

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্‌যাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, ডিসেম্বর ৭, ২০২১

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ২২ অগ্রহায়ণ, ১৪২৮/০৭ ডিসেম্বর, ২০২১

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ২২ অগ্রহায়ণ, ১৪২৮ মোতাবেক ০৭ ডিসেম্বর, ২০২১ তারিখে রাষ্ট্রপতির সম্মতিলাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :—

২০২১ সনের ২৫ নং আইন

Bangladesh House Building Finance Corporation Order, 1973 এর
অধিকতর সংশোধনকল্পে প্রণীত আইন

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে, Bangladesh House Building Finance Corporation Order, 1973 (P.O. No 7 of 1973) এর অধিকতর সংশোধন করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :—

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই আইন Bangladesh House Building Finance Corporation (Amendment) Act, 2021 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

২। P. O. No. 7 of 1973 এর প্রস্তাবনা (Preamble) এর সংশোধন।—Bangladesh House Building Finance Corporation Order, 1973 ((P.O. No. 7 of 1973), অতঃপর উক্ত Order বলিয়া উল্লিখিত, এর প্রস্তাবনা (Preamble) এর প্রথম অনুচ্ছেদে উল্লিখিত “houses” শব্দটির পর “and purchasing of flats or apartments” শব্দগুলি সন্নিবেশিত হইবে।

(১৮২০৩)

মূল্য : টাকা ১২.০০

৩। **P. O. No. 7 of 1973** এর **Article 2** এর সংশোধন।—উক্ত Order এর Article 2 এর clause—

- (ক) (b) এর পর নিম্নরূপ নূতন clause (bb), যথা :—
“(bb) “Chairman” means the Chairman of the Board;” ; এবং
- (খ) (c) এর পর নিম্নরূপ নূতন clause (cc), যথা :—
“(cc) “Director” means a Director of the Board;”
সন্নিবেশিত হইবে।

৪। **P. O. No. 7 of 1973** এ নূতন **Article 2A** এর সন্নিবেশ।—উক্ত Order এর Article 2 এর পর নিম্নরূপ নূতন Article 2A সন্নিবেশিত হইবে, যথা :—

“2A. Notwithstanding anything contained in any other law for the time being in force, the provisions of this Order shall prevail.”।

৫। **P. O. No. 7 of 1973** এর **Article 4** এর প্রতিস্থাপন।—উক্ত Order এর Article 4 এর পরিবর্তে নিম্নরূপ Article 4 প্রতিস্থাপিত হইবে, যথা :—

- “4. (1) The authorized capital of the Corporation shall be taka one thousand crores to be subscribed by the Government from time to time :
- Provided that the Government may, from time to time, by notification in the official gazette, increase the authorized capital of the Corporation.
- (2) The paid-up capital of the Corporation shall be taka five hundred crores to be subscribed and increased by the government from time to time.”।

৬। **P. O. No. 7 of 1973** এ নূতন **Article 6A** এর সন্নিবেশ।—উক্ত Order এর Article 6 এর পর নিম্নরূপ নূতন Article 6A, সন্নিবেশিত হইবে, যথা :—

“6A The Board may, as and when required, delegate any of its powers under this Order or the rules or regulations to the Managing Director or any Director or any officer of the Corporation.”।

৭। **P. O. No. 7 of 1973** এর **Article 7** এর প্রতিস্থাপন।—উক্ত Order এর Article 7 এর পরিবর্তে নিম্নরূপ Article 7 প্রতিস্থাপিত হইবে, যথা :—

- “7. The Board of the Corporation shall consist of the following Directors, namely :—
- a) the Chairman;
- b) the Managing Director;

