payment of any tax, rate or toll payable under any law for the time being in force ;

Provided that no such exemption shall be granted unless the proposal for exemption is made by the Corporation."

১৩। E. P. Act XVII of 1957 এর section 28 এর বিলোপ।- উক্ত Act এর section 28 বিলুপ্ত হইবে।

১৪। E. P. Act XVII of 1957 এর section 31 এর সংশোধন।- উক্ত Act এর section 31 এর sub-section (2) বিলুপ্ত হইবে।

১৫। E. P. Act XVII of 1957 এর section 41 এর সংশোধন।- উক্ত Act এর section 41(2)তে "servant" শব্দটির পরিবর্তে "employee" শব্দটি প্রতিস্থাপিত হইবে।

১৬। E. P. Act XVII of 1957 এর section 42 এর সংশোধন।- উক্ত Act এর section 42 এর "servant" শব্দটির পরিবর্তে "employee" শব্দটি প্রতিস্থাপিত হইবে।

১৭। E. P. Act XVII of 1957 এর section 44 এর সংশোধন।- উক্ত Act এর section 44 এ-

(ক) sub-section (1) এ "two thousand taka" শব্দগুলির পরিবর্তে "twenty thousand taka" শব্দগুলি প্রতিস্থাপিত হইবে ;

(খ) sub-section (2) এ "one thousand taka" শব্দগুলির পরিবর্তে "ten thousand taka" শব্দগুলি প্রতিস্থাপিত হইবে ;

১৮। E. P. Act XVII of 1957 এর Schedule এর বিলোপ।- উক্ত Act এর Schedule বিলুপ্ত হইবে।

১৯৯০ সনের ৫৮ নং আইন

Bangladesh Citizenship (temporary Provisions) Order, 1972 এর অধিকতর সংশোধন করণে প্রণীত আইন।

যেহেতু নিম্নবর্ণিত উদ্দেশ্য পূরণকল্পে Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O. No. 149 of 1972) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয় ;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল।

১। সংক্ষিপ্ত শিরনামা। এই আইন Bangladesh Citizenship (Temporary Provisions) (Amendment) Act, 1990 নামে অভিহিত হইবে।

২। P.O. No. 149 of 1972 এ article 1 এর পর নূতন article 1A এর সন্নিবেশ।—
Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O. No. 149 of
1972). অতঃপর উক্ত Order বলিয়া উল্লিখিত, এর article 1 এর পর নিম্নরূপ নূতন article
1A সন্নিবেশিত হইবে, যথা :-

"1A. In this Order, unless there is anything repugnant in the Subject
or context, "prescribed" means prescribed by rules made under this order."

৩। P.O. No. 149 of 1972 এ article 4 এর পর নূতন article 4A এর সন্নিবেশ।—
উক্ত Order এর article 4 এর পর নিম্নরূপ নূতন article 4A সন্নিবেশিত হইবে, যথা :-

"4A. Government may, upon an application made to it in this behalf in
the manner prescribed, grant right of permanent residence to any person on
such conditions as may be prescribed."

আবদুল আউয়াল

সচিব।

মোঃ সিদ্দিকুর রহমান, ডেপুটি কন্ট্রোলার, বাংলাদেশ সরকারী মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।
খোন্দকার মাহফুজুল করিম, ডেপুটি কন্ট্রোলার, বাংলাদেশ ফরমস ও প্রকাশনী অফিস
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।

East Pakistan Act XVII of 1957.

**THE BANGLADESH SMALL AND COTTAGE
INDUSTRIES CORPORATION ACT, 1957¹**

[21st May, 1957]

An Act to establish a Corporation for the purpose of promoting the development of ² [Small and Cottage Industries] in Bangladesh.

WHEREAS it is expedient to establish a Corporation for the purpose of promoting the development of ² [Small and Cottage Industries] in Bangladesh.

It is hereby enacted as follows :-

1. (1) This Act may be called the Bangladesh ³[Small and Cottage Industries] Corporation Act, 1957].

(2) It extends to the whole of ⁴[Bangladesh]

(3) It shall come into force on such date⁶ as the ⁷[Government] may, by notification in the *Official Gazette*, appoint.

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

(a) "Board" means the Board of Directors of the Corporation ;

(b) "Borrower" means any person or persons or body of persons, whether incorporated or not, to whom a loan is made by the Corporation under this Act and the successors and assignees of such person or persons ;

Short title,
extent and
commence-
ment

Interpreta-
tion

¹For Statement of Objects and Reasons, see the Dhaka Gazette, Extraordinary, dated the 10th March, 1957. Part IVA, page 296 ; for proceedings in the Assembly, see the proceedings of the meetings of the East Pakistan Legislative Assembly held on the 13th and 14th March, 1957.

The Act was applied to the Chittagong Hill-Tract with effect from the 16th July, 1959, vide Notification No. 2672- Ind ; dated the 4th July, 1959, Published in Dhaka Gazette, dated 16th July, 1959, part-1, page 561.

²The words within square brackets were substituted for the words "small industries in East Pakistan" by P.O. 156 of 1972, Art. 2.

³The words within square brackets were substituted for the words "small industries" by Ord. XXXIV of 1976, s. 2 (with effect from the 16th March, 1977).

⁴The sub-section (1) was substituted for sub-section (1) by P.O. 156 of 1972, Art. 3.

⁵The word "Bangladesh" was substituted for the words "East Pakistan" by Ord. XXXIV of 1976, s. 3 (with effect from the 16th March, 1977).

⁶The Act came into force with effect from the 30th May 1957, vide Notification No. 980-Ind., dated 28th May, 1957, published in Dhaka Gazette, Extraordinary dated the 28th May 1957, pt. 1, page 1289.

