Securities and Exchange Ordinance, 1969 (Ordinance No. XVII of 1969)

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1. Securitization of the Ordinance and Amendment — (1) This Ordinance Securities and Exchange (Amendment) Act, 2012 are notified.

(2) This Ordinance is implemented from.

2. Ordinance No. XVII of 1969 has been amended. — Securities and Exchange Ordinance, 1969 (Ordinance No. XVII of 1969), the amendment to the Ordinance

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(6) clause (1) mentioned sub-clause (iii) defined in an “investment contract”

sub-clause (iii) as a “derivative, commodity futures contract, options contract, exchange-traded fund” or a “futures contract, options contract, exchange-traded fund”.


(1) sub-section (1) defined in “No company” or “No issuer, or no company” or “No company” or “No issuer, or no company”.

(2) sub-section (2) defined in “No company” or “No issuer, or no company”.

8. Ordinance No. XVII of 1969 Appendix 8 section 8—Under Ordinance Appendix 8—

(1) sub-section (2) defined in “dealer” or “Jobber or dealer”.

(2) sub-section (3) defined in “dealer” or “Jobber or dealer”.

(3) sub-section (4) defined in “jobber” or “Jobber or dealer”.

6. Ordinance No. XVII of 1969 Appendix 9 section 9—Under Ordinance Appendix 9 sub-section (8) defined in “fifteen” or “fifteen”.


“19A. Maintenance of secrecy by the Commission, etc.—The existing and former Chairman, Member and employee of the Commission shall not disclose or communicate to any person not legally entitled thereto any information which has been entrusted to him or which he has obtained or to which he had access in the course of the performance of any functions under this Ordinance.”.
"19B. Penalty for disclosure of information.—(1) The disclosure of any information in contravention of section 19 or 19A for the purpose of making profit through insider trading shall be an offence.

(2) Whoever contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to five years, or with fine not less than taka five lakh, or with both”.

8. Ordinance No. XVII of 1969 এর section 20A এর সংশোধন |-—উত্তর
Ordinance এর section 20A এ উল্লিখিত “Where” শব্দটির পরিবর্তে “Notwithstanding anything contained in any other law for the time being in force, where” শব্দগুলি ও কমাটি প্রতিস্থাপিত হইবে।

9. Ordinance No. XVII of 1969 এর section 21 এর সংশোধন |-—উত্তর
Ordinance এর section 21 এর—

(ক) sub-section (1) এর clause (b) এ উল্লিখিত “Who is directly or indirectly the beneficial owner of not less than ten per cent of a listed security” শব্দগুলি বিলুপ্ত হইবে;

(খ) sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section (2) ও (2a) প্রতিস্থাপিত হইবে, যথা :—

“(2) where an enquiry under sub-section (1) has been undertaken, every member, director, manager or other officers of the Stock Exchange or the issuer to which or to whose member, director, auditor or officer of the enquiry relates, an insurance company as defined in the Insurance Act, 2010, a bank, a financial institution as defined in the Financial Institutions Act, 1993, and every other person considered by the person conducting the enquiry to be capable of providing information which is, or may be relevant to that enquiry, shall furnish such information as the person conducting the enquiry may require.

(2a) Notwithstanding anything contained in any other law for the time being in force in conducting enquiry under sub-section (1), the Commission, Keeping the Bangladesh Bank informed, may seek information regarding bank account from any bank, or any financial institution or organization, as the case may be, so far as it relates to the transaction of security.”

Ordinance No. XVII of 1969 and section 2:


3. Clause (cc) further defines "Commodity Futures Contract" as an agreement to purchase or sell a particular commodity for delivery or settlement in the future at a price to be determined by a contract that obligates each party to fulfill the contract at the specified price and that may be settled by delivery, cash or offset at the Commodity Exchange duly registered with the Commission and in relation to Commodity Futures the expression "commodity" includes:
   - agricultural, livestock, fishery, forestry, mining or energy goods, and any product that is manufactured or processed from any such goods; and
   - any other matter as may be notified by the Commission in the official gazette.

4. "Derivative" includes:
   - a security derived from a debt instrument, share, loan, whether secured or unsecured, risk instrument or contract for differences or any other form of security;
   - a contract which derives its value from the prices, or index of prices, of underlying securities.

5. Clause (e) defines "Jobber" or "dealer" as:
   - "Jobber" or "dealer" in relation to Commodity Futures are:
     - "Jobber or dealer" in relation to Commodity Futures are:
     - "or dealer" in relation to Commodity Futures are:

6. Clause (h) provides further definitions for "Jobber" or "dealer" as:
   - "Jobber" or "dealer" in relation to Commodity Futures are:
   - "or dealer" in relation to Commodity Futures are:
“22A. Restriction in respect of filing of suit.—Notwithstanding anything contained in any other law for the time being in force, no legal proceeding before any Court can be brought challenging an order of penalty imposed by the Commission unless an amount of 15% (fifteen percent) of such penalty is deposited in the Commission.”

“25B. Power to establish Special Tribunal.—(1) For the purpose of this Ordinance, the Government may, by notification in the official gazette, establish one or more Special Tribunal.

(2) A Special Tribunal shall consist of a Sessions Judge or Additional Sessions Judge, who shall be appointed by the Government and shall have all the powers conferred by the Code of Criminal Procedure, 1898 (Act No. V of 1898), on a Court of Sessions exercising original jurisdiction.

(3) The Court of Sessions may, of its own, or upon an application made by the Commission, transfer at any stage of the trial, any case from his Court to another Special Tribunal.

(4) The Special Tribunal shall try the case from such stage wherefrom the case was so transferred.”

“32A. Regulation of business of Commodity Futures Contract, etc.—The business of Commodity Futures Contract or Options Contract, in the Commodity Exchange, shall be regulated in such manner and on payment of such fees and charges as may be prescribed.
**Explanation**: For the purpose of this section, “Commodity Exchange”
means a company that provides or, proposes to provide, the physical facilities
necessary for trading in Commodity Futures Contract or Options Contract.”

13. **Ordinance No. XVII of 1969** ের section 34 ের সংশোধন—উক
Ordinance ের section 34 ের sub-section (2) ের clause (xviii) এ উল্লিখিত “jobber”
শব্দটির পরিবর্তে “jobber or dealer” শব্দগুলি প্রতিস্থাপিত হইবে।

মোঃ মাহফুজুর রহমান

ভারপ্রাপ্ত সচিব।

মোঃ আব্দুল বারিক (উপ-সচিব), উপ-পরিচালক, বাংলাদেশ সরকারি মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।

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