

028

The Bangladesh Hi-Tech Park Authority Act, 2010

(Act No 8 of 2010)

[18 March, 2010]

An Act to make provisions for the establishment of hi-tech parks in different places within the country for setting up and development of hi-tech industries in Bangladesh and for the establishment of the Bangladesh Hi-Tech Park Authority for proper management, operation and development thereof.

Whereas it is expedient and necessary for the establishment of hi-tech parks in different places within the country for setting up and development of hi-tech industries in Bangladesh and for the establishment of the Bangladesh Hi-Tech Park Authority for proper management, operation and development thereof;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Bangladesh Hi-Tech Park Authority Act, 2010.

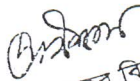
(2) It shall come into force at once.

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

(1) "Authority" means the Bangladesh Hi-Tech Park Authority establishment under section 3;

(2) "Chairman" means the Chairman of the Board of Governors;

(3) "developer" means such a person to whom the construction of physical infrastructure, maintenance and management of a park is assigned through a partnership contract with Government for the purpose of establishing a hi-tech park;


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
সিভিল সার্জন ও সসেন বিদ্যক বিভাগ
স্বাস্থ্য, বিচার ও সসেন বিষয়ক মন্ত্রণালয়

- (4) "prescribed" means prescribed by rules or regulations made under this Act;
- (5) "Board of Governors" means the Board of Governors of the Authority;
- (6) "park" means a place specified for making a hi-tech park by the Government or a place specified by a private entrepreneur for establishing hi-tech parks approved by the Government; and includes any IT park, IT village, technology park, science park established for the industry based on the Information and Communication Technology, Telecommunication and Information & Technology;
- (7) "regulation" means a regulation made under this Act;
- (8) "rule" means a rule made under this Act;
- (9) "Executive Committee" means the Executive Committee of the Authority;
- (10) "person" means the interested person to invest in the park, individual proprietor, company, partnership, firm or any other organization will also be included under this;
- (11) "President" means President of the Executive Committee; and
- (12) "hi-tech industry" means knowledge and capital based, eco-friendly and Information Technology (IT), Information Technology Enabled Services (ITES) and Research and Development (R & D) related industry.

3. **Establishment of the Authority.**- (1) As soon as may be after the commencement of the Act, the Government shall, by notification in the official Gazette and in addition to that optionally in the electronic Gazette, establish an Authority to be called the Bangladesh Hi-Tech Park Authority for the purposes of this Act.

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

(Signature)
 দীপংকর বিশ্বাস
 অনুবাদ কর্মকর্তা
 লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
 আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

4. **Head office.**- The head office of the Authority shall be located at Dhaka and the Authority may, with the prior approval of the Government, establish branch offices at any places within the country as it may deem fit.

5. **Objects and functions of the Authority.**- The objects of the Authority shall be to establish parks with a view to setting up and development of hi-tech industries at different places within the country by public or private initiative, and to take active steps for its proper management, operation, development and other matters related thereto.

6. **General direction and administration.** - The general direction and administration of the affairs and functions of the Authority shall vest in an Executive Committee which may exercise such powers and discharge such functions as the Authority may exercise and discharge.

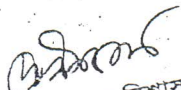
(2) The executive committee, in discharging its functions, shall act in accordance with this Act, rules, regulations and in accordance with such orders and instructions as are given and passed by the Government from time to time.

7. **Board of Governors.**- (1) For the purposes of this Act, there shall be a Board of Governors of the Authority which shall consist of the following members, namely:-

(a) the Prime Minister who shall also be the Chairman of the Board of Governors;

(b) the Ministers-in-charge of the Ministry of Science and Information & Communication Technology, the Ministry of Industries, the Ministry of Commerce, the Ministry of Finance, the Ministry of Post and Telecommunication, the Ministry of Home, the Ministry of Land, the Ministry of Education, the Ministry of Environment and Forest and the Ministry of Law, Justice and Parliamentary Affairs;

(c) the Secretaries of the Ministry of Science and Information & Communication Technology, the Ministry of Industries, the Ministry of Commerce, the Ministry of Finance, the Ministry of Law, Justice and Parliamentary Affairs, the Ministry of


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

৩২০

Environment & Forest, the Ministry of Post and Telecommunication;

(d) the Executive Chairman, Board of Investment; and

(e) the Managing Director, who shall also be its Member Secretary.

