



Government of the People's Republic of Bangladesh
WTO Cell, Ministry of Commerce

Bangladesh Regional Connectivity Project-1

Probashi Kollayan Bhaban
Eskaton Garden, Dhaka-1000

Policy Review/Policy Study/Policy Paper Preparation
on
The Imports and Exports (Control) Act 1950



January 2023

Policy Review/Policy Study/Policy Paper Preparation

on

The Imports and Exports (Control) Act, 1950

[Package no. BRCP-1/MOC/SD-26]

Submitted to

Project Director

Bangladesh Regional Connectivity Project-1
WTO cell, Ministry of Commerce
Level-12 (Westside), Probashi Kallyan Bhaban,
71-72 Old Elephant Road, Dhaka 1000

Submitted by



South Asian Network on Economic Modeling (SANEM)
K-5, House 1/B, Road 35, Gulshan 2
Dhaka 1212, Bangladesh
Phone: +88-02-58813075
Email: sanemnet@yahoo.com
<http://www.sanemnet.org>

January 2023

Team of Consultants

S.N.	Team Members	Position in the Team
1	Dr Bazlul Haque Khondker	Team Leader
2	Dr Selim Raihan	Co-Team Leader, Trade Expert
3	Mahtab Uddin	Policy Analyst
4	Mohammad Golam Sarwar	Legal Expert
6	Mir Ashrafun Nahar	Senior Research Associate
7	Samantha Rahman	Research Associate
8	Afia Mubasshira Tiasha	Research Associate
9	Ishrak Akhtar	Research Intern
10	Anindita Sejuti Ahammad	Research Intern

Preface

The final report intends to respond to the requirement specified in the contract agreement signed by Bangladesh Regional Connectivity Project-1 (BRCP 1) and South Asian Network on Economic Modeling (SANEM) for conducting "**Policy Review/Policy Study/Policy Paper Preparation under the Bangladesh Regional Connectivity Project 1**" in collaboration with International Development Association (IDA), The World Bank. The main objective of this technical assistance project is to review existing government trade policies to strengthen cooperation in trade, transportation, and transit facilities, as well as to facilitate the economic empowerment of women traders. The current situation and challenges are compared to the existing policies. It has also examined regional comparators' best practices for promoting and improving trade-related activities, as well as the relevance of SHE trade with existing policies. Finally, a recommendation for future policy has been identified based on the findings.

The South Asian Network on Economic Modeling (SANEM), Bangladesh, provided consulting services for the "**Policy Review/Policy Study/Policy Paper Preparation under the Bangladesh Regional Connectivity Project 1.**" Four senior-level professionals can make up the study team. The study's overall purpose is to portray a clear picture of the current state of policy implementation and challenges for upcoming LDC graduation to provide recommendations for future policies. Furthermore, this study aimed to find gaps in existing policies by reviewing and identifying them.

The review of **The Imports and Exports (Control) Act, 1950** has ascertained several areas including the limitations and evaluation of the related policies such as the Import Policy Order and the Export Policy, enforcement status challenges of upcoming LDC graduation, provision for women through the act, overall import and export sector of Bangladesh, Trade facilitation, ease of doing business, deregulation, globalization, Non-Tariff Measures. This study also unveils the commission's role in green growth, the service sector, SMEs, and foreign direct investment.

We are hopeful about the policy recommendations which would be beneficial for policymakers and other stakeholders for facilitating trade-related activities for the improvement of the domestic industries and overall foreign trade.

Md. Mijanur Rahman

Project Director (Joint Secretary)

Bangladesh Regional Connectivity Project-1

Ministry of Commerce

Acknowledgement

It is indeed a great pleasure that Bangladesh Regional Connectivity Project 1 (BRCP-1), Ministry of Commerce has entrusted International Development Association (IDA), and the World Bank to carry out “**Policy Review/Policy Study/Policy Paper Preparation**”. The report of the study has been prepared based on a mixed methodology. The studies are **1) The Imports and Exports (Control) Act, 1950, 2) The Essential Articles (Price Control and Anti-Hoarding) Act, 1953, and 3) National Innovation and Intellectual Property Policy 2018.**

The policy papers contain the objective, scope, and methodology for the studies, current context, and challenges, deviation from the international practices, and the relevance of the policies to the SHE trade. The consultants also described the best practices of regional countries adapted to facilitate trade-related activities. In the end, the findings from the analysis and recommendations for the upcoming policy papers are portrayed.

The authors wish to thank Md Mijanur Rahman, Project Director, Bangladesh Regional Connectivity Project 1, and Md Munir Chowdhury, National Trade Expert, BRCP-1 for their valuable comments and continuous support in undertaking the study.

We are also thankful to all the officials and participants who took part in the consultation meetings, both online and in-person, for helping us with their constructive criticism and valuable suggestions during the study period.

This work would not have been possible without the participation of the relevant stakeholders in the Key Informant Interviews (KIIs) as well as in the Focus Group Discussion (FGD). Thanks are also due to all respondents of interviews, FGDS, and KIIs who helped us by providing their information during the data collection period.

The contribution and support provided by everyone for the study are greatly appreciated.



Dr. Selim Raihan
Executive Director, SANEM

Table of Contents

Acknowledgement	iv
List of acronyms	viii
Executive Summary	x
1. Introduction	1
1.1 Background	1
1.2 Objectives and Research questions	2
1.3 Scope of the study	3
1.4 Methodology	3
1.4.1 Desk Research	3
1.4.2 Primary Data Collection	4
1.5 Evaluation and Analysis	4
1.6 The organization of the paper	5
2. The Import and Export (Control) Act, 1950: Context and challenges	5
2.1 History and evaluation of the Act	5
2.2 An overview of the Import Sector of Bangladesh	6
2.2.1 An in-depth look into the Import Policy Order	9
2.3 Overview of the export-led growth and export sector of Bangladesh	10
2.3.1 An in-depth look into the Export Policy	15
2.4 A detailed outlook of the Act	17
2.5 Current functions of the Office of Chief Controller of Imports and Exports (CCI&E)	20
2.6 Current state and challenges or bottlenecks of Import Export (Control) Act, 1950	21
2.6.1 The context of “Control” in the Act	21
2.6.2 Limitations of Import Policy Order	22
2.6.3 Limitation of Export Policies	22
2.6.4 Ease of doing business	24
2.6.5 Imports and Exports Licencing	25
2.6.6 Deregulation and globalization	25
2.6.7 Importation of waste materials	27
2.6.8 Non-Tariff Measures (NTMs)	27
2.7 Global trading scenario and relevance of the Act	27
2.7.1 LDC graduation and its challenges	27
2.7.2 Covid-19 pandemic and its impact on trade	28
2.7.3 8 th Five-Year Plan	29
2.7.4 4 th Industrial Revolution (4IR)	30
2.7.5 Trade facilitation and its relevance to emerging economies	30
2.7.5 WTO regulations and provisions	31
2.8 Deviation from the international practices (by comparators)	31
2.8.1 “The Foreign Trade (Development and Regulation) Act, 1992” of India	32
2.8.2 “The Regulation of Imports and Exports Act 1995” of Singapore	35
2.8.3 The Imports and Exports (Control) Act, 1950 of Pakistan	38
3. The Import and Export (Control) Act, 1950 and ways to incorporate SHE trade	44
4. Key findings of the Act review from KIIs and FGDs	46
4.1 The act comes with legal uncertainty	46
4.2 The good faith clause and invincible legal status of the order and rules made under the Act ..	47
4.3 Does not cover intangible goods and services on paper	47
4.4 Has not defined appellate and revisionary procedures	48
4.5 The Procedure of obtaining an “Import” and “Export” License could be easier	48
4.6 Absence of dedicated courts to deal with commercial matters arising out of trade	48
4.7 Issues in Implementation Level	49
4.8 The Act lacks the features of a comprehensive legal instrument	49

4.9 Existence of Institutional Incapacity.....	49
4.10 Lack of accountability	49
4.11 Product and Market Diversification.....	49
4.12 Research and development.....	50
5. Recommendations and ways to look forward	50
5.1 The comprehensiveness of the Instrument.....	51
5.2 Good faith Clause and Unfettered power to the Executive	51
5.3 The legal status of the Export Policy.....	51
5.4 Preparedness for LDC graduation.....	51
5.5 Making a business-friendly environment	52
5.6 The duration of license expiration should be extended from one year to five years	52
5.7 Dedicated court or tribunal to try commercial matters	52
5.8 Improving the quality of products and services	52
5.9 Obligation to provide information regarding both “import and imported” and “export and exported” goods and services.	52
5.10 Arrangements to Assess the policies and needs	53
5.11 Promoting the SME sector through the inclusion of adequate provisions in the Act.....	53
5.12 Subjects relating to the Cost of doing business and facilitation of smoother international trade need to be revisited.....	53
5.13 Trade in services	53
5.14 Increasing human resource capability and ensuring their long-term employment in the same sector	54
5.15 Increase the number of human resources employed	54
5.16 An establishment and benefits of a Data Bank	54
5.17 Officers of the Chief controllers Office should have a strong ground in participation in trade agreements such as future FTAs and PTAs.....	55
5.18 Taking initiatives to balance trade.....	55
5.19 Greater involvement in the trade disputes	56
5.20 To organise necessary training facilities to attain skills for entrepreneurship.....	56
5.21 Inclusion of women entrepreneurs in exporting business	56
5.22 New discussions regarding gender sensitivity should be included in Import Trade Control Committee (ITC).....	57
6. The Recommendation Matrix	58
7. Conclusion.....	63
8. Reference	65
9. Annexure	70

List of Figures

Figure 1 Imports of goods and services (in millions of US\$).....	8
Figure 2 Comparing "GDP growth rate" with "the Imports as a percentage of GDP".....	8
Figure 3 Annual GDP growth rate in percentage.....	12
Figure 4 Bangladesh's forecasted GDP growth rate and forecasted average GDP growth rate of the comparative "Developing Asia" countries	13
Figure 5: Annual Exports of Bangladesh (in Million US\$) over the years.	14
Figure 6: Comparison of GDP growth rate and Exports of Bangladesh as a percentage of GDP over the years	14