⁷The word "Government" was substituted for the words "Provincial Government" by Ord. XXXIV of 1976, s. 2 (with effect from the 16h March, 1977).

- ¹[(bb) "Chairman" means the Chairman of the Board];
 (c) "Corporation" means the ²[Small and Cottage Industries] Corporation established by this Act ;
³(cc) "Cottage industry" means an industry which is carried on wholly or primarily with the help of the members of a family either as a whole time or part-time occupation and includes the industries enumerated in the Schedule to this Act, but shall not include a factory under the Factories Act, 1965 (E.P. Act IV of 1965) ;

Provided that the Government may, by notification in the *official Gazette*, amend the schedule:]

4*

- ⁵[(dd) "Director" means the Director of the Board] ;
 (e) "Prescribed" means prescribed by the rules or regulations made under this Act ;
 (f) "Scheduled Bank" means a bank for the time being included in the list of banks maintained under ⁶[clause (1) of Article 37 of the Bangladesh Bank Order, 1272 (P. O. No. 127 of 1972)]

- ⁷[(g) "Small Industry" means an industrial unit which is a factory as defined in clause (f) of section 2 of the factories Act, 1965 (E. P. Act IV of 1965), and the total investment in fixed assets including value of land of which does not exceed such amount as the Government may, by notification in the Official Gazette, fix and such notification may be given retrospective effect] ;

8*

- (i) "Subsidiary Corporation" means as corporation sponsored by the ²[Small and Cottage Industries] Corporation for the furtherance of its objectives, but operating in a specified area or areas or in respect of one or more specified industry.

¹This new clause (bb) was inserted by the East Pakistan Small Industries Corporation (Second Amendment) Ord. 1970 (E.P. Ord. XVII of 1970).

²See foot-note 3 on page 1 *ante*.

³Clause (cc) was ins. by Ord. No. XXXIV of 1976, s. 4 (with effect from the 16th March, 1977).

⁴Clause (d) of section 2 was omitted by Act XXIII of 1975 s. 4 (with effect from the 1st January, 1973).

⁵This new clause (dd) of section 2 was inserted by E.P. Ord. XVII of 1970.

⁶The words, brackets, figures and comma within square brackets were substituted for "sub-section (1) of section 37 of the State Bank of Pakistan Act, 1956" by Ord. XXXIV. of 1976 (with effect from the 16th March, 1977).

⁷Clause (g) was substituted for the former clause (g) by the Bangladesh Small Industries Corporation (Amendment) Act, 1975 (Act XXIII of 1975) (with effect from the 1st January, 1973).

⁸Clause (h) was omitted by Ord. XXXIV of 1976, s.4 (with effect from the 16th March, 1977).

3. (1) A Corporation to be called the ¹(Small and Cottage Industries) Corporation shall be established as soon as may be after the commencement of this Act.

Establishment and incorporation of Corporation.

(2) The Corporation shall be a body corporate by the name ¹(Small and Cottage Industries) Corporation having perpetual succession and a common seal, with power subject to the provision of this Act, to acquire and hold property, both movable and immovable and shall by the said name sue and be sued.

4. (1) The authorised capital of the Corporation shall in the first instance, be one crore of ² [Taka] divided into one lakh fully paid up shares, of ³ [Taka] 100 each. These shares may be issued and allotted by the corporation from time to time with the previous sanction of the ⁴(Government).

Share Capital and shareholders.

(2) The authorised capital may, with the previous approval of the ⁴(Government) be increased from time to time by the Corporation.

(3) The ⁴(Government) shall be a share holder or the Corporation and shall subscribe to and hold not less than fifty-one per centum of the shares issued by the Corporation at any time ; the remaining shares shall be reserved for public subscriptions.

5. (1) The amount subscribed on the shares of the Corporation and minimum annual dividend thereon shall be guaranteed by the ⁴(Government). Before the issue of any shares of the Corporation, the ⁴(Government) shall by notification in the Official Gazette fix the minimum rates of dividend payable on the shares and the Corporation shall annually and regularly pay to the share-holders a dividend not less than that fixed by the ⁴(Government).

Guarantee by Government.

If at any time the Corporation is wound up, an amount not less than that subscribed on each share shall be payable to the share-holders.

(2) The shares and debentures of Corporation shall be deemed to be "approved securities" for purposes of the Trusts Act, 1882.

¹See foot-note 3 on page 1, ante.

²The word "Taka" was substituted for the word "rupees" by Ord. XXXIV of 1976 (with effect from the 16th March, 1977).

³The word "Taka" was substituted for the letters "Rs", ibid.

⁴See foot-not 7 on page 1, ante.

Management

6. ¹((1) The general direction and administration of the Corporation and its affairs 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 and shall be guided on questions of policy by such directions as the ²(Government) which shall be the sole judge whether a question of policy, may give it.

(3) If the Board fails to carry out any direction given as aforesaid the ²(Government) may remove the Directors, including the Chairman for reasons to be recorded in writing, and notwithstanding anything in section 7, appoint persons in their place to be Directors temporarily until a fresh Board is constituted in accordance with the provisions of that section.

Composition of the Board.

³7. (1) The Board shall consist of such number of Directors, no exceeding ⁴(six), as may be appointed by the ²(Government).

5*

Term of office of Directors.

⁶8. Each Director shall—

- a) be a whole time officer of the Corporation ;
- b) perform such duties as the Board may, by regulation, assign to him ;
- (c) divest himself of any directorship or other interest held by him in any other corporation, company or concern other than public companies sponsored by the Corporation before assuming office as Director ;
- (d) subject to the provision of section 11, hold office for a term of three years and may be re-appointed for a further term or terms of such duration as the ²[Government] may determine ; and
- (e) receive such salary and allowances as the ²[Government] may determine.]