(2) The Prime Minister may, if necessary, nominate any Minister, who is also a member of the Board of Governors, to act as the Chairman of the Board of Governors.

(3) The Authority may, with the prior approval of the Prime Minister, co-opt any person who has experience in the related field as the member of the Board of Governors or discharge any member from the Board.

8. Executive Committee.- (1) For the purposes of this Act, there shall be an Executive Committee consisting of the following 15 members, namely:-

(a) the Minister-in-charge of the Ministry of Science and Information & Communication Technology, who shall also be its President;


(b) the Secretary of the Ministry of Science and Information & Communication Technology, who shall also be its Vice-president;

(c) the Joint-Secretaries of the Ministry of Industry, the Ministry of Commerce, the Ministry of Finance, the Legislative and Parliamentary Affairs Division, the Ministry of Post and Telecommunication, the Ministry of Environment and Forest;

(d) 2 (two) persons to be nominated by the Government from amongst the persons having contribution in the field of science and technology;

(e) the Executive Director of the Bangladesh Computer Council;

(f) one representative to be nominated by the President of the Federation of Bangladesh Chamber of Commerce and Industry (FBCCI);


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সলেন্ড বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

012

(g) one representative to be nominated by the President of the Bangladesh Association of Software and Information Services;

(h) an officer not below the rank of a Director, to be nominated by the Board of Investment; and

(i) The Managing Director, who shall also be its member secretary.

(2) The person to be nominated as member by the Government shall hold office for three years from the date of his nomination:

Provided that the Government may, if necessary, discharge any member nominated by it at any time before the expiry of his tenure without showing any cause.

(3) A member nominated by the Government under sub-section 1 (d) may resign his office by writing under his hand addressed to the President.

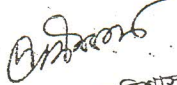
9. Meeting.- (1) The Board of Governors and the Executive Committee shall, subject to the provisions of this section, determine the procedure for their meetings.

(2) The Member-Secretary of the Board shall, in consultation with the Chairman, convene all the meetings of the Board of Governors at such times and places as may be determined by the President.

(3) The meetings of the Executive Committee shall be held at such times and places as may be determined by the President and the Member-Secretary of the Executive Committee shall, in consultation with the President, convene the meeting.

(4) The Chairman of the Board of Governors shall preside over all the meetings of the Board.

(5) The President of the Executive Committee shall preside over all the meetings of the Executive Committee and in his absence, the Vice-President shall preside over the meeting.


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
পেজিসপোর্টিং ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

(6) The presence of at least one third of the total number of the members of Executive Committee shall constitute a quorum at a meeting of the Executive Committee.

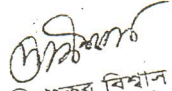
(7) At a meeting of the Executive Committee, each member present shall have one vote and in the event of equality of votes, the member presiding over the meeting shall have a second or a casting vote.

10. Duties and functions of the Executive Committee.-For the purposes of this Act, the Executive Committee shall perform and discharge the following duties and functions, namely:-

- (a) to formulate necessary policy on development, operation, management and control of the park;
- (b) to pass orders or issue instructions necessary for the management of the affairs of the Authority efficiently and smoothly;
- (c) to determine the benefits for the investor in the park;
- (d) to determine the conditions and rates of allotment, rent and lease of land and building spaces within park;
- (e) to determine the terms and conditions of appointing a developer for establishment of parks by public- private partnership; and
- (f) to do such other things as may be necessary to be done in connection with development, expansion and proper management of the park.

11. Appointment of officers and employees.- The Authority may, for the efficient performance of its functions, appoint such number of officers and employees as are required according to the organogram approved by the Government and the terms and conditions of their services shall be determined by regulations.

12. Managing Director.- (1) There shall be a Managing Director of the Authority.


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
নেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

৯৯৮

(2) The Managing Director shall be appointed by the Government and the terms and conditions of his service shall be determined by the Government.

(3) The Managing Director shall be the whole time chief executive of the Authority and he shall-

(a) be responsible for the execution of the decisions of the Executive Committee; and

(b) perform such other functions of the Authority as are assigned to him by the Executive Committee.

13. **Committee.**- (1) The Executive Committee may form such other committee or committees as may be necessary to assist in the discharge of its functions.

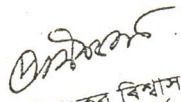
(2) The committee appointed under sub-section (1) shall consist of such number of members as are determined by the Executive Committee and discharge its functions in accordance with the procedure determined by the Executive Committee.