List of Tables

Table 1 Summary of the Import and Exports (Control) Act, 1950	18
Table 2: Name of a similar Act in other Asian countries	21
Table 3 Summary of The Foreign Trade (Development and Regulation) Act, 1992.....	32
Table 4 Summary of "The Regulation of Imports and Exports Act"	35
Table 5 Summary of the Imports and Exports (Control) Act, 1950	38

List of acronyms

<i>4IR</i>	<i>4th Industrial Revolution</i>
<i>AI</i>	<i>Artificial Intelligence</i>
<i>ASEAN</i>	<i>The Association of South East Asian Nations</i>
<i>BEZA</i>	<i>Bangladesh Export Zone Authority</i>
<i>BIDA</i>	<i>Bangladesh Investment Development Authority</i>
<i>BIDS</i>	<i>Bangladesh Institute of Development Studies</i>
<i>BRCP-1</i>	<i>Bangladesh Regional Connectivity Project 1.</i>
<i>B TTC</i>	<i>Bangladesh Trade and Tariff Commission</i>
<i>BLPA</i>	<i>Bangladesh Land Port Authority</i>
<i>CAD</i>	<i>Comparative-Advantage-Defying</i>
<i>CAF</i>	<i>Comparative-Advantage-Following</i>
<i>CCI&E</i>	<i>Office of the Chief Controller of Imports and Exports</i>
<i>CEDAW</i>	<i>Convention on the Elimination of All forms of Discrimination Against Women</i>
<i>CEO</i>	<i>Chief Executive Officer</i>
<i>DFQF</i>	<i>Duty-Free, Quota-Free</i>
<i>DPI</i>	<i>Department of Planning and Investment</i>
<i>EBA</i>	<i>European Banking Authority</i>
<i>ECO</i>	<i>The Economic Cooperation Organization</i>
<i>EP</i>	<i>Export Policy</i>
<i>EPB</i>	<i>Export Promotion Bureau</i>
<i>ESDO</i>	<i>Environment and Social Development Organization</i>
<i>ESQ</i>	<i>Environmental, Social and Quality</i>
<i>EU</i>	<i>European Union</i>
<i>FDI</i>	<i>Foreign Direct Investment</i>
<i>FGD</i>	<i>Focus Group Discussions</i>
<i>FMAS</i>	<i>Finance, Management and Administrative Services</i>
<i>FTA</i>	<i>Free Trade Agreement</i>
<i>GSP</i>	<i>Generalized System of Preference</i>
<i>GATT</i>	<i>General Agreement on Trade and Tariff</i>
<i>GDP</i>	<i>Gross Domestic Product</i>
<i>GED</i>	<i>General Economics Division</i>
<i>GFI</i>	<i>Global Financial Integrity</i>
<i>GMS</i>	<i>Gross Merchandise Sales</i>
<i>GoB</i>	<i>Government of Bangladesh</i>
<i>GSP</i>	<i>Generalized System of Preferences</i>
<i>GVC</i>	<i>Global Value Chain</i>
<i>HS</i>	<i>Harmonised System</i>
<i>ICAB</i>	<i>Institute of Chartered Accountants of Bangladesh</i>
<i>IDA</i>	<i>International Development Association</i>
<i>IECA</i>	<i>The Imports and Exports (Control) Act, 1950</i>
<i>ILO</i>	<i>International Labour Organization</i>
<i>IP</i>	<i>Intellectual Property</i>
<i>IPO</i>	<i>Import Policy Order</i>
<i>IRC</i>	<i>Import Registration Certificate</i>

<i>IT</i>	<i>Information Technology</i>
<i>KIIs</i>	<i>Key Informant Interviews</i>
<i>LC</i>	<i>Letter of Credit</i>
<i>LDC</i>	<i>Least Developed Country</i>
<i>MFN</i>	<i>Most Favoured Nation</i>
<i>MoC</i>	<i>Ministry of Commerce</i>
<i>NAFTA</i>	<i>North American Free Trade Agreement</i>
<i>NBR</i>	<i>National Board of Revenue</i>
<i>NOC</i>	<i>No Objection Certificate</i>
<i>NTB</i>	<i>Non-Tariff Measures</i>
<i>ODA</i>	<i>Overseas Development Assistance</i>
<i>ODOP</i>	<i>One District One Product</i>
<i>OECD</i>	<i>Organisation for Economic Co-operation and Development</i>
<i>OLS</i>	<i>Ordinary Least Square</i>
<i>PSU</i>	<i>Public Sector Undertaking</i>
<i>PTAs</i>	<i>Preferential Trade Agreements</i>
<i>R&D</i>	<i>Research and Development</i>
<i>RCEP</i>	<i>The Regional Comprehensive Economic Partnership</i>
<i>RTAs</i>	<i>Regional Trade Agreements</i>
<i>SDG</i>	<i>Sustainable Development Goals</i>
<i>SAARC</i>	<i>South Asian Association for Regional Cooperation</i>
<i>SAFTA</i>	<i>South Asian Free Trade Area</i>
<i>SAPTA</i>	<i>South Asian Preferential Trading Arrangement</i>
<i>SANEM</i>	<i>South Asian Network on Economic Modeling</i>
<i>SMEs</i>	<i>Small and mid-size enterprises</i>
<i>SPS</i>	<i>Sanitary and Phytosanitary Measures</i>
<i>SRO</i>	<i>Statutory Regulatory Order</i>
<i>TCA</i>	<i>Commission Act</i>
<i>TFA</i>	<i>Trade Facilitation Agreement</i>
<i>TFP</i>	<i>Total Factor Productivity</i>
<i>TIN</i>	<i>Taxpayer's Identification Number</i>
<i>TPP</i>	<i>Trans-Pacific Partnership</i>
<i>TRIPS</i>	<i>Trade-Related Aspects of Intellectual Property Rights</i>
<i>UNCTAD</i>	<i>United Nations Conference on Trade and Development</i>
<i>UNESCAP</i>	<i>United Nations Economic and Social Commission for Asia and the Pacific</i>
<i>US</i>	<i>United States</i>
<i>VAT</i>	<i>Value-Added Tax</i>
<i>WCO</i>	<i>World Customs Organization</i>
<i>WTO</i>	<i>World Trade Organization</i>
<i>RCEP</i>	<i>Regional Comprehensive Economic Partnership</i>

Executive Summary

Bangladesh Regional Connectivity Project 1 (BRCP-1) is a project launched by the government of the People's Republic of Bangladesh in collaboration with the International Development Association (IDA) and The World Bank to facilitate trade and improve regional connectivity. Component two is an umbrella project that is implemented and carried out by the Ministry of Commerce (MoC). The primary objective of this technical assistance project under Component Two is to study and review existing government trade policies to improve trade-related institutional capability, ensure long-term and active cooperation among trade stakeholders, and aid in the economic empowerment of women traders. Bangladesh will graduate from the LDC category in 2026, thus reviewing existing trade-related policies is a must for a smoother post-graduation experience. The pre-graduation period must be used wisely by developing effective trade-related policies and putting them into effect.

SANEM conducted this policy review on The Imports and Exports (Control) Act, 1950, using extensive desk research and in-person interviews with relevant stakeholders. We considered the implementation challenges, the current policy's relevance to the changing nature of the global perspective, and the current international trading scenario when reviewing the paper. This review paper depicts a thorough examination of the Act and the current scenario of Bangladesh's import and export sectors, as well as those of comparator countries such as India, Pakistan, and Singapore. Furthermore, the review paper includes a section on gender issues and mainstreaming women traders through existing provisions of the Imports and Exports (Control) Act of 1950.

Chapter two of the review paper has the literature of a detailed overview of the import sector and the Import Policy Order, the export sector and the Export Policy and the Imports and Exports (Control) Act, 1950 itself. The second chapter also outlines the challenges, and trade-related provisions investigated. This study explains the bottlenecks relevant to the Act. Some of the bottlenecks are the limitations and areas of improvement of the related policies, the context of “control” in the name of the Act, ease of doing business and ways it can be promoted through adequate modifications in the Act, deregulation and globalization, importation of waste material, and Non-Tariff Measures (NTMs). The chapter also consists of a section outlining the relevance of the Imports and Exports (Control) Act with LDC graduation, the COVID-19 pandemic, 4th Industrial Revolution (4IR), trade facilitation, World Trade Organization's (WTO) regulations and provisions, and the 8th Five Year Perspective Plan (2021-2041) in the current trading scenario and the major differences of the Act from its comparators are identified and analysed. This study incorporates the major learnings or takeaways from India's “The Foreign Trade (Development and Regulation) Act, 1992”, Singapore's “The Regulation of Imports and Exports Act, 1995” and Pakistan's “The Imports and Exports (Control) Act, 1950”.

The third chapter is a review of the Act through a gender lens. The advantages of SHE trade provisions will have a positive impact on the female population of the country, which will further benefit the overall economy. The chapter discusses some existing bottlenecks which need to be addressed such as the legal barriers to women's participation in trade, Non-Tariff Measures (NTMs) are found to be more burdensome for female-led exporting businesses, Lack of knowledge regarding business and customs requirements, Port management system

which lacks women-friendly facilities. Hence, the chapter comes up with recommendations that will facilitate the inclusion of the women-biased provisions. Some of the recommendations are Simplification in the process of the trade licencing issuance that will aid the women entrepreneurs, Access to securing digital identification numbers, and launching country-wise import requirement identification processes.