- c) a representative, not below the rank of a Joint Secretary, to be nominated by the Finance Division of the Ministry of Finance;
- d) a representative, not below the rank of a Joint Secretary, to be nominated by the Financial Institutions Division of the Ministry of Finance;
- e) a representative, not below the rank of a Joint Secretary, to be nominated by the Ministry of Housing and Public works;
- f) an Additional Chief Engineer to be nominated by the Ministry of Housing and Public works; and
- g) a Professional Accountant to be appointed by the Government.”।

৮। P. O. No. 7 of 1973 এর Article 8 এর প্রতিস্থাপন।—উক্ত Order এর Article 8 এর পরিবর্তে নিম্নরূপ Article 8 প্রতিস্থাপিত হইবে, যথা :—

“8. A Director shall hold office during the pleasure of the Government.”।

৯। P. O. No. 7 of 1973 এর Article 9 এর প্রতিস্থাপন।—উক্ত Order এর Article 9 এর পরিবর্তে নিম্নরূপ Article 9 প্রতিস্থাপিত হইবে, যথা :—

- “9. (1) No person shall be or shall continue to be a Chairman or Director who—
- (a) is not a citizen of Bangladesh;
 - (b) is subject to a disqualification imposed by or under any law for the time being in force to hold any public office;
 - (c) is or has at any time been convicted of an offence involving moral turpitude;
 - (d) is or has at any time been adjudged insolvent;
 - (e) is found to be a lunatic or becomes of unsound mind; or
 - (f) is or has been absent from three consecutive meetings of the Board without leave of absence of the Government in the case of Chairman or of the Chairman in the case of a Director.
- (2) The Government may remove the Chairman or any Director from the Board, if—
- (a) he refuses, or fails to discharge, or becomes, in the opinion of the Government, incapable of discharging his responsibilities under this Order;

- (b) the government is satisfied that he is abusing or has abused his powers; and
- (c) he has knowingly acquired or continued to hold, without the permission in writing of the Government, directly or indirectly or through a partner any share or interest in any contract or employment with or by or on behalf of the corporation, or in any land or property which, in his knowledge, is likely to benefit him or has benefited him as a result of the operation of the Corporation.” ।

১০। P. O. No. 7 of 1973 এর Article 10 এর বিলোপ।—উক্ত Order এর Article 10 বিলুপ্ত হইবে।

১১। P. O. No. 7 of 1973 এর Article 10A এর প্রতিস্থাপন।—উক্ত Order এর Article 10A এর পরিবর্তে নিম্নরূপ Article 10A প্রতিস্থাপিত হইবে, যথা :—

- “10A. (1) The Chairman shall be appointed by the Government on such terms and conditions as may be determined by it.
- (2) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other causes, the Government shall appoint a person for discharging the functions of the Chairman until a newly appointed Chairman has taken over or until the Chairman has resumed his duties.” ।

১২। P. O. No. 7 of 1973 এর Article 11 এর প্রতিস্থাপন।—উক্ত Order এর Article 11 এর পরিবর্তে নিম্নরূপ Article 11 প্রতিস্থাপিত হইবে, যথা :—

- “11. (1) The Government may appoint such number of Deputy Managing Director and of General Manager as per the organogram of the Corporation and the terms and conditions of their services shall be determined by it.
- (2) The Corporation may appoint such number of officers and employees as it may consider necessary for the efficient performance of its functions, according to the organogram approved by the Government and the terms and conditions of their services shall be prescribed by regulations.” ।

১৩। P. O. No. 7 of 1973 এর Article 13 এর প্রতিস্থাপন।—উক্ত Order এর Article 13 এর পরিবর্তে নিম্নরূপ Article 13 প্রতিস্থাপিত হইবে, যথা :—

- “13. (1) Subject to other provisions of this Article, the Board may determine the rules of procedures of its meeting.