14. **Establishment of warehouses.** - Notwithstanding anything contained in any other law for the time being in force, the Authority may, for the interest of the park, set up, maintain and operate warehouse, if necessary, with the prior approval of the Government, in accordance with the Customs Act, 1969 (Act no IV 1969) for import of raw materials; packaging materials, semi-processed goods, accessories etc, required in the hi- tech industries set up in any park in Bangladesh.

15. **Special tax facilities for hi-tech park.**- Notwithstanding anything contained in any other law for the time being in force, the Government may,-

(a) by notification in the official Gazette and in addition optionally in the electronic Gazette, provide special tax benefits to the hi-tech industries set up within the park, with the consent of the National Board of Revenue; and

(b) for the purpose of clause (a), introduce special arrangement in order to provide export and import activities in the hi-tech


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

৩২৭

industries set up within the park under the Customs Act, 1969 (Act No IV of 1969).

16. Bonded facilities.- The Authority may, with the consent of the National Board of Revenue, provide bonded facilities for the following cases, namely:-

- (a) any custom duty, sales tax, octroi or excise duty or import license or permit fee or any other charges on any goods including raw materials imported into a park; and
- (b) any duty or any other charges on any goods exported from a park or used within the country.

17. Permission for setting up park.- (1) A person desiring to set up a park with a view to establishing hi-tech industry shall make an application to the Authority for permission in the form prescribed by rules.

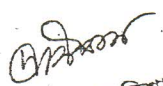
(2) The Authority shall, on receipt of an application made under subsection (1), be convinced with all the documents submitted and grant a permission within such time and in such manner and form as may be prescribed.

(3) If the Authority does not consider the application properly made, it may reject the application within such time and in such manner as may be prescribed after giving the applicant the opportunity of being heard and it shall inform the applicant in writing about the rejection mentioning the actual reasons thereof.

18. Terms and conditions of the permission letter, etc. - (1) The terms and conditions of the permission letter granted under section 17 shall be determined by rules.

(2) The permission or the title acquired under section 17 shall not be transferable and such transfer shall be void.

(3) The Authority may incorporate in the permission letter any condition consistent with the Act or rules made thereunder at the time of permission and the Authority may, at any time, change the condition.


দীপঙ্কর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

(4) If any condition under sub-section (3) is changed the person who has been given permission shall be bound to obey it.

19. Permission for setting up hi-tech industries in the park, etc.- A person who intends to set up a hi-tech industry in the park shall make an application to the Authority in such form as may be prescribed by rules:

Provided that, if any developer is appointed by the Authority, the applicant shall apply through the developer and if the park is set up by any private entrepreneur the applicant shall apply through the entrepreneur.

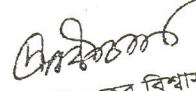
20. Appointment of developer.- Any developer may be appointed subject to the terms and conditions determined by any person or, as the case may be, by the Authority for the purpose of establishing a hi-tech industry.

21. One-stop service.- The Authority may, subject to receiving appropriate fee and service charge, provide one stop service facilities to the person or developer interested to set up hi-tech industries in a park, namely:-

- (a) permission to select land in the park;
- (b) resident and non-resident visa;
- (c) work permit;
- (d) construction permit;
- (e) allotment or rent or lease of plots in the park with a view to establishing hi-tech industry;
- (f) connection and supply of water, gas, electricity, telephone, etc.; and
- (g) other acts in connection with the park.

22. Declaration of park.- The Government may, by notification in the official Gazette and in addition to that in the electronic Gazette, declare any place or places mentioned therein and any place or places granted to any person as a park for the purposes of this Act.

23. Allotment of land etc, in a park.- (1) The Authority may, subject to such terms and conditions as may be determined by it, allot, rent or lease out any land and building space in a park to a person who has been granted permission under section 19 to set up a hi-tech industry in the park.


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
পেজিসলোটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

20

(2) The said allotment or lease or rent may be cancelled if the allotted land or the space taken by lease or rent for setting up a hi-tech industry is used other than hi-tech industry or related forward and backward linkage industry.

24. Determination of the types of industries to be setup in a park.- The Authority may, according to the decision taken in the meeting of the Executive Committee, determine, from time to time, the type or types of industries which are to be set up in a specific park.

25. Power to borrow.- For the purposes of this Act, the Authority may, subject to the prior approval of the Government, borrow money from any source.