The findings of the study are listed in detail in chapter four. One of the major observations during the study is that the Act is loosely drafted, resulting in legal uncertainty. Furthermore, the use of the "good faith clause" in the Act is one of the most notable features of Bangladeshi law. Given that Bangladesh now has a constitution and that the common legal principle of the concept of a 'Sovereign Parliament' is that primary laws or laws enacted by a parliament supersede secondary laws, this provision fails the constitutionality test. Furthermore, no section of the Act is dedicated to detailing the provisions and rules for services and intangible goods. The Imports and Exports (Control) Act does not mention the appellate and revisional procedure under a decision against a trade-related offence, which is mentioned in India's Foreign Trade (Development and Regulation) Act 1992. Another major topic of discussion is the licencing procedure for import and export, and the need to make the process easier and less burdensome. Additionally, there is no dedicated Commercial court to deal with trade-related disputes. There are also implementation issues due to a lack of proper transparency and arrangements required to investigate trade mis-invoicing, which causes Bangladesh to lose tax revenue. Overall, the Act falls short of being a comprehensive legal instrument. Many important things are missing and waiting to be inserted by executive orders because it is so vague and concise.

Extensive discussions with relevant stakeholders resulted in some highly recommended suggestions. To begin, the law should be amended to include detailed procedures for obtaining a licence, such as terms and cancellations. Furthermore, the Act should include provisions for appeal and revision arising from an offence. Furthermore, the Act includes a good faith clause, but it is in Bangladesh's best interests to eliminate this unconstitutional and overtly pro-executive provision. The Export Policy, on the other hand, is only a statement of intent. As a result, the export policy should have the legal status of an "Order," similar to the Import Policy Order. Besides that, the export and import policies should be more closely aligned; thus, it should be formulated as an integrated version of the exports and imports regulation under section 3(1) of the Imports and Exports (Control) Act. Moreover, the Act requires extensive revision to include adequate provisions that will allow Bangladesh to transition more smoothly into the post-LDC period. One of the most important recommendations is to revise the Act and include provisions to help create a business-friendly environment. One of the most highly regarded recommendations is to simplify the licencing process by allowing a single "trade licence" to be required by either a foreign or local trading corporation. The Act should include a section establishing a commercial or tribunal court to resolve disputes arising from international trade. Furthermore, an annual assessment of policies and Acts as an impact study assessment should be established to aid in the construction and formulation of legal documents.

To conclude, since Bangladesh is regarded as an emerging economy which will be graduating from the Least Developed Country (LDC) criteria in 2026, the trading nature and standard requirement from the international market will change for the country to carry out

international trading. Therefore, foreign trade relevant Acts such as the Imports and Exports (Control) Act, policies and Orders must be modified to facilitate a smoother transition, creating a more business-friendly environment in the economy and enhancing the competitiveness of different industries to combat the high-functioning and competitive global market.

1. Introduction

1.1 Background

In the global market, Bangladesh as a country has an impressive track record of development and a high growth rate over the years. The country is also tagged as one of the fastest-growing economies in the world. It is worth noting that the development and growth of the economy are due to the significant contribution from the strong ready-made garments (RMG) export, demographic dividends, remittances, and overall stable macroeconomic conditions. Bangladesh as a country is considered a global model to tell the world about the progress and steps of poverty reduction and economic development. From being one of the poorest nations in the world in 1971 to being on the road to graduating from the UN's Least Developed Countries (LDC) criteria in 2026 (The World Bank, 2022).

Since 2015, the global trade scenario and the business dynamics in the economy and the world has changed significantly. It cannot be denied that the Import and Export Act of an economy needs to address the current and emerging issues such as the post-LDC graduation and challenges associated with it, Covid recovery strategies, 8th Five Year Plan, perspective plan 2021-2041, and the 4th Industrial revolution. Therefore, the Act needs to address such issues and amend them in sections if required to facilitate smooth international trading in Bangladesh (Raihan, 2021)

The Imports and Exports Control Act (IECA), 1950 is the pivotal legal instrument concerning trade matters in the country. Under the Act, the Government makes policies from time to time to regulate trade matters. However, these are mostly done without any proper planning and qualitative assessment. Moreover, as the country will be graduating from the LDC list in 2026, its policies require an overhaul to match up with the requirements and potential obligations. In this context, this paper tries to review the legislation keeping in view the LDC graduation of the country as well as its commitment to achieving Sustainable Development Goals (SDGs) by 2030.

The Ministry of Commerce (MoC) is responsible for the formulation, implementation, enforcement, and monitoring of trade-relevant policies through the agencies. One such agency is the "Office of the Chief Controller of Imports and Exports (CCI&E). Hence, the IPO was formulated and implemented by CCI&E. The major objective of the Act is to provide power to the government to restrict the import and export of goods and services. Moreover, the Act addresses the previous Import and Export (Control) Act, 1947, and its section that is still consistent and must continue the same functions in the current Act as well. Furthermore, the Act regulates the selling and buying of import licenses, the regulations relevant to the sale and transfer of goods by industry consumers, and penalties.

It is important in the context of the current global scenario to be open to international trade, grow rapidly, encourage innovation, increase productivity and provide higher income and more employment opportunities for the economy's labour force. Openness in trade benefits lower-income households with the availability of more affordable goods and services. Therefore, greater integration into the global market through international trade and the global value chain aids in driving local and global economic growth and poverty reduction.

The Government of Bangladesh (GoB) attempts to liberalize trade and increase the export diversification portfolio in terms of items and destinations. Hence, the Bangladesh Regional Connectivity Project 1 (BRCP-1) has been initiated in cooperation with the International Development Association (IDA). The project has been implemented through collaborative work by the Bangladesh Land Port Authority (BLPA), the National Board of Revenue (NBR), and the Ministry of Commerce (MoC). To note, the Ministry of Commerce is responsible to carry out and implement component two of the umbrella project. The main objective of this technical project is to enhance the trade-related institutional capacity to make sure active and sustainable cooperation among all the stakeholders that are relevant to trade and simultaneously aid the economic empowerment of women traders.

SANEM (known as South Asian Network on Economic Modeling) has been assigned the responsibility to provide consultancy services for the selected activities of the technical assistance project. The responsibilities are mainly to review the existing trade-related policies which will facilitate strengthening cooperation in the trading sector, transport and transit facilities. Furthermore, the policy review has a section that discusses the barriers faced by women traders in becoming a more integral part of the global supply chains and having greater accessibility to trading opportunities. As part of the project, SANEM will review a total of 22 policy documents and critically analyse each of the policies to present the compatibility, objectives, future and existing challenges, future aspects, and possible recommendations for further improvements if necessary.

1.2 Objectives and Research questions

The development of Bangladesh during the past decades has presented significant structural changes in the economy that resulted from domestic policy reforms which promoted further openness to trade and the global economic environment. Economic growth raised significantly from 3.7% in the year 1980s to an overall average of 5.6% from 1994 until 2013. The growth rate reached its peak in 2011 at 6.7%. Increasing integration of Bangladesh with the world market has been possible due to the trade liberalization approach by introducing various trade liberalization policies since the 1980s. Therefore, Bangladesh's trade-to-GDP ratio raised from 17% measured in the early 1990s to 47% in the year 2008 which further increased to 54% in 2010-2012 due to the country's trade openness (ADB, 2014).

The Import and Export (Control) Act, 1950 is one of the original Acts formulated as a tool to regulate the foreign trading sector of the country. However, due to the constantly changing scenario of the world's trading environment, the Act needs to incorporate the current world perspective. Therefore, the following are some of the research questions this study will try to address through the act review paper.

- 1) What are the areas of the Act that can be recommended for modification to make the Act more coherent with the current trading scenario of the country?
- 2) What are the impacts of LDC graduation on overall trading and its challenges that will impact the provisions mentioned in the Act?
- 3) Examine the role of CCI & E and how the agency can be more effective in the context of the present global trade situation.

- 4) Analyse whether the Export Policy and Import Policy Order harmonize with the Act. Evaluate whether the Act complies with the provisions of WTO.
- 5) The word “Control” in the name of the Act and whether it should be omitted.
- 6) What are the possible recommendations that may lead to greater ease of doing business, deregulation, and enhancing the user-friendly environment of the Act?

1.3 Scope of the study

The extensive study on the Imports and Exports (Control) Act will provide detailed literature on the issues relevant to the Act that needs to be addressed. The paper will be a supporting document used in the modification and Amendment of the Imports and Exports (Control) Act. The paper questions the effectiveness of the Provisions listed under the Act and will address the possible regulations and provisions that can be incorporated into the Act to make the Act more user-friendly and relevant to the modern-day trading market.

1.4 Methodology

Considering the objectives and the key research questions of this study, the research team has primarily followed mixed methodologies in presenting the deliverables. The methodology is based on two significant tasks in general:

- (i) Rigorous desk research of all relevant policy documents, literature, and secondary data, and
- (ii) Primary data collection and analysis by conducting Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) with stakeholders relevant to the study.

Therefore, the research methodology can be categorized as follows:

1.4.1 Desk Research

For this study, the research team has employed in-depth desk research on the core elements of the study. The team reviewed pertinent documents, policy papers, and existing literature on this area. Also, the team has rigorously examined and analyzed the available secondary data. This has supported identifying significant potential policy gaps and differences related to trade, transportation, and women entrepreneurship between Bangladesh and the existing universal best practices. The research team focuses on the following documents for desk review-

- The Import and Exports (Control) Act, 1950
- Export policy and import policy order
- Trade and Law related articles and recent publications
- The global experience on the implementation of such Act.
- The experience of the comparator countries.
- Papers on tariff structure
- Paper on pricing strategies and structure of products

During the desk research, the research team followed the following steps-

- Evaluating the policy documents which include all relevant and existing acts, ordinances, legislation, agreements, treaty, and literature, conferring a broader view of the gaps, coherence, and discriminatory provision if any.

- Developing the KII and FGD checklists. It will be devised based on the scanning of the aforementioned documents.
- Complementing the preliminary analysis with the findings from the primary data.
- Intensive study on comparator countries' Import and Export Act such as India, Pakistan, Singapore, Vietnam, China and other developing countries.

1.4.2 Primary Data Collection

In collecting primary data, the research team has followed a qualitative approach. Social aspects that are mostly unrepresented in the quantitative data can be addressed through qualitative data, which are expected to provide in-depth information on social dimensions and characteristics. As part of the qualitative data, the team has conducted Focus Group Discussions (FGD) and Key Informant Interviews (KIIs).