- (2) The meeting of the Board shall be held at such time and place, as may be determined by the Chairman :
- Provided that at least one meeting of the Board shall be held in every 3 (three) months :
- Provided further that emergency meeting of the Board may be convened with a short notice.
- (3) The Chairman shall preside over the meeting of the Board and if for any reason, the office of the Chairman is vacant or he is unable to be present at a meeting, a Director, other than the Managing Director, nominated by the Directors present, shall preside over the meeting.
- (4) At a meeting of the Board, each Director present shall have one vote and in the event of an equality of votes, the Chairman shall have a second or casting vote.
- (5) No Director shall vote on any matter in which he is directly or indirectly interested.
- (6) To constitute a quorum at a meeting of the Board, at least 4 (Four) Directors shall have to be present :
- Provided that no quorum will be required for an adjourned meeting.
- (7) No act or proceeding of the Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board or any error in the appointment of the Directors.” ।

১৪। P. O. No. 7 of 1973 এর Article 15 এর সংশোধন।—উক্ত Order এর Article 15 এ উল্লিখিত “agencies” শব্দটির পরিবর্তে “Branch offices” শব্দগুলি প্রতিস্থাপিত হইবে।

১৫। P. O. No. 7 of 1973 এর Article 16 এর প্রতিস্থাপন।—উক্ত Order এর Article 16 এর পরিবর্তে নিম্নরূপ Article 16 প্রতিস্থাপিত হইবে, যথা :—

“16. The Corporation may open its deposit accounts with any Scheduled Bank or Banks as may be decided by the Managing Director.

Explanation.—“Scheduled Bank” means Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).” ।

১৬। **P. O. No. 7 of 1973** এর **Article 18** এর প্রতিস্থাপন।—উক্ত Order এর Article 18 এর পরিবর্তে নিম্নরূপ Article 18 প্রতিস্থাপিত হইবে, যথা :—

- “18. (1) The Corporation may, for the purpose of carrying out its functions, raise fund in the following manners, namely :—
- (a) accepting deposits or any other fund in such terms and conditions as may be determined by the Government; and
 - (b) with the prior approval of the Government, raise funds by issuing bonds and debentures carrying interest at such rates as may be approved by the Government :

Provided that the total amount due by the Corporation on such bonds and debentures and on other liabilities, contingent or otherwise of the Corporation, shall not at any time be allowed to exceed fifteen times of the aggregate amount of the paid-up share capital and the reserve fund of the Corporation.

- (2) The repayment of the principal and the payment of interest due on the bonds and debentures issued by the Corporation shall be guaranteed by the Government.”।

১৭। **P. O. No. 7 of 1973** এর **Article 19** এর প্রতিস্থাপন।—উক্ত Order এর Article 19 এর পরিবর্তে নিম্নরূপ Article 19 প্রতিস্থাপিত হইবে, যথা :—

- “19. The Corporation may, for the purpose of carrying out its functions, take loan in the following manners, namely :—
- (a) taking long-term loan from the Government on such terms and conditions as may be determined by the Government;
 - (b) taking loans from Bangladesh Bank or any other nationalized or foreign bank or financial institutions with the prior approval of the Government; and
 - (c) receiving refinance and other loan facilities from the Bangladesh Bank for the purpose of expanding its loan activity.”।

১৮। **P. O. No. 7 of 1973** এ নূতন **Article 19A** এর সন্নিবেশ।—উক্ত Order এর Article 19 এর পর নিম্নরূপ নূতন Article 19A সন্নিবেশিত হইবে, যথা :—

“19A. The Corporation may, for the purpose of this Order, subject to the approval of the Board, enter into Agreements or Memorandum of Understanding (MoU) with domestic institutions, and upon prior approval of the Government, with the international banks or financial institutions.”।

১৯। **P. O. No. 7 of 1973 এর Article 20 এর সংশোধন।**—উক্ত Order এর Article 20 তে উল্লিখিত “houses” শব্দটির পর “or purchasing flats or apartments” শব্দগুলি সন্নিবেশিত হইবে।

২০। **P. O. No. 7 of 1973 এর Article 21 এর সংশোধন।**—উক্ত Order এর Article 21 এর—