¹Sub-section (1) of section 6 was substituted for the original sub-section (1) of that section by the East Pakistan Small Industries Corporation (Second Amendment) Ordinance, 1970 (E.P. Ord. XVII of 1970).

²See foot-note 7 on page 1, *ante*.

³Section 7 was substituted for the original section 7 by E.P. Ord. XVII of 1970.

⁴The word "six" was substituted for the word "five" by Ord. XXXIV of 1976, s. ⁶(with effect from the 16th March, 1977).

⁵Sub-section (2) of section 7 was omitted by Ord. XXXIV, of 1976, s. ⁶(with effect from the 16th March, 1977).

⁶Section 8 was substituted for the original section 8 by E.P. Ord. XVII of 1970.

¹[9. (1) The ²[Government] shall appoint one of the Directors to be the Chairman of the Board, who shall be the chief executive of the Corporation.

Chairman

(2) Subject to his continuing to hold office as a Director, the Chairman shall hold office as Chairman for a term of three years and, subject as aforesaid, shall remain in office as Chairman thereafter until his successor in that office is appointed and may, subject as aforesaid, be appointed to hold that office for a further term or terms as the ²[Government] may determine.

³* * * * *
⁴[10. The ²[Government] shall appoint one of the Directors to be the Finance Director, who shall exercise such powers and discharge such duties as may be prescribed by rules].

Finance Director

⁵[11. (1) No person shall be or shall continue to be Director who—

Disqualification of Directors.

- (a) is or at any time has been convicted of an offence involving moral turpitude ; or
- (b) is or at any time has been adjudicated insolvent ; or
- (c) is found to be lunatic or becomes of unsound mind; or
- (d) is or at any time has been disqualified for employment in, or dismissed from, the service of ⁶[the Republic] ; or
- (e) is a minor.

(2) The ²[Government] may, by order in writing, remove the Chairman or a Director if he—

- (a) refuses or fails to discharge or becomes, in the opinion of the ²[Government], incapable of discharging his responsibilities under this Act ; or
- (b) has, in the opinion of the ²[Government], abused his position as chairman or Director ; or

¹Section 9 was substituted for the original section 9 by E.P. Ord. XVII of 1970.

²See foot-note 7 on page 1, *ante*.

³Sub-section (3) of section 9 was omitted by Ord. XXXIV of 1976, s. 7 (with effect from the 16th March, 1977).

⁴Section 10 was substituted for the original section 10 by E.P. Ord. XVII of 1970.

⁵Section 11 was substituted for the original section 11 by E.P. Ord. XVII of 1970, s. 8.

⁶These words were substituted for the word "Pakistan" by Ord. XXXIV of 1976, S. 8. (with effect from the 16th March, 1977).

- (c) has knowingly acquired or continued to hold, without the permission in writing, of the ¹[Government], directly or indirectly, or through a partner, any share or interest in any contract or employment with, by or on behalf of the Corporation, or in any property which, in his knowledge, is likely to benefit or has benefited as a result of the operations of the Corporation ; or
- (d) has absented himself from three consecutive meetings of the Board without the leave of the ¹[Government], the case of Chairman, or of the Chairman, in the case of the Director.]

Vacancies, etc, not to invalidate act or proceeding of the Board.

Appointment of officers, etc.

²[12. No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of the Board.)

³[13 (1) Subject to such conditions as may be prescribed by rules, the Corporation may appoint or employ such persons, including consultants and advisers as it considers necessary for the efficient performance of its functions.

(2) All persons serving 4 * * * in the Directorate of Commerce and Industries of the ¹[Government] shall serve under the Corporation, if required to do so by the ¹[Government], on such terms and conditions not otherwise inconsistent with the service rules, as the ¹[Government] may, in consultation with the Corporation determine :

Provided that the ¹[Government] may, in relation to any such person, delegate such administrative disciplinary and financial powers to the Corporation as the ¹[Government] may deem fit :

Provide further that the terms and conditions of service of any such person shall not be varied by the Corporation to his disadvantage.

(3) In case of persons serving 4 * * * in the Directorate of Commerce and industries of the ¹[Government] under contract with the ¹[Government], it shall be lawful for the ¹[Government] to make them liable to serve under the Corporation and in such cases the rights and

¹See foot-note 7 on page 1 ante.

²Section 12 was substituted for the original section 12 by E.P. Ord. XVII of 1970, s. 9.

³Section 13 was substituted for the original section 13 by E.P. Ord. XVII of 1970.

⁴The words "in connection with the affairs of the Province" were omitted by P.O. 156 of 1972, Art. 4,

obligations of the ¹[Government] under the respective contracts shall develop on the Corporation.)

2*

15. The Corporation ³[may] appoint a Committee of experts to be called "the Technical Advisory Committee" to give it technical advice on schemes submitted to the Corporation for financial assistance or on any point that may be referred to the Committee by the Board.

16. No information given by a person applying for financial assistance and made known to Committee shall be disclosed or use by any member of the Committee without the written consent of such person.

⁴[17, (1) The meeting of the Board shall be held at such times and at such place as may be prescribed by regulations :

Provided that at least one meeting shall be held in a month :

Provided further that until such regulations are made in this behalf, such meetings shall be held at such times and at such places as may be determined by the Chairman.

(2) The quorum necessary for transacting business at a meeting of the Board shall be three if the Board consists of five Directors and two if the number is less.

(3) Each Director, including the Chairman, shall have one vote but, in the event of an equality of votes, the Chairman shall have a second or casting vote.

(4) The meetings of the Board shall be presided over by the Chairman and in his absences by a Director authorised by a person elected for the purpose by the Directors present from among themselves.

(5) The minutes of every meeting, stating among other things, the names of the Directors present, shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the person presiding at the meeting, and such book shall, at all reasonable times and without charge, be open to inspection by any Director.]