Focus Group Discussion (FGD)

For this study, the research team has carried an FGD comprising participants primarily from The Office of the chief controller of Imports and Exports (CCI&E), Ministry of Commerce.

The FGDs should focus on answering the prior-stated research questions,

1. How can the Act made in 1950 be modified or restructured which is more coherent with the current trading scenario?
2. How can the Act incorporate women's entrepreneurship and include relevant provisions?
3. If the Act needs to add any new section to further facilitate domestic trade in the future?
4. What is the importance of "control" in the name of the Act?

Due to the current Covid-19 situation and safety restrictions, the FGDs will be either conducted via virtual platforms such as Skype, Zoom, Google Meet, etc or in person depending on the preference of the representatives participating in FGD.

Key Informant Interview (KII)

The KIIs have been helpful for an in-depth understanding of the policies, assessment of projects, and identifying gaps. The details of the key informants' list are provided in the Annexure. The mode of contact for the KIIs was carried out face-to-face in the CCI&E office.

1.5 Evaluation and Analysis

All the gathered data and information has been evaluated and analyzed at this stage. This process will include:

- Identifying the loopholes and gaps of the existing Import and Exports (Control) Act through rigorous desk research.
- Exploring the potential provisions of the existing Act to mainstream women entrepreneurs.
- Exploring the potential provisions to facilitate export products and market diversification.

- Analysis of primary data through FGDs and KIIs to evaluate the actual activities of the organization and its actors in the present trade scenario.
- Identifying the weaknesses and implementation challenges of the existing Act from stakeholders' experiences, through FGDs and KIIs.
- Comparing international best practices with the current provision of the Import and Exports Act.
- Providing possible legal recommendations about changes, alterations, exclusion, and extension of the current policy through consultation with legal experts, and recommendations of key informants and FDG participants.

1.6 The organization of the paper

The paper presents a background literature review on Bangladesh's foreign trade and the relevancy of the Act. The chapter also points out the objective of the study by stating the research question. Chapter two of the paper writes down a detailed overview of the import and export sector of the country and its corresponding policies (Import Policy Order and Export Policy). The section also points out the existing bottlenecks and global trading scenarios. Moreover, to compare Bangladesh's Act with its comparator countries, a specific section is allocated that states "Deviation of International Practices (by comparators)". Chapter three is a special section regarding SHE trade and deals with the ways to incorporate gender-sensitive provisions into the Act. The following chapters list "Findings" and "Recommendations" that are accumulated through desk review and interviewing professionals and relevant stakeholders. Chapter six notes the Recommendation Matrix.

2. The Import and Export (Control) Act, 1950: Context and challenges

2.1 History and evaluation of the Act

Over the years, Bangladesh has witnessed a gradual change in the policies related to trade. The economy initially took the strategy of widespread control over trade, exchange rate, and investment, which gradually developed into a more liberal trade regime in the current years. Moreover, after the country achieved independence, Bangladesh continued with a restrictive trade regime that was inherited from Pakistan with a new additional initiative of direct involvement and participation of the government in economic activities based on state control and ownership. The country initiated the first phase of trade liberalization in the early 80s, thus, the existing policies started to get modified. The new trading strategies led to the import-substituting strategy based on state control and ownership to be modified to a greater degree of market-directed and export-oriented industrialization reliant on private entrepreneurship. Therefore, during this transitional period, the policies were amended which modified the trading policies to become more liberal and predictable. The trading policies were also changed to make the domestic industries more competitive in the global market.

Since the time of Independence, the main instruments used to regulate foreign trade remains the Import and Exports (Control) Act 1950, Foreign Exchange Regulation Act 1947, and Customs Act 1969. The Import Policy Order that has been issued under the Import and Export (Control) Act 1950 has the function to regulate the condition of imports and is legally

enforceable. When the provision of other Acts has bearing on the import status of any product is generally considered and referred to in the Import Policy Order. On the other hand, the Export Policy is a statement of intent that has no legal enforceability. Although the export policy outlines the export status of certain commodities, the imposition of restrictions through Statutory Regulatory Orders (SRO) is also issued under the same Act. On the contrary, the Customs Act 1969 defines and outlines the customs duties through its first schedule and also defines other border taxes and charges such as regulatory, antidumping, countervailing, and safeguard duties. The Import Policy Order and The Export Policy provide a blueprint for detailed procedures and rules for import with the purpose of exports, such as procedures for importing commodities under the bonded warehouse, import for the Export Processing Zones, and certain duty drawback facilities introduced under the Customs Act 1969 (Khan, 2021).

2.2 An overview of the Import Sector of Bangladesh

Theoretically, there is a two-way causal relationship between productivity and trade volume. Although there are papers advocating for export-led growth which suggest that exports enhance productivity growth. (Baldwin, 2003; Bonelli, 1992; Haddad, De Melo and Horton, 1996; Weinhold and Rauch, 1997; Yean, 1997; and Sjoeholm, 1999). On the other hand, the theoretical relationship between imports and productivity tends to be more complicated compared to the relationship between exports and productivity. It can be suggested that the increased volume of imports of consumer products encourages domestic producing firms which are also import-substituting firms to innovate and re-structure themselves to compete with foreign rivals. Hence, it can be inferred that import enhances productivity or production efficiency. Under the assumption of perfect competition in the neoclassical model, an industry minimizes factor usage in the short run when the trade barriers are removed and the market is opened up to imports. However, when there are lesser trade barriers, in the long run, the industry becomes more productive and competitive, expanding in technological advancement, resulting in a rightward shift of the industry supply curve (Haddad et al., 1996). In general terms, the effect on the productivity of opening the market depends on both market structure and institutional factors. Under imperfect competition, as import volume increases, the import-substituting domestic market shrinks which will lead to a fall in investment, and thereby productivity will eventually fall too (Tybout, 2000). Moreover, higher future expected profits may lead to more active research and development (R&D) investment and innovation efforts. Such R&D investment may be greater for the exporting firms than the import-substituting firms in light of the large impact of market opening. Importations of capital goods and intermediate goods that cannot be produced domestically enable the domestic forms to specialize or diversify their product base, which further increases productivity (Grossman and Helpman, 1991; Sjoeholm, 1999; and Tybout, 2000). Therefore, there are also records on theoretical grounds for both positive and negative causality from productivity to importation. The productivity growth results in economic growth which further increases the overall income and further stimulates imports. On the contrary, increases in the degree of productivity in an import-substituting industry crowd out imports from the domestic market; thus, resulting in a negative impact.

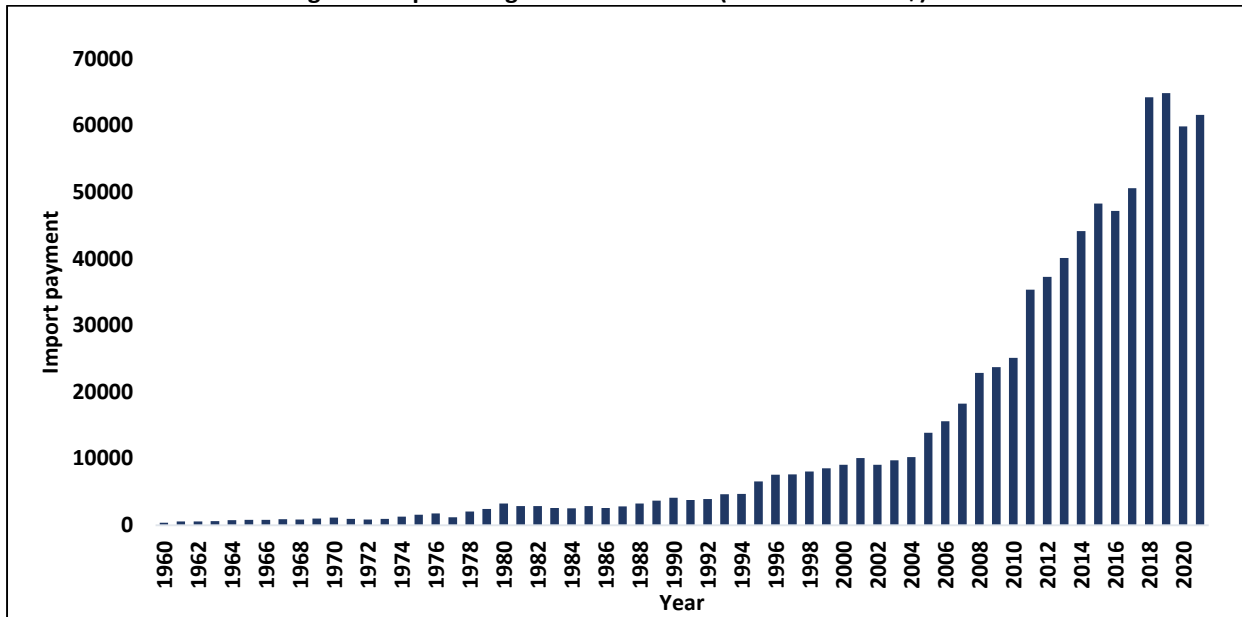
Compared to the empirical literature on exports and their relation to productivity, the studies on the relationship between imports and productivity are quite limited. Lawrence and

Weistein (1999) conducted an empirical study focusing on Japan. Their main findings in the paper are that imports contributed to total factor productivity (TFP) growth. The panel dataset was constructed out of the manufacturing industries' data. Import enhanced the TFP growth mainly through the competition effects. Similarly, preliminary analysis in the same study could not yield any systematic evidence that a greater level of protection improved productivity in Korea and the US. Lawrence (1999) shows an empirical study where import competition brought about TFP growth in US industries. Muendler (2004) suggested in his study that in the Brazilian manufacturing sector, the competition effects of imports on competition are in a greater range even though the effect of intermediate imports on labour productivity is minimum. Gokcekus (1997) in his study further suggests that protectionism in international trading scenarios constrains technical progress and advancement.