(ক) clause (1) এবং (2) এর পরিবর্তে নিম্নরূপ clause (1) এবং (2) প্রতিস্থাপিত হইবে, যথা :—

“(1) No loan shall be made unless it is fully secured by a mortgage, hypothecation or assignment of the land and the house to be constructed, repaired, purchased or remodeled thereon or by such other immovable or movable property of the borrower or of his surety or of both as may be prescribed :

Provided that where the land on which the house is proposed to construct, repair or remodel, is held by the borrower not as owner but as lessee or in any other legal capacity, then, notwithstanding anything to the contrary contained in any other law for the time being in force, loan may be made against the security of such land and the house to be constructed, repaired, purchased and remodeled thereon.

(2) All loans shall be made in suitable installments concomitant with the construction, repair or remodel of the house or in one installment for purchasing flats or apartments.”;

(খ) clause (4), (5) এবং (6) এর পরিবর্তে নিম্নরূপ clause (4), (5) এবং (6) প্রতিস্থাপিত হইবে, যথা :—

“(4) Notwithstanding anything contained in clause (3), the Corporation may, subject to the maximum limit fixed by Government, from time to time, grant additional loans to any borrower on the security of any property already mortgaged with the Corporation, and offered by the borrower and accepted by the Corporation as security for the purpose.

(5) No loan shall be made to any borrower unless he or, where the borrower is more than one person, any one or more of such persons is a member of a registered Housing Society, or unless the borrower satisfies the Corporation that the terms upon which he had acquired the land on which the house was to be constructed, repaired, purchased or remodeled, or the terms of the lease under which the land was made available were satisfactory and that the area in which the house was to be situated had been adequately planned.

- (6) No loan shall be made unless the Corporation is satisfied—
- (a) that the borrower will be able to provide the necessary funds which to be added to the loan made by the Corporation, that cover the entire cost of the construction, repairing, purchasing or remodeling of the house;
 - (b) that the borrower or his surety or both as the case may be and where the borrower is more than one person, any one or more of such persons or their sureties, will have sufficient means to repay the loan during the prescribed period in the prescribed manner; and
 - (c) that adequate care has been taken to ensure that the house would be of an economical and suitable design and of a sound construction, and of a type which would assure a minimum of practicable expenditure for repairs and maintenance during the term of the loan.”।

২১। P. O. No. 7 of 1973 এর Article 22 এর বিলোপ।—উক্ত Order এর Article 22 বিলুপ্ত হইবে।

২২। P. O. No. 7 of 1973 এর Article 27 এর সংশোধন।—উক্ত Order এর Article 27 এর clause (10) এর পর নিম্নরূপ একটি Explanation সন্নিবেশিত হইবে, যথা :—

“Explanation.—For the purpose of this Article, “District Judge” includes Additional District Judge.”।

২৩। P.O.No.7 of 1973 এর Article 29A এর প্রতিস্থাপন।—উক্ত Order এর Article 29A এর পরিবর্তে নিম্নরূপ Article 29A প্রতিস্থাপিত হইবে, যথা :—

“29A. For the purpose of the Income-Tax Ordinance, 1984 (Ordinance No. XXXVI of 1984), the Corporation shall be deemed to be a Company within the meaning of that Ordinance, and shall be liable to Income-tax and minimum tax accordingly on its income, profits and gains.”।

২৪। P.O.No.7 of 1973 এর Article 30 এর প্রতিস্থাপন।—উক্ত Order এর Article 30 এর পরিবর্তে নিম্নরূপ Article 30 প্রতিস্থাপিত হইবে, যথা :—

- “30. (1) The Corporation shall maintain its accounts and prepare and annual statement of accounts.
- (2) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General shall audit the accounts of the Corporation each year and shall submit audit reports in accordance with the provisions of existing law in Bangladesh.