Technical
Advisory
Committee.

Restriction
on disclo-
sure of
information

Meetings of
the Board.

¹See foot-note 7 on page 1, *ante*.

²Section 14 was omitted by E.P. Ord. XVII of 1970, s. 11.

³This word was substituted for the word "shall" by E.P. Ord. XVII of 1962.

⁴Section 17 was substituted for the original section 17 by E.P. Ord. XVII of 1970, s. 12.

Offices.	19. The Corporation shall establish its Head Office in Dhaka.
Deposit Accounts.	² 20. The Corporation may, with prior approval of the ³ [Government], open a deposit account with any approved Scheduled Bank.
Investment of funds.	21. The Corporation may invest its funds in such securities or in such other manner as may be prescribed by rules.
Borrowing power.	22. ⁴ (1) The Corporation may, with the previous approval of the Government issue and sell bonds and debentures carrying interest at such rate as may be approved by the government for the purpose of raising its working capital : Provided that the total of the sums due on such bonds and debentures issued and outstanding and of the contingent liabilities of the Corporation in respect of guarantees or underwriting agreements shall not at any time exceed Taka Twenty-five crore or such higher amount as the Government may, by notification in the <i>Official Gazette</i> , fix]. (2) The bonds and debentures of the Corporation shall be guaranteed by the ³ [Government] as to the re-payment of principal an payment of interest at such rate as may be fixed by the ³ [Government] at the time when the bonds and debentures are issued.
Deposits.	23. The Corporation may accept deposits on such terms and conditions and to such extent as may be approved by the ³ [Government].
Functions of the Corporation.	24. (1) The Corporation shall take such measures as it thinks fit to render assistance in the development of ⁵ [small and cottage industries] (2) In particular and without prejudice to the generality of the foregoing power, the Corporation may, in other to carry out the purposes of this Act.— (a) give loans to ⁵ [small and cottage industries] ;

¹Section 18 was omitted by E.P. Ord. XVII of 1970, s. 13.

²Section 20 was substituted for section 20 by E.P. Ord. XVII of 1962.

³See foot-note 7 on page 1, *ante*.

⁴Sub-section (1) of section 22 was substituted for the original subsection (1) of that section by Act XXIII of 1975.

⁵The words within square brackets were substituted for the words "small industries" by Ord. XXXIV of 1976 (with effect from the 16th March, 1977).

- (b) give loans to subsidiary Corporations and commercial and co-operative banks and societies for the development of ¹[Small and cottage Industries] :

Provided that the loans given or guaranteed under clauses (a) and (b) shall be repayable within a period not exceeding twenty years ;

- (c) (i) prepare and submit to the ²[Government] schemes for the development of ¹[Small and cottage Industries] and mechanisation ;

(ii) after these schemes have been approved by the ²[Government] proceed to give effect to them ³[by itself or] by sponsoring subsidiary corporations or public companies ;

(iii) act as managing agents of such subsidiary corporations or companies, being in any case, represented on their Board of Directors ;

(iv) issue the capital required by the aforesaid subsidiary corporations and companies for public subscription ;

(v) if any portion for such capital remains unsubscribed for a period of four months from the date of issue, subscribe to such portion ;

(vi) underwrite the whole or any portion of the share capital so issued, and

(vii) sell or transfer the shares subscribed to under sub-clause (v) ; provided that no such sale or transfer shall take place at a rate below the market quotation or below the per value of such shares without the previous sanction of the ²[Government];

- (d) arrange for the marketing of articles manufactured by ¹[Small and cottage Industries] ; ⁴ * * *

- ⁵[(e) maintain depots for the supply of raw materials to and purchase of finished products from small industries and also maintain common facility centres to afford common facilities to small industries ; and

- (f) prepare schemes to set up small industrial units in fields of high priority by itself or in collaboration with subsidiary corporations, public

¹ See foot-note 5 on page 8, *ante*.

² See foot-note 7 on page 1, *ante*.

³ These words were inserted after the words "to them" by E.P. Ord. XVII of 1962.

⁴ The word "and" was omitted by E.P. Ord. LXVII of 1958.

⁵ Clauses (e), (f) and the Explanation there to were substituted for clause (e), the Explanation there to and clause (f) by E.P. Ord. XVII of 1962.

companies, partnership or persons, execute them with the prior approval of the ¹[Government], and, after execution may transfer the ownership thereof for valuable consideration to any unit of subsidiary Corporation, public Company, partnership firm or persons, with the prior approval of, and on such terms as may be approved by the ¹[Government].

Explanation—Loans may be made by the Corporation in kind and may be in the form of factory buildings, residential houses or machinery equipment and raw materials on hire purchase basis]

(3) Nothing in section 87A of the Companies Act, 1913, shall apply to the Corporation.

Power to the Corporation to make agreements with the Bangladesh Shilpa Bank or any other Scheduled Banks.

²[24A. The Corporation may enter into agreement with the ³[Bangladesh Shilpa Bank] or with any Scheduled Bank in order that the latter may provide credit facilities to the small industries against adequate security subject to the condition that the losses and bad debts, if any, would be shared between the Corporation and the ³[Bangladesh Shilpa Bank] or the Scheduled Bank, as the case may be, in the ratio to be determined by the ¹[Government], from time to time. The ratio of sharing of interest between the Corporation and the ³[Bangladesh Shilpa Bank] or Scheduled Bank shall be determined by the ¹[Government], from time to time.]

Limit of accommodation.

25. The Corporation shall not grant or make any such loan or subscription as is mentioned in clause (a) or clause (b) or sub-clause (v) or clause (c) of sub-section (2) of section 24 to an extent which in the aggregate exceeds 7-1/2 *per centum* of the paid-up share capital :

Provided that in individual cases the limit of seven and a half *per centum* may be relaxed by the ¹[Government] for special reasons on the recommendation of the Corporation but in no case shall be the amount of any loan exceed five lakhs of ⁴[taka].