(ADB, 2007) The paper carried out an empirical study on import volume and productivity. Thus, the central empirical result is that imports have a significant positive effect on the factor productivity of Korea calculated through TFP. The imports of consumer goods and capital goods have a significant positive impact on the productivity of Korea whereas raw material imports do not. The imports of commodities from developed economies such as the G7 countries have shown a significant positive impact on productivity but the imports of all other countries do not. Therefore, the findings concluding remarks suggest that the beneficial impact of imports stems not only from competitive pressure resulting from the imports of consumer commodities to Korea but also from the technological transfers embodied in the imports of capital goods from developed countries.

The following graphs illustrate some of the annual trends of imports in Bangladesh.

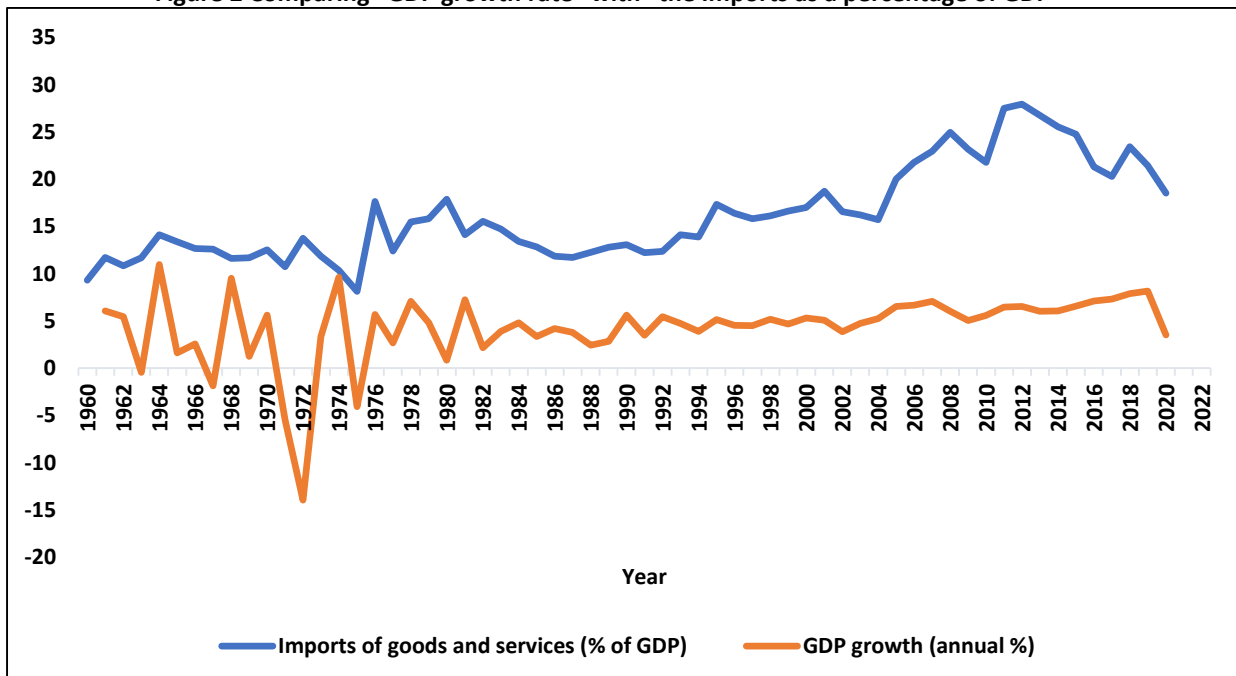
Figure 1 Imports of goods and services (in millions of US\$)



Source: The World Bank

The graph above represents the import payment in millions of US dollars over the years. It can be observed that the import has increased exponentially over the years from the 1960s till 2019. However, there is a little fall in import volume in 2020 due to the pandemic situation. However, the economy is expected to recover from the hindrance the pandemic has caused in the global trading scenario.

Figure 2 Comparing "GDP growth rate" with "the Imports as a percentage of GDP"



Source: The World Bank

The above figure represents the import payment on goods and services as a percentage of GDP and the annual GDP growth over the years.

2.2.1 An in-depth look into the Import Policy Order

Bangladesh initiated an import-substituting trade strategy of industrialization in the 1970s. The main objective behind such a trade strategy was to protect or safeguard the country's infant industries, minimize the balance of payments deficit, efficiently utilize the scarce foreign exchanges, ward off the international capital market and exchange rate shocks, reduce the fiscal imbalance, achieve economic growth and self-sufficiency of the nation. However, trade policy reforms were introduced in the early 1980s to combat the failure of an inwards-looking strategy to deliver the desired outcomes, along with the increasing external and internal imbalances.

The Import Policy Order (IPO) originally had a protectionist nature but gradually reformed itself and now has a more liberal approach towards international trade. The Order is issued under the Imports and Exports (Control) Act 1950 which has the purpose to regulate the condition of import and is legally enforceable. The Order back in 1972-1980 had a severe restriction clause. The Order listed only a handful of goods or commodities that were allowed to import upon having an import license. Moreover, it should be noted that the Order during the period was very complex. It suffered from administrative problems, lack of inter-agency coordination, cumbersome foreign exchange budgeting process, and long procedural delays. However, from the 1980s till now, the number of restricted commodities in the Order has been drastically reduced, and the tariff structure has also been gradually liberalized over time.

The Import Policy Order 2015-18 protected the import substitutes by the imposition of high tariffs and para-tariffs. Moreover, infrastructure development surcharges and regulatory and supplementary duties are the main forms of para tariffs. The main purpose of the tariffs is to generate revenue. Furthermore, these para tariffs and customs duties are imposed as a protectionist import regime for domestic industries. When the economy has high domestic protection compared to export incentives, this results in a high anti-export bias. Such a regime makes the domestic producers reluctant to export. The issues and effects of Non-Tariff Measures (NTMs) and Non-Tariff Barriers (NTBs), while importing, were not taken into account properly in the Import Policy Order 2015-18. An ITC study has stated that about 53% of the importers of Bangladesh face non-tariff measures and barriers (NTMs and NTBs) while importing raw materials and consumer items into the country. Document requirements and congestions in the ports, lacking in the number of adequate testing facilities, shortcomings in the automation system of the clearing process, and delay in the delivery of the test results are significant NTMs and NTBs while importing goods into Bangladesh. Moreover, the provisions under Import Policy Order are gender neutral, hence, the Order does not get involved in the gender-related impact of the services involved in the trade facilitation like customs and border management, logistic services, trade infrastructure, and transportation in Bangladesh. Therefore, the practice of gender-differentiated filter inclusion into the trade policies, standard and smooth port level procedures, infrastructure planning, and the design of trade promotion programs still needs attention and is far from adequate. In recent years, the global trade scenario and business dynamics have changed a lot. It can be stated that the newer Import Policy Order should address the current and emerging issues such as the necessary measures that need to be taken into account for LDC graduation, Covid recovery, 8th five-year plan, perspective plan 2021-2041, and 4th Industrial Revolution (4IR) (Raihan, 2021).

The Import Policy Order 2022-2024, has duly recognized the limitation of the Order concerning the Finance Act and other laws such as the appropriate clarification about the status of the Order. Through analyzing the new Order, it can be stated some of the clauses are found to be similar to the previous Order, hence, need further attention from the policymakers. The world trading scenario has shifted its focus on re-export trade to attain the advantage of global and regional trade. India is one of the countries that has recently been focusing on the re-export of different products from parts of the world. They are replacing countries like Singapore, Hong Kong, and Dubai as the regional regional hub and are also taking over the Bangladesh market.

The Order 2021-24 has many regressive conditions for Entre-port and re-export. The definition of Entre-port imposed a condition of value addition of a minimum of 5%. There are many arguments stating the con of such a condition which is that there are many reasons for the change of price, sometimes, it might be beneficial to export with less profit to avoid further loss of global price.

Another section of the Order states the rule for exportable goods marked as “Made in Bangladesh”. The re-export has been defined as any goods that shall be modified and after the value addition of 10% will be treated as the re-export. To note, under sections 13-14, the replacement of the products under the warranty requires prior permission from CCI&E. Also the section states that the clause and condition for re-export through the process of temporary import should conclude within one year and also subject to the Bank guarantees or other financial documents.

2.3 Overview of the export-led growth and export sector of Bangladesh

The hypothesis of export-led growth suggests that export growth leads to attaining a higher economic growth rate through utilising the economies of scale by specialising in production (Helpman and Krugman 1985), relieving the foreign exchange constraint (McKinnon 1964), increasing productivity by enhancing the degree of competition (Balassa 1978), and through adequate diffusion of technical knowledge (Grossman and Helpman 1991).

The growth performance of the Asian countries can be considered a good model for export-led growth compared to the Latin American and African countries. The emerging or newly industrialising countries are Hong Kong, Singapore, Korea, Taiwan, Malaysia and Thailand. These countries have recorded achievements such as doubling their standard of living every 10 years. Thus, the World Bank perceives the experience and journey of these countries as a model for development (Giles and Williams 2000).

Experiences in East and Southeast Asian countries are usually criticised as their experiences may not apply to other countries. On the contrary, the concept of “export-led growth policies strengthen the economy in a less developed country” is also argued by stating that such trading strategies may not lead to sustainable economic growth because of the volatility and the uncertain nature of the global market. Moreover, it is also argued that the developed countries might not have a large enough mass to generate the export demand of less developed countries. Therefore, it is sometimes preferred that protective strategies such as import substitution and is deemed as the more suitable trade policy for less developed or

developing countries in comparison to the international open strategies (Giles and Williams, 2000).

In addition to all the previous trading strategies, it is argued that compared to the export factor, other factors play a major role in economic growth; the lesser developed countries' economies have to increase their production capacity as a prerequisite to increasing export volume. Hence, the growth in such developing and underdeveloped countries may be a result of an increase in the volume of basic inputs or an improvement in the degree of productivity of the production factors, or both. Production growth promotes diversification and improvement of capacities upon adoption of the division of labour and newer or advanced technologies; this may increase national production-based export efforts for more extensive activity and competition strength.