26. Permission to any bank or banks to operate in a park.- The Authority may, with the approval of the Bangladesh Bank, permit any bank or banks, foreign and local, to operate within a park with a view to providing facilities for the convenience of financial transaction of the investors and the bank or banks shall operate their general banking affairs and may accept deposits from the foreigners working in and associated with the park.

27. Power to exempt a park from operation of certain laws. - For the interest of attracting the investors to establish, develop and manage the park, the Government may, by notification in the official Gazette, exempt a park from the application of all or any of the provisions of any Act or Acts or, direct that any such Act or any certain provision thereof may be applied subject to necessary modifications or amendment.

28. Fostering of environment relating laws, etc.- For the purposes of this Act, the Authority, developer engaged in, the industrial units established, and other financial and commercial firms working in the park shall be bound to foster the promises under any convention ratified or approved by the Government including the laws related to the environment.

29. Fund.- There shall be a fund to the Authority in which shall be credited from the following sources in connection with the park and the money of the fund shall be withdrawn and spent as per the procedure determined by regulations, namely:-

(a) grants made by the Government;


দীনেশ্বর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

- 580
- (b) loans obtained from any other sources subject to the approval of the Government;
 - (c) money received from the rent or lease of any part of the park;
 - (d) money received from the rent or lease of buildings or any space of buildings in the park;
 - (e) fees payable for services and money received from service charge; and
 - (f) money received from any other sources.

30. **Budget.** - The Authority shall, by such date in each year as may be determined by the Government, submit an estimated budget to the Government for the next financial year showing the sum which are likely to be required for the Authority from the government for that financial year.

31. **Audit and accounts.**- (1) The Authority shall maintain its accounts properly and shall prepare an annual statement of its accounts.

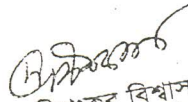
(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, each year and send a copy of the audit report both to the Government and the Authority.

(3) For the purpose of audit under sub-section (2), the Auditor General or any person authorized by him in this behalf shall have access to all records, documents, cash or money deposited in the bank, securities, stores and other property of the Authority and may examine any officer or employee of the Authority.

32. **Annual report, etc.**- (1) The Authority shall, within 3 (three) months after the end of every financial year, submit to the Government a report on the conduct of its affairs for that financial year.

(2) The Government may, at any time, require the Authority to furnish any report and statement on any matter of the Authority and the Authority shall comply with every such requisition.

(3) The Government may, at any time, issue an order to make enquiry on any allegation about the activities of the Authority.


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
সেজিস্ট্রেটি ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

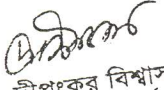
33. **Labour union.**- The EPZ Workers' Welfare Association and Industrial Relations Act shall, subject to necessary modification, be applied in order to confirm the matters relating to the interest of the labours working in the park.

34. **Special right of the Authority.**- The Authority shall have the following special rights, namely:-

- (a) in the case of any outstanding dues to the firm or the administrator of the industry or commercial firm situated in the hi-tech park and for the failure of payment thereof, the Authority shall reserve the right to take any formal or legal action against that company or the owner, directors or the Board of Directors of the industry or commercial firm for the realization of its payment;
- (b) if any owner or any person of the hi-tech industry or commercial firm situated in the park is involved in any labour unrest, the Authority may issue an order to such industry to suspend the concerned labour, staff or staff related with the executive or management department as well as to stop the affairs of that industry or commercial firm for a specified period and the Authority shall not be responsible to give any compensation for it;
- (c) if any hi-tech industry or commercial firm situated in the park fails to pay the arrear, other dues and any outstanding payment to the Authority, the Authority itself may replace the machineries, tools and implements, raw materials or other commodities and, upon evaluation thereof at the rate of the Department of Public Works, allocate them to another industry or commercial firm.

35. **Power to make rules.** - For the purposes of this Act, the Government may, by notification in the official Gazette and in addition to the electronic Gazette, make rules.


36. **Power to make regulations.**- For the purposes of this Act, the Authority may, by notification in the official Gazette and in addition to that in the electronic Gazette, make regulations, not inconsistent with the provisions of


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

32
this Act and the rules made thereunder with the prior approval of the Government.

37. Publication of English Text of the Act.- (1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic English Text of the original Bangla Text of this Act.

(2) In the event of conflict between the Bangla and the English Text the Bangla Text shall prevail.


দীপংকর বিশ্বাস
অনুবাদ কর্মকর্তা
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়