Security for loans or subscriptions.

26. No loan or subscriptions shall be made unless it is fully secured by pledge, mortgage, hypothecation or assignment of such property, movable or immovable, and of

¹See foot-note 7 on page 1, *ante*.

²This new section 24A was inserted after section 24 by E.P. Ord. XVII of 1962.

³The words within square brackets were substituted for the words "Industrial Development Bank of Pakistan" by P.O. 156 of 1972, Art. 5.

⁴The word "taka" was substituted for the word "rupees" by Ord. XXXIV of 1976, s. 2 (with effect from the 17th March, 1977).

such value in proportion to the loan or subscription as may be prescribed ;

Provided that where the loan or subscription is made to an individual and does not exceed one thousand ¹[Taka] in the aggregate, it may be secured by a bond with one surety.

27. The rate of interest chargeable on loans made by the Corporation shall be determined and notified by the ²[Government] from time to time. Interest on loans.

³28. The Corporation shall not make loans or subscriptions to any person in excess of ¹[Taka eighteen] lakh, whether in local currency or foreign currency or both : Limit of loans.

Provided that the above limit may be relaxed by the ²[Government] in special cases for special reasons on the recommendation of the Corporation subject to the limit prescribed in the provision to section 25.]

29. (1) At the time of entering into any transaction under section 24, the Corporation may impose such conditions as it may think necessary or expedient for protecting its own interest and for securing that the loan, under writing, subscription or other aid shall be put to the best use. Power to impose conditions.

(2) Where aid is granted on the condition that a Director shall be appointed by the Corporation to the Board of a Company or a subsidiary Corporation or the Managing Committee of a Co-operative Society, such condition shall have effect notwithstanding anything contained in the Companies Act, 1913, or any other law for the time being in force.

Act
VII of
1933

30. The Corporation shall not—

(a) accept deposits except as provided in or under this Act ; or Prohibited business.

⁵(b) subscribe directly to the shares or stock of any company having limited liability except with the previous permission of the ²[Government].

31. ⁶(1) For the purpose of granting a loan to any person in foreign currency, the Corporation may, with the previous Loans in Foreign Currency.

¹The word "Taka" was substituted for the word "rupees" by Ord. XXXIV of 1976, s. 2, (with effect from the 16th March, 1977).

²See foot-note 7 on page 1, ante.

³Section 28 was substituted for the original section 28 by E.P. Ord. III of 1970.

⁴These words were substituted for the words "rupees three" by Act XXIII of 1975 (with effect from the 1st January, 1973).

⁵Clause (b) of section 30 was substituted for the original clause (b) by E.P. Ord. No. III of 1970.

⁶Sub-section (1) or section 31 was substituted for the original sub-section (1) *ibid*.

consent of the ¹[Government] ²* * * borrow any such currency from the International Bank for Reconstruction and Development or Asian Development Bank or International Development Agency or from other sources, and may pledge, mortgage, hypothecate or assign to the said Bank or Agency or other lender all or any part of the security taken by the Corporation for the loan granted in foreign currency].

(2) All loans granted in foreign currency shall be repayable either—

- (a) in the currency in which they are granted, or
- (b) in ³[Bangladesh] currency at the rate of exchange prevailing on the date of repayment.

Power to demand immediate payment of the entire sum.

32 (1) Notwithstanding anything in any agreement, if—

- (a) it is found that the loan was obtained by information supplied by the borrower which was false or misleading in any material particular ; or
- (b) the borrower is found to have committed a breach of the terms of his agreement with the Corporation relating to the loan ; or
- (c) the loan or any part of it is found to have been utilized otherwise than for the purpose for which it was made ; or
- (d) there is a reasonable apprehension that the borrower will be unable to pay his debts or may go into liquidation ; or
- (e) the property pledged, mortgaged, hypothecated or assigned to the Corporation as security for the loan is not kept in a proper condition by the borrower or the property has depreciated in value by more than the prescribed percentage and the borrower is unable to give additional security to the satisfaction of the Corporation ; or
- (f) without the permission of the Board the house, land or other property mortgaged as security for the loan is in anyway disposed of or charged by the borrower ; or
- (g) without the permission of the Board, machinery or other equipment is removed from the premises of the borrower's Industrial establishment without being replaced ; or

¹See foot-note 7 on page 1, *ante*.

²The words "and the Government of Pakistan" were omitted by Ordinance XXXIV of 1976, s. 9, (with effect from the 16th March, 1977).

³The word "Bangladesh" was substituted for the word "Pakistan" by Ord. XXXIV of 1976, s. 9, (with effect from the 16th March, 1977).

(h) for any other reason, it is necessary in the opinion of the Board to do so in order to protect the interest of the Corporation ;

any officer of the Board authorised generally or specially in this behalf by the Board may by notice call upon the borrower to pay up the entire sum then remaining unpaid by the borrower in respect of the loan and the interest payable thereon, or any lesser sum, or require the borrower to comply with such directions as the Board may consider it necessary to give in order to safeguard its interest.

(2) Such notice shall specify the time within which the borrower was required to make the payment or to carry out the directions given and shall also contain a warning that, if the borrower fails to pay the amount demanded or to carry out the directions given within the time specified, the Board may issue a certificate certifying the borrower to be recoverable as arrears of land revenue.

33 (1) If the borrower fails to make the payment demanded or to carry out the directions given in a notice under section 32 within the time specified in the notice, the Board may issue a certification in the prescribed form and manner certifying the borrower to be a defaulter and certifying the aggregate sum, including interest, payable by the borrower to the Corporation on and up to the date of the certificate and the rate at which interest was payable therein thereafter.