On the other hand, Import substitution policies may increase the dependency on short-term capital to achieve continuing imports, hence the countries adopting such policies have been significantly affected by the crisis in the 1980s. Because of the lasting effects of the crisis, in the middle of the 1980s, the strategies relating to inward growth were replaced by export-led growth strategies (Bruton, 1989). In many research papers, the importance of exports and their contribution to economic growth were emphasised. Hence, economists over time have suggested development strategies that seek to cancel market promotions and trade obstacles and encourage foreign competition to enter the domestic markets. Similar recommendations were suggested by the IMF, the World Bank and other multilateral institutions, given that they also granted financial aid.

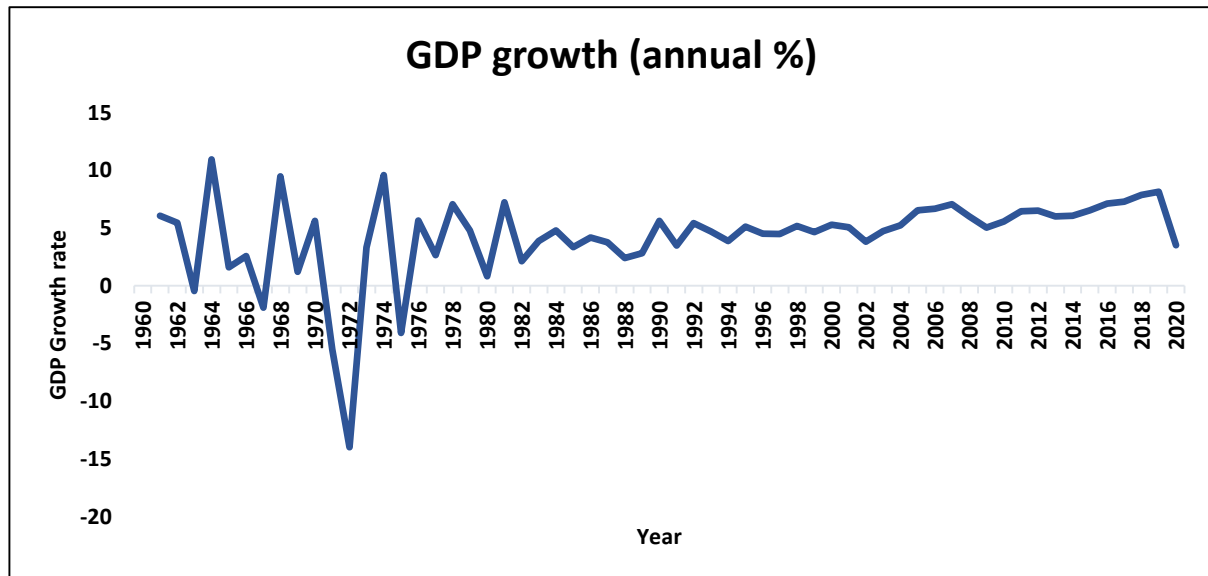
Between the period of 1989 to 1991, there was a rapid transition that took place toward a market economy due to the political power shift observed in European and Asian countries. In this period, 27 countries were labelled as “transitioned economies”, simultaneously, comprehensive reform packages seeking to shift the economies towards a more market economy were put into effect. International trade openness and convertibility have formed the basis for these reform packages (Edwards, 1993).

Several studies have been carried out to test the export-led growth hypothesis. The studies formulated economic models to investigate the relationship between export and economic growth. Hence, the studies utilized cross-sectional data and time series data along with the ordinary least square (OLS) method providing support for the positive relationship between the export growth rate and economic growth rate (Michaely 1977; Balassa 1978; Heller and Porter 1978; Tyler 1981; Feder 1983; Kavoussi 1984).

Michaely (1977) stated in his paper that a strong positive correlation between the export volume in developing countries and the GDP growth rate. Balassa (1978) studied the export volume and its impact or relationship with the economic growth in 11 countries covering the period of 1960 to 1973, thus, the study concluded that the export volume growth rate affects the economic growth rate positively. Similarly, Tyler (1981) analysed the economic growth and its relation with the expanding exports for the period 1960-1977, the study found a significant positive correlation between economic growth and total exports. Moreover, Feder (1983) researched the same relationship but for the industrialising countries and achieved the same positive relationship between export growth and economic growth. Furthermore,

Kavoussi (1984) in his paper studied the correlation between the exports in 73 developing countries and their corresponding economic growth for the period 1960 to 1973, hence, the study attained the results that expansion in exports contributed to a much more high-level economic performance.

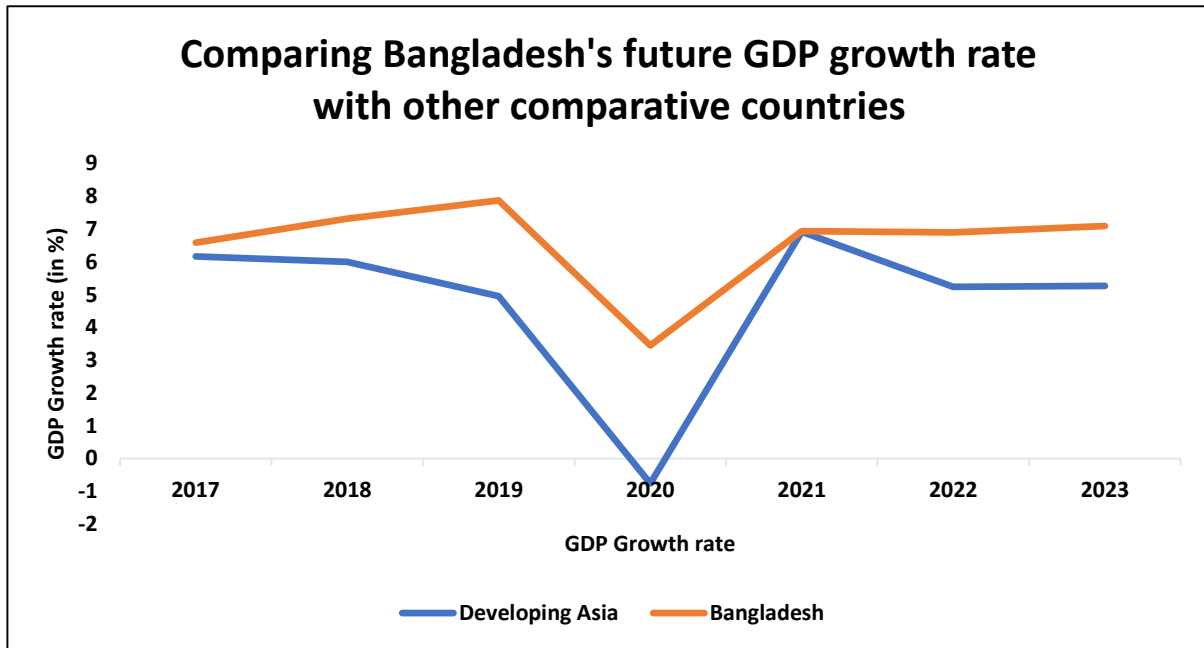
Figure 3 Annual GDP growth rate in percentage



Source: The World Bank

The above figure is a visual representation of the annual Gross Domestic Product (GDP) growth rate over the years. Initially, it can be observed that the first two decades had frequent and significant fluctuations in the growth rate whereas, during 1971, the growth rate declined to an all-time low. In the following years, the economy tried to recover. On the contrary, economic growth became lesser volatile in recent decades though there is an exception in 2020. Due to the pandemic situation, the economy suffered adversely, thus, there is a fall in the growth rate.

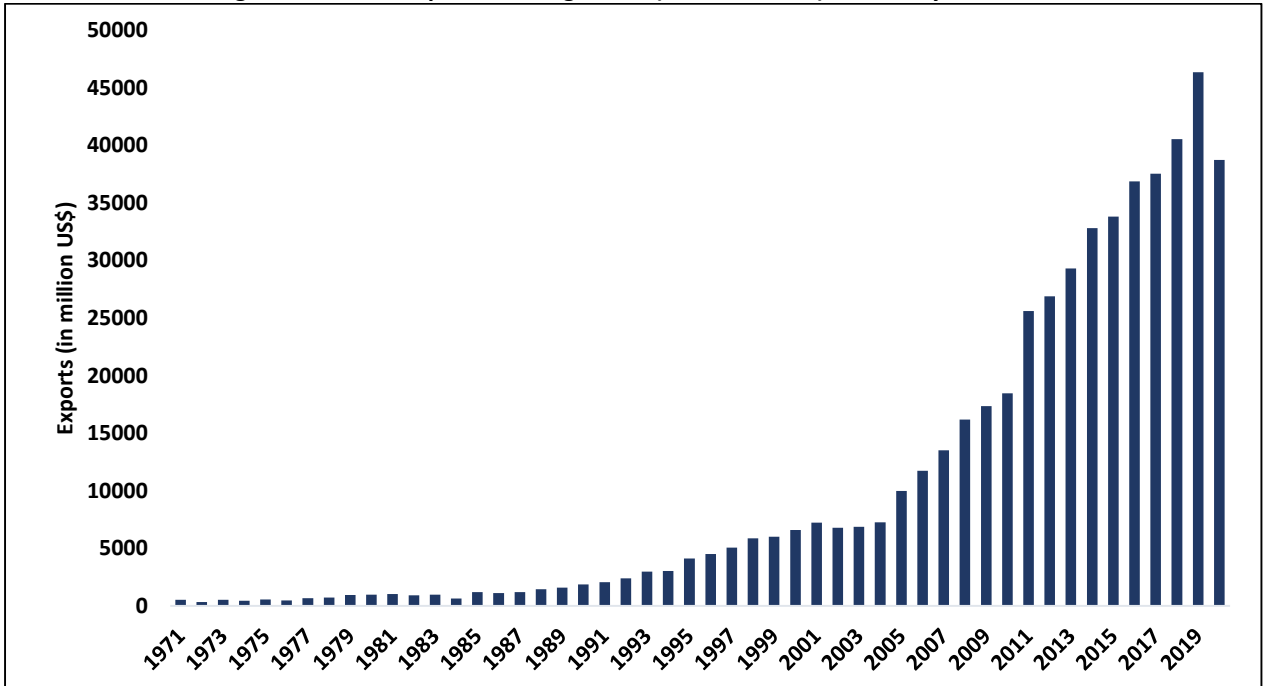
Figure 4 Bangladesh's forecasted GDP growth rate and forecasted average GDP growth rate of the comparative "Developing Asia" countries