- (3) Notwithstanding the audit done by the Auditor-General under clause (2), the accounts of the Corporation may be audited by two chartered accountants defined in Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. II of 1973) and for this purpose, the Government may appoint one or more Chartered Accountants and the Corporation shall provide their honorarium as may be decided by the Government.
- (4) For the purpose of the audit, the Auditor-General or any person authorized by him in this behalf or the Chartered Accountant appointed under clause (3) may have access to all records, documents, cash or deposits in bank, securities, stores and other property of the Corporation and may examine the director or any employee of the Corporation.
- (5) After completion of the audit, the Chartered Accountant appointed under clause (3), shall submit the audit report to the Government, Corporation and relevant agencies, where applicable.”।

২৫। **P.O.No.7 of 1973** এর **Article 31** এর সংশোধন।—উক্ত Order এর Article 31 এর পরিবর্তে নিম্নরূপ Article 31 প্রতিস্থাপিত হইবে, যথা :—

- “**31.** (1) The Corporation shall, within 6 (six) months of the ending of a financial year, furnish to the Government an annual statement on the conduct of its affairs for that year.
- (2) The Government may require the Corporation to furnish any report, statement or other information regarding any matter under the control of the Corporation and it shall comply with every such requisition.”।

২৬। **P.O.No.7 of 1973** এর **Article 35** এর সংশোধন।—উক্ত Order এর Article 35 এর clause (1), (2) এবং (3) এর পরিবর্তে নিম্নরূপ clause (1), (2) এবং (3) প্রতিস্থাপিত হইবে, যথা :—

- “**35** (1) Whoever willfully makes a false statement or intentionally uses any false statement for the purpose of obtaining a loan from the Corporation or of inducing the Corporation to accept security of any form or kind shall be punishable with imprisonment for a term which may extend to five years or fine which may extend to five lakh taka or with both.

- (2) Whoever without the consent in writing of the Corporation uses the name of the Corporation in any prospectus or advertisement shall be punishable with imprisonment for a term which may extend to six month or with fine which may extend to fifty thousand taka or with both.
- (3) Whoever being a director or employee of the Corporation contravenes his declaration of fidelity and secrecy, shall be punishable with imprisonment for a term not exceeding one year or with fine which may extend to taka one lakh or with both.”।

২৭। **P.O.No.7 of 1973** এ নূতন **Article 35A, 35B ও 35C** এর সন্নিবেশ।—উক্ত Order এর Article 35 এর পর নিম্নরূপ নূতন **Article 35A, 35B ও 35C** সন্নিবেশিত হইবে, যথা :—

- “35A.** (1) Offences committed under this Order shall be non-cognizable.
- (2) Offences committed under this Order shall be bailable except the offence specified in clause (1) of Article 35.
- 35B.** The provisions of the Code of Criminal Procedure, 1898 (Act No. V of 1898) shall apply for filing a complaint, investigation, trial, appeal and other relevant matters under this Order.
- 35C.** Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act No. V of 1898), a first class magistrate or a Metropolitan Magistrate, as the case may be, may impose the fine specified in the relevant Articles of this Order.”।

২৮। **P. O. No. 7 of 1973** এ নূতন **Article 37A** এর সন্নিবেশ।—উক্ত Order এর Article 37 এর পর নিম্নরূপ নূতন **Article 37A** সন্নিবেশিত হইবে, যথা :—

- “37A.** If any difficulty arises in giving effect to any provision of this Order, the Government may, by order and in consistence with the provisions of this Order, take necessary measures for removing such difficulty.”।

২৯। P. O. No. 7 of 1973 এ নূতন Article 38A এর সন্নিবেশ।—উক্ত Order এর Article 38 এর পর নিম্নরূপ নূতন Article 38A সন্নিবেশিত হইবে, যথা :—

“38A. The Government may, by notification in the official gazette, publish an Authentic Bangla text of this Order.”।

কে, এম, আব্দুস সালাম
সচিব।