Certification
of sums
recoverable.

(2) Subject to the provisions of sub-section (3), a certificate issued under sub-section (1) shall be conclusive evidence that the sums certified were recoverable by the Corporation from the borrower, and such sums shall be immediately recoverable as arrears of land revenue.

(3) The borrower may appeal to the ¹[Government] against a certificate issued under sub-section (1) within 15 days of its issue and the ¹[Government] may cancel or modify the certificate.

²[34 (1) Notwithstanding anything contained in any other law for the time being in force or any agreement

Special
provisions.

¹The word "Government" was substituted for the words "Provincial Government" by the Bangladesh Small Industries Corporation (Amendment) Ordinance, 1976, (Ord, XXXIV of 1976), s. 2. (with effect from the 16th March, 1977).

²Section 34 was substituted for the original section 34 by the Small Industries Corporation (Amendment) Order, 1972 (P.O. No. 109 of 1972) Art. 2.

for enforcement of claims of the Corporation.

to the contrary, where the Corporation becomes entitled to require the immediate payment of any loan before the due date by reason of the breach of any condition of any agreement between the Corporation and borrower, or any borrower liable for payment of that loan fails to repay the loan by the due date, or a certificate under section 33 has been issued and is subsisting against a borrower an officer of the Corporation, generally or specially authorised by the Corporation in this behalf, may, with a court fee of one taka, apply to the District Judge within the local limits of whose jurisdiction the borrower's house or the industrial concern in respect of which the loan was made or any immovable or movable property charge as security is situated, or the office of the corporation from which the loan was disbursed or any branch office of the Corporation

is situated, for one or more of the following reliefs, namely :-

- (a) an order for the sale of the property pledged, mortgaged, hypothecated or assigned to the Corporation as security for the loan and such other property of the borrower or his surety or both as in the opinion of the Corporation may be sufficient to cover the claim of the Corporation against the borrower ; or
- (b) transfer of the management of the concern to the Corporation ; or
- (c) an **ad interim** injunction restraining the borrower or his surety or both from removing, transferring or disposing of any of the properties referred to in clause (a).

(2) An application under sub-section (1) shall state the nature and extent of the liability of the borrower to the Corporation, the ground on which it is made and such other particulars as may be prescribed.

(3) When the application is for the relief mentioned in clause (a) or clause (c) of sub-section (1), the District Judge shall pass an **ad interim** order attaching the property referred to in clause (a) as aforesaid or such other property of the borrower or of the persons liable for payment of the loan or of both as is likely in the opinion of the District Judge, would be sufficient to meet the dues of the Corporation together with the costs of the proceedings taken under this section, with or without an injunction an interim restraining the borrower or as the case may be, his surety or both from transferring, removing or disposing of any of the properties without the consent of the Corporation.

(4) Where the applications is for relief mentioned in clause (b) of sub-section (1), the District Judge shall grant an **ad interim** injunction restraining the borrower or as the case may be, his surety or both from transferring, removing or disposing any of properties and shall issue a notice calling upon the borrower or as the base may be upon the surety or both into show-cause, on a date to be specified in the notice why the management of the concern should not be transferred to the corporation.

(5) Before passing any order under sub-section (3), or sub-section (4), the district Judge may, if he thinks fit, examine the person making the application.

(6) At the time of passing an order under sub-section (3), the District Judge shall issue to the borrower or as the case may be, his surety or both, a notice accompanied by a copy of the order, the application and evidence, if any, recorded at the time of the order under sub-section (3), calling upon the borrower and his surety to show cause on a date to be specified in the notice, why the order of **ad interim** attachment should not be made absolute or the injunction be not confirmed.

(7) If no cause is shown on or before the date specified in the notice under sub-section (4) or sub-section (6), the District Judge shall forthwith make an order directing transfer of the management of the concern to the Corporation, or sale of the property attached under sub-section (3), or confirm the **interim** Orders.

(8) If cause is shown, the District Judge shall proceed to of the Code of Civil Procedure, 1903, shall, as far as practicable, apply to such proceedings.

(9) On completing an investigation under sub-section (8) the District Judge shall pass an order—

(a) confirming the order of attachment or directing the sale of the attached property, or

(b) varying the order of attachment so as to release a portion of the property form attachment and directing the sale of the remainder of the attached property, or

(c) releasing the property from attachment, if he is satisfied that it is not necessary in the interest of the Corporation to retain it under attachment, or

(d) confirming or vacating the order of injunction, or

(e) transferring or refusing to transfer the management of the concern to the Corporation ;

Provided that when making any order under clause (c), the District Judge may make such further orders as he thinks necessary to protect the interests of the Corporation and may apportion the cost of the proceedings in such manner as he thinks fit :

Provided further that unless the Corporation intimates to the District Judge that it will not appeal against any order releasing any property from attachment such order shall not be executed until the expiry of the period mentioned in sub-section (II) or if an appeal is preferred unless the ¹[High Court Division] otherwise directs, until the appeal is disposed of,

(10) An order under this section for the attachment or sale of property shall be carried into effect as far as may be in the manner provided in the Code of Civil Procedure, 1908, for the attachment or sale of property in execution of a decree as if the Corporation were the decree-holder. V of 1908

(11) Any party aggrieved by an order under sub-section (7) or sub-section (9) may, within sixty days from the date of the order, appeal to ¹[High Court Division] and upon such appeal the appellate court may, after hearing the parties, pass such orders as it thinks proper].

Act XVIII of 1891 to apply to the books or the Corporation. Disposal of profit.