Source: Asian Development Bank (ADB)

The above figure compares the economic growth rate of Bangladesh with comparator countries as denoted by the Asian Development Bank as "Developing Asia" countries. The graph represents Bangladesh's GDP growth rate and the average of Developing Asia countries' growth rate in recent years and also includes the forecasted or predicted GDP growth rate for the coming years. The countries that fall under the term "Developing Asia" are Bangladesh, Cambodia, Lao People's Democratic Republic, Mongolia, Myanmar, Nepal, and Sri Lanka. However, the graph shows that the GDP growth rate had a sharp decline in 2020 due to the Covid-19 induced pandemic. Since the economy is on the path to recovery from the pandemic, it is expected that economic growth is likely be higher in the coming years. On the other hand, the average economic growth of the comparator countries is also expected to have the same trend as Bangladesh's economic growth. Moreover, the average GDP growth rate of Bangladesh has been higher compared to the "Developing Asia" countries' growth rate.

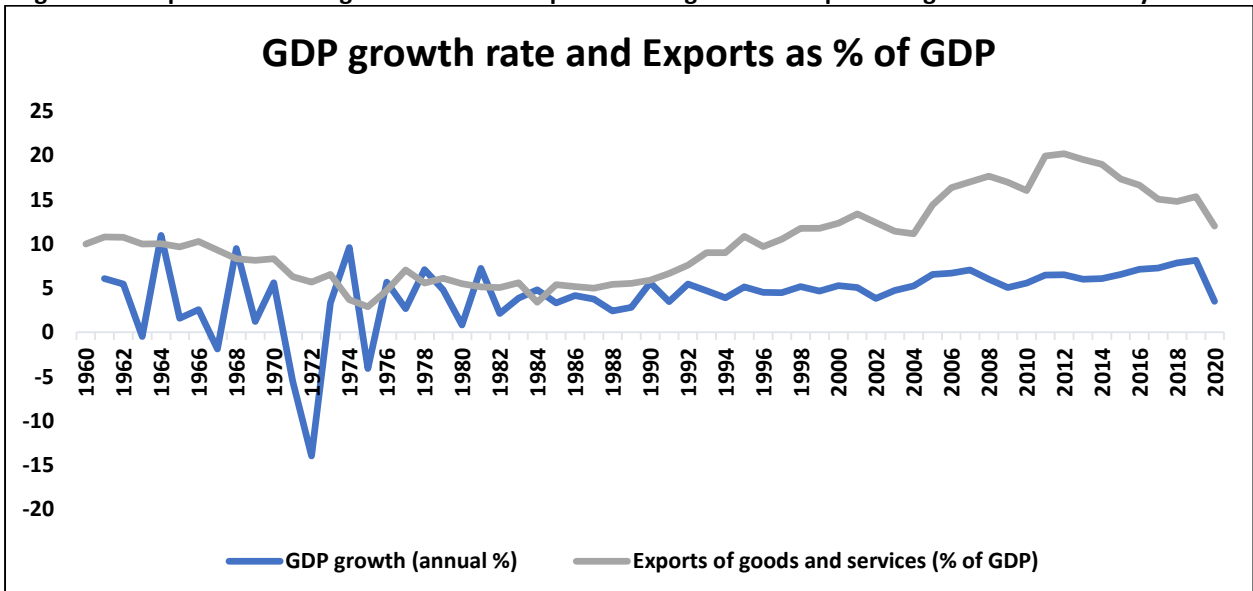
Figure 5: Annual Exports of Bangladesh (in Million US\$) over the years.



Source: The World Bank

The above graph represents the Export volume over the years. It can be observed from the graph that the export of Bangladesh has grown exponentially over the years. In 2019, the country recorded its highest exporting year. However, the pandemic situation adversely impacted world trade for a while and disrupted international trading which resulted in a fall in exports to the country.

Figure 6: Comparison of GDP growth rate and Exports of Bangladesh as a percentage of GDP over the years



Source: The World Bank

The above figure represents the GDP growth rate and the percentage of GDP that comes from revenue earned from exporting goods and services. The export-led growth has been one of the primary trading strategies for Bangladesh but in recent years it can be observed from the

graph that the export revenue that contributed to the GDP has been falling. However, it can be inferred from the graph that the export sector of the country contributed significantly to the GDP and GDP growth rate.

2.3.1 An in-depth look into the Export Policy

Recent changes in global trade dynamics, as well as future trade prospects and difficulties, have prompted us to reconsider our export plans. Bangladesh's current export policy is the Export Policy 2018-21, which was established in 2018. The proposed export policy for 2021-24 is projected to be more cogent and cautious and will address present and future trade challenges. As a result, it's critical to assess the export policy's accomplishments and limitations from 2018 through 2021. This analysis might lead to more efficient construction and modification of the next export policy.

Some objectives and actions to attain those objectives are included in the Export Policy 2018-21. The paper has eight annexes that contain policy directions for export goals, definitions, general principles of export diversification, export incentives, and the services sector, among other things. The policy's main goal was to develop a liberal and timely trade regime, increase export earnings to \$60 billion by 2021, establish labour-intensive export industries in the country, export diversification (product and market), ensure the production and export of high-value-added goods, maintain international product standards and compliance practises, mainstream women in production and export-related activities, and expedite and expand the country's export market. Despite several implementation tactics, the Export Policy 2018-21's planned objectives have not been met adequately.

Bangladesh's overall exports (goods and services) amounted To USD 45.4 billion in FY2020-21. This shows that, despite Bangladesh's good export development over the last few years, the Export Policy 2018-21's aim of reaching export revenues of US\$ 60 billion by 2021 was overly ambitious and unreachable. Similarly, the results of export diversification are not particularly encouraging. Still, the Ready-Made Garments (RMG) sector accounts for more than 80% of export revenues, with the RMG sector accounting for 81.16 per cent of overall export earnings in FY2020-21. The export market is strongly concentrated in the EU and the Us.

Lack of inter-agency coordination, legal non-bindingness of the policy, lack of digitalization and quality trade infrastructure, anti-export bias, poor product quality, lack of effective and quality testing facilities, failure to brand domestic goods, Non-Tariff Measures (NTMs) faced in export destinations, global demand disruptions due to the pandemic, delay and non-functionality of the proposed economic zones, and lack of effective monitoring are some of the significant issues. As a result, in the upcoming export policy, a proper strategy to address and tackle these difficulties must be established and implemented.

In Bangladesh, inter-agency collaboration is critical for the efficient execution of any policy. Many agencies, ministries, and departments, including the Ministry of Commerce (MoC), Ministry of Finance (MoF), Bangladesh Bank, National Board of Revenue (NBR), Customs and port authorities, Bangladesh Export Zone Authority (BEZA), Bangladesh Investment Development Authority (BIDA), Export Promotion Bureau (EPB), commercial banks,

Bangladesh Tariff and Trade Commission, Chambers and business associations, and training institutes, all influence the overall economy, both directly and indirectly. The Export Policy 2018-21 has been difficult to implement due to each of these agencies' lack of coherence and specific aims. The NBR, for instance, is focused on meeting its annual revenue target, but the export policies' goal is to provide export incentives (tax holidays, cash incentives, and duty drawbacks) to nearly all exports. This divergent focus frequently obstructs the efficient execution of export policies. The Export Policy 2018-21 is also legally non-binding, making it difficult to track the success of the implementing authorities' implementation of the policy. There is no legislative framework in place to ensure that implementing agencies are held accountable, and there is no mechanism in place to hold them accountable if they fail to comply.

Despite the government's utmost efforts to expand and diversify exports, domestic producers are reluctant to export due to anti-export bias caused by high taxes and para tariffs on imports. The lack of export diversification is due to factors such as rising domestic demand, greater domestic protection, and lower compliance requirements in the home market.

Export facilitation is hindered by a lack of high-quality infrastructure and ease of doing business. Despite rising eight places in the World Bank's Ease of Doing Business ranking in 2020 (168th in 2020, 176th in 2019), Bangladesh's overall business climate remains unfavourable. Despite extensive incentive schemes launched for export-oriented FDI industries, this has failed to attract Foreign Direct Investments (FDIs) in export-oriented sectors and the formation of backward linkages. Other indirect but significant bottlenecks for the effective implementation of the Export Policy 2018-2 include banking sector irregularities, delays in the implementation of Special Economic Zones (SEZs), cost overruns, a lack of human capital and skilled labour, port congestions, non-functioning Effluent Treatment Plants (ETPs) and Central Effluent Treatment Plants (CETPs), lack of complete digitalisation, and the ineffectiveness of the proposed National Single Window (NSW). The results in terms of product branding and value addition have also been disappointing. Some of the major causes for this include a lack of R&D and the inadequacy of domestic institutions and foreign missions to connect overseas consumers with domestic businesses. Due to procedural complexity and poor institutions, many NTMs and Non-Tariff Barriers (NTBs) have been unable to be met, limiting the achievement of the targeted goals. The majority of Bangladeshi exporters encounter difficult standards and document requirements from their export destination, which restricts their ability to export. The Export Policy 2018-21 does not adequately address the challenges of NTMs/NTBs. Complicated document requirements, a lack of high-quality testing facilities, inefficiencies in customs administration, non-cooperation from other government agencies, high costs, and delays associated with third-party testing institutions (SGS, BV) are all significant NTBs that obstruct trade facilitation.