35. The Corporation shall be deemed to be Bank for the purpose of the Banker's Book Evidence Act, 1891. XV III of 1891

36. After making provision for bad and doubtful debits, depreciation of assets and any other matters which are usually provided for by bankers, the Corporation may, out of its net annual profit, establish a Reserve Fund and declare a dividend:

Provided that as long as the Reserve Fund remains less than the paid-up share capital of the Corporation and as long as any sums paid by the ²[Government] under any guarantee given in pursuance of section 5 or under any guarantee in pursuance of sub-section (2) of section 22 are not fully repaid to the ²[Government] by the Corporation, the

¹These words were substituted for the words "High Court" by the Bangladesh Small Industries Corporation (Amendment) Ordinance, 1976 (Ord. XXXIV of 1976) s. 10 (with effect from 16th March, 1977)

²See foot-note 1 on page 13, ante.

rate of such dividend shall not exceed the rate guaranteed the ¹(Government) under section 5 :

Provided further that no such dividend shall exceed the rate of five per centum per annum, and if in respect of any financial year after the Reserve Fund has become equal to the share capital of the Corporation, there remains after declaring a dividend at the aforesaid rate any surplus, such shall be paid to the ¹[Government].

37. (1) A general meeting (hereinafter referred to as the annual general meeting) shall be held at the office of the Corporation annually within two months from the date on which the annual accounts of the Corporation are closed and a general meeting may be convened by the Board at any other time.

General meetings.

(2) The share-holders present at the annual general meeting shall be entitled to discuss the annual accounts, the annual report of the Board on the working of the Corporation and the auditors report on annual balance sheet and accounts, and to express their views in the form of resolutions ; and the Corporation shall consider such views and give such effect to them as it considers fit.

38. ²(1) The accounts of the Corporation shall be audited by auditors who shall be chartered accountants within the meaning of the ³[Bangladesh] Chartered Accountants Order, 1973.] and appointed by the ¹[Government] on such remuneration as it may fix, and such remuneration shall be paid by the Corporation.]

Audit.

P.O. No. 2 of 1973

(2) Every auditor appointed under sub-section (1) shall be given a copy of the annual balance sheet of the Corporation, and shall examine it together with the accounts and vouchers relating thereto, and shall have a list the delivered to him of all books kept by the Corporation, and shall at all reasonable times have access to the books, accounts and other documents of the Corporation, and may in relation to such accounts examine any Director or officer of the Corporation.

(3) The auditors shall report to the share holders upon the annual balance sheet and accounts & in their report they shall state whether in their opinion the balance sheet exhibits a true³

¹See foot-note 1 on page 12, ante.

²Sub-section (1) of section 38 was substituted for the original sub-section (1) of that section by the East Pakistan Small Industries Corporation (Amendment) Ordinance, 1970 (E.P. Ord. III of 1970) s. 8.

³These words were substituted for the words "Chartered Accounts Ordinance, 1961," by Ord. XXXIV of 1976, S. 11 (with effect from the 16th March, 1977).

& correct view of the state of the Corporation's affairs according to the best of their information and the explanation given to them and as shown by the books of the Corporation, and whether in their opinion books of accounts have been kept by the Corporation in a proper manner and, in case they called for any explanation or information from the Board, whether it has been given and whether is satisfactory.

(4) The ¹[Government] may at any time issue directions to the auditors requiring them to report or it upon the adequacy of the measures taken by the Corporation for the protection of the interests of its share-holders and creditors or upon the sufficiency of their procedure in auditing the affairs of the Corporation and may at any time enlarge or extent the scope of the audit or direct that a different procedure in audit be adopted or that any other examination be made by the auditor if in its opinion the public interest so requires.

Returns.

39. (1) The Corporation shall furnish to all shareholders within ten days of the date to which the statement relates, a statement in the prescribed form of its assets and liabilities as they stand at the close of business on the last Thursday of each month, or if that day is a public holiday under the Negotiable instruments Act, 1881 then as they stand at the close of business on the preceding working day.

XXVI
of
1881

(2) The Corporation shall furnish in the prescribed form to the ¹[Government] such returns and statements at such intervals as the ¹[Government] may require from time to time.

(3) The Corporation shall furnish to the ¹[Government] within two months of the close of the financial year an audited statement in the prescribed form of its assets and liabilities as they stand at the close of that year together with a profit and loss account for the year and a report on the working of the Corporation during the year, and copies of the said statement, account and report shall be published in the *Official Gazette* and shall be laid before the ²[Parliament].

Liquidation
of Corpora-
tion.

40. No provision of law relating to the winding up of Companies or Corporations shall apply to the Corporation and the Corporation shall not be would up save by order of the ¹[Government] and in such manner at it may direct.

¹See foot-note 1 on page 12, ante.

²The word "Parliament" was substituted for the word "Provincial Legislature" by P.O. 156 of 1972, Art. 6.

41. (1) Every Director shall be indemnified by the Corporation against all losses and expenses incurred by him in the discharge of his duties except such as are caused by this own wilful act or default.

Indemnity of Directors.

(2) A Director shall not be personally responsible for the acts of any other Director or of any officer or servant of the Corporation for any loss or expense resulting to the Corporation by reason of the insufficiency or deficiency in value of or title of any property or security acquired or taken on behalf of the Corporation or by the wrongful act of any person under a liability to the Corporation, or by anything done by him in good faith in the execution of the duties of his office.

42. Every Director, auditor, officer or servant of the Corporation shall, before entering upon his duties make a declaration of fidelity and secrecy.

Declaration of fidelity and secrecy

XLV of 1860

¹[42A. The Chairman, directors, officers, advisers or employees of the Corporation shall, while acting or purporting to act in pursuance of the provisions of this act of the rules or regulations made there under, be deemed to be public servants within the meaning of section 21 of the ²* * * * * penal code.]

Public Servants.

XI of 1922

43. For the purposes of the Income tax Act, 1922, the Corporation shall be deemed to be a company within the meaning of that Act, and shall be liable to income tax, super tax accordingly on its income, profits and gains :

Provision relating to income-tax and super tax.

Provided that any sum paid by the ³[Government] under the guarantee given in pursuance of section 5 or under any guarantee in pursuance of sub-section (2) of section 22 shall not be treated as part of the income, profits and gains of the Corporation, any interest on debentures or bonds paid by the Corporation out of such sum shall not be treated as expenditure incurred by it.

44. (1) Whoever wilfully makes a false statement or knowingly makes use of any false for the purpose of obtaining a loan from, the Corporation or of inducing the Corporation to accept any in form or king shall be punishable with imprisonment for a term.

Offences.

¹This new section 42A was inserted by E.P. Ord. III of 1970, S. 9.

²The word "Pakistan" was omitted by Ordinance XXXIV of 1976.

s. 12. (with effect from the 16th March, 1977)

³See foot-note 1 on page 12, ante.

which may extend to two years or with a fine which may extend to two thousand ¹[taka], or with both.

(2) Whoever being a member of the Board or of any Committee of the Corporation discloses or uses for a purpose not connected with the discharge of his duties as a member of the Board or of such committee any information supplied to the Corporation or to the Board or to the Committee by a person applying for financial assistance shall be punishable with imprisonment for a term which may extend to six months, or with a fine which may extend to one thousand ¹[taka], or with both.

(3) No Court shall take cognizance of any offense punishable under this Act otherwise than on a complaint in writing signed by an officer of the Corporation authorised by the Board in this behalf.

Power of Government to make rules.

45. The ²[Government] may make rules not inconsistent with this Act for the purpose of giving effect to the provisions of this Act and where the regulations framed under the next succeeding section are inconsistent with the rules, the rules shall prevail.

Power the Board to make regulations.

46. (1) The Board may, with the previous sanction of the ²[Government] make regulations not inconsistent with this Act or the rules made under this Act to provide for all matters for which provision is necessary or expedient for purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for—

- 3* * * * *
- (b) the manner in which and the conditions subject to which the first allotment of the shares of the Corporation shall be made ;
 - (c) the manner in which and the conditions subject to which the shares of the Corporation may be held and transferred, and generally all matters relating to the rights and duties of the shareholders ;
 - (d) the manner in which the general meeting shall be convened, the procedure to be followed thereat, and the manner in which the right to vote may be exercised ;

¹The word "taka" was substituted for the word "rupees" by Ord. XXXIV of 1976, s. 2. (with effect from the 16th march, 1977).

²See foot-note 1 on page 12, *ante*.

³Clause (a) was omitted by Ordinance XXXIV of 1976, s. 13 (with effect from the 16th March 1977).

- (e) the calling of the meetings of the Board ¹* * * * fees for attending the meeting thereof and the conduct of business thereat ;
- (f) the manner and terms of issue and redemption of bonds and debentures by the Corporation ;
- (g) the conditions subject to which the Corporation may grant loans ;
- (h) the form and manner of determining the sufficiency of the security taken under section 26 ;
- (i) the manner in which and the conditions subject to which the Corporation may borrow in foreign currency from foreign lenders
- (j) the form of returns and statements required under this Act ;
- (k) the terms and conditions of service, duties and conduct of officers and servants and agents of the Corporation ;
- (l) the disclosure of interest, direct or indirect ; of a Director of the Board in any application for loan ;
- (m) the taking over of, and the management of the business of a subsidiary Corporation or a Company or co-operative society committing a breach of its agreement with the Corporation ;
- (n) the preparation of annual estimates of income and expenditure of the Corporation in the prescribed form and their submission to the Board and the ²[Government] for approval on prescribed dates ; and
- (o) the efficient conduct of the affairs of the Corporation generally.

(3) All regulations made under this section shall be published in the Official Gazette, and shall come into force on such publication.

¹The words "and of the Executive Committee" were omitted by Ordinance XXXIV of 1976 s. 13 (with effect from the 16th March, 1977).

²See foot-note 7 on page 1, ante.

¹[THE SCHEDULE]
List of Cottage Industries

1. Handloom.
2. Hosiery.
3. Silk worm rearing.
4. Reeling and Weaving.
5. Netting embroidery, dyeing and printing.
6. Tailoring.
7. Sikka.
8. Blacksmithy.
9. Jewellery.
10. Cane, bamboo and wood work.
11. Pankha.
12. Pati and mat.
13. Coir, jute and hemp rope.
14. Bakery and confectionery.
15. Spices and pickles.
16. Agricultural equipment.
17. Hukha and pipe.
18. Pottery.
19. Footwear and leather craft.
20. Brass and bell Metal.
21. Book binding stationery and paper conversion.
22. Conch shell.
23. Mathal and umbrella.
24. Carpentry.
25. Lime processing.
26. Fish net.
27. Biri and Cigar.
28. Oil ghunny.

¹The Schedule was added after section 46 by the Bangladesh Small and Cottage Industries Corporation (Amendment) Ordinance, 1976 (Ord. XXXIV of 1976), s. 14 (with effect from the 16th March, 1977).

29. Zarda and Kimam.
30. Wooden sandle.
31. Musical instrument.
32. Dry fish.
33. Cart.
34. Salt manufacture excluding factory processing.
35. Small mechanical workshop.
36. Gur making.
37. Toy and doll making.
38. Catechu.
39. Gum.
40. Locksmith.
41. Rice husking and wheat crushing.
42. Sports goods.
43. Agar bati, star and rose water.
44. Unani and Ayurvedic.
45. Household utensils.
46. Country boat building.
47. Button manufacturing.
48. Fancy handicrafts.
49. Spinning.
50. Honey processing.
51. Salted fish.
52. Fruit processing.
53. Fish processing.
54. Handicrafts][