Women's participation in export-related activities should be mainstreamed, and SMEs should be given special attention, according to the Export Policy 2018-21. Small and medium enterprises (SMEs) and women entrepreneurs have also received concessionary loans from Bangladesh Bank, although the majority of these loans were never disbursed to the intended borrowers. Women entrepreneurs have a serious lack of financial and customs understanding. Women's engagement in mainstream trade operations is hampered by a lack of suitable paperwork, business training, and women-friendly surroundings (in banks and

ports). Again, the difference in size between micro and small businesses and medium businesses is significant. As a result, medium-sized businesses benefit the most from the benefits provided to SMEs. Because of their informal nature, micro, cottage, and small industries receive little support.

We anticipate that the upcoming Export Policy 2021-24 will include provisions to prepare Bangladesh for current and future trade challenges. The policy should be in line with the objectives of the eighth five-year plan, the 2041 perspective plan, LDC graduation issues, the fourth industrial revolution, and Covid recovery difficulties. The policy should also incorporate lessons learned from the previous Export Policy 2018-21 and manage bottlenecks with attention.

Because we will be out of the LDC category by 2026, the new export strategy must include provisions to gradually phase out all forms of direct cash export subsidies. Instead, it should be converted into WTO-compliant types of domestic export assistance. Because we will lose our preferential market access after graduation, the new export policy should place a strong emphasis on the development of bilateral and multilateral free trade agreements (FTAs). It is necessary to specify special capacity-building activities specific to the FTA negotiations. To prepare Bangladesh for post-graduation manufacturing and export, IP issues must also be addressed.

The policy's legality is still a point of contention. There are differing opinions on whether or not the policy should be made legally binding. Making the export policy legally binding may have the opposite effect, given Bangladesh's rapid development. However, without the policy's legal bindingness, it is merely a desired outcome. The legal nature of the impending export policy document should be reconsidered. Also, while reaching higher is a good thing, overly ambitious goals are never a smart idea. It detracts from the policy's genuineness. As a separate annexe to the new export strategy, there should be an action plan matrix with particular duties assigned to various agencies. Performance-based export incentive schemes, similar to those used in Malaysia, should be gradually implemented. Export incentives are offered to industries that can ensure Environmental, Social, and Quality (ESQ) compliance, value addition, and linkages, while those that can't be denied those benefits. In addition, the new policy should include detailed regulations on NTM concerns, simplify business operations, and assuring the NSW's correct operation. Product standards, testing facilities, and incentives for research and development (R&D) should all be addressed. Improving service export requires a special focus. Nursing, logistics and trucking, and tourism services, in addition to IT and ITES, require special attention and domestic assistance.

Most crucially, for the efficient execution of the forthcoming Export Policy 2021-24, inter-agency coordination must be ensured. The policy paper will remain on a wish list until there is efficient inter-agency collaboration, and it will have little impact on Bangladesh's overall export picture (Raihan & Halder, 2021).

2.4 A detailed outlook of the Act

The Import and Export Control Act (IECA) 1950 is the main primary legislation to regulate the matters and issues arising from international trade. The act defines both the terms 'import'

and ‘export’ as meaning bringing into and taking out of Bangladesh, by sea, land, or air respectively. The act in section 3 gives power to the government to prohibit or restrict imports and exports by its order published in the official gazette. The same section also makes it mandatory, unless otherwise provided in the act, to have a license, to be provided by the Chief Controller on application, to import or export goods. The act then links the provision regarding prohibited goods to section 16 of the Customs Act 1969.¹

In its penal provisions, the Act states that if any person contravenes any provisions of this act or any order made or deemed to have been made under this Act or the rules made thereunder then he shall be punishable, without prejudice to the punishment given under the Customs Act 1969, to punishment with imprisonment for a term which may extend up to one year or with fine or both.² The same punishment is provided for making use of import or export licenses otherwise than following IECA. Section 6 outlines the procedure for taking cognizance of offences under this Act. Accordingly, a Collector of Customs or an officer of Customs authorized in writing by the Collector of Customs or the Chief Controller may take cognizance of the offence. Further, it makes it compulsory that a court equal to or higher than that of a Magistrate of the first class shall try any such offence. Afterwards, section 7 comes up with a typical good faith clause and section 8 provides the Government power to make rules under this act.

The following table lists all the sections and their corresponding provisions and orders mentioned in the Imports and Exports (Control) Act.

Table 1 Summary of the Import and Exports (Control) Act, 1950

Title	Section no.	Provisions
Short title, extent (and commencement)	Section 1	The Act is called the “Imports and Exports (Control) Act”, 1950. This Act is extended throughout the country. Therefore, the Act must come into force at once.
Definitions	Section 2	<p>“Chief Controller” is the officer who is appointed by the government to perform the duties assigned to the Chief Controller of Imports and Exports under the Act.</p> <p>“Collector of Customs” means an officer who is appointed under section 3 of the Customs Act, 1969. The specific section in the Customs Act states that for this Act, the Board may, by notification in the Official Gazette, the appointment of officers of Customs, concerning any area or function specified in the notification.</p> <p>“Import” means bringing goods or commodities into Bangladesh by sea, land and air. Meanwhile “export” is defined as taking commodities out of the country through the same mean of transport.</p>
Powers to prohibit or	Section 3	The Government has the power to prohibit, restrict or otherwise control the import or export of goods of any specified description through publishing in the Official Gazette made by or under the

¹ Section 3(3) of the IECA.

² Ibid, Section 5.

Title	Section no.	Provisions
restrict imports and exports.		<p>order. Moreover, it may regulate all practices including trade practices and procedures connected with the import or export of goods. Furthermore, the order may also provide applications for licencing under the Act, the pieces of evidence that need to be attached to such applications, and the grant, use, transfer, sale or cancellation of such licences, periods within which appeals and applications are reviewed and revised, and charging of fees are all written in details in such orders published under the Act.</p> <p>Goods can only be exported and imported which comply with the conditions of a licence which is issued by the Chief controller or other officers assigned by the government.</p> <p>The government might notify through the Official Gazette regarding the prohibition and restriction of importing and exporting any goods of specified description by land, air or sea. Or might also impose conditions on the clearance of whether the good can be used for home consumption or warehousing or shipment abroad.</p>
Continuance of existing orders	Section 4	All the orders listed under Section 3 of the Imports and Exports (Control) Act, 1947 are coherent and consistent with the provision of the current Act.
Prohibition to sell or purchase import licence	Section 4A	Selling, purchasing or dealing with an “import licence” other than the import licence issued under the Export Bonus Scheme is strictly prohibited.
Prohibition regarding the sale and transfer of goods by the industrial consumer	Section 4B	Any person who is an industrial consumer is strictly prohibited to import any goods against a licenced issued to him. When no licence is required for importing goods, the industrial consumer (without any licence) shall sell or transfer or use such goods for a purpose other than the purposes for which the licence was issued.
Penalty	Section 5	If any person does not follow the orders and provisions made under the Act then the person shall be liable for punishment with imprisonment for a term which may extend to one year or may need to pay a fine or both.
Cognizance of offences	Section 6	<p>Courts are not required to be aware of any offence punishable unless a complaint in writing is made.</p> <p>In case of offence which is punishable under the Act or rules and provisions made under the Customs Act, by the Collector of Customs or by an officer of Customs authorised in writing on this behalf by a Collector of Customs, or</p> <p>In the case of any other offence by the Chief Controller or by an officer authorised by him in writing in this behalf.</p>
Savings	Section 7	Provisions or orders made under this Act shall not be questioned in any court. Moreover, no legal proceeding shall be carried out against any person for any activity done in good faith or intended to be done under the Act or any relevant provisions.

Title	Section no.	Provisions
Power to make rules	Section 8	The government may make future provisions that are consistent with this Act to facilitate the implementation of the objectives and purposes of this Act.
Repealed	Section 9	Repealed by section 2 and 1 st Schedule of the Repealing and Amending Ordinance, 1965 (Ordinance No. X of 1965).

Source: Authors' compilation of the provisions of the Imports and Exports (Control) Act, 1950.

2.5 Current functions of the Office of Chief Controller of Imports and Exports (CCI&E)

The office of the Chief Controller of Imports and Exports (CCI&E) is an agency that plays the role of regulator of import and export trade. The organization has been carrying out its functions in the context of globalization and changing world trade scenario. The department is currently relaxing and simplifying the existing control system. The following is the list of functions and activities carried out by the department.

- Providing direct support and assistance to the Ministry of Commerce (MoC) in the formulation and publication of the import policy orders and their implementations.
- Issuing the Indenting Certificate in favour of the importers, exporters and Indentors (Registration) Orders, 1981. The department also suspends or revokes the Registration Certificate for non-regulatory work.
- Regulating and supervising the registration and renewal fee collection and “collection and storage” of all the other relevant statistics.
- Preparation and other relevant works related to the parliamentary questions and answers on imports and exports.
- The department further carries out the works related to import permits, export permits, clearance permits, and export work import permits on return basis.
- Issuance of permits for international and regional fairs.
- Carries out the work of the Committee on Import Trade Control Schedule (ITC).
- The department also gets involved to solve issues arising from importers with customs authorities on other issues including disputes regarding the HS code numbers, product classification or details.
- Supports by providing the valuable and necessary advice to the Ministry of Commerce on the reform and modification of section/sub-section of the existing import policy order in the context of the existing economic and trade situation.
- CCI&E also ensure proper implementation of the decisions given by the Ministry of Commerce (MoC) concerning any modification or amendment in the Import Policy Order.
- Analysis of import and export information.
- Issuing foreign and aided projects, and import and export registration certificates of foreign and multinational companies. Additionally, issuing permits for imports of goods against equity shares by foreign entrepreneurs in the favour of such establishments.
- Examining, receiving, reviewing, and preserving copies of bonds received from various commercial banks accordingly.

- Issuing export permits for personal goods in favour of officials or employees working in foreign embassies or high commissions in Bangladesh based on the recommendations of the Ministry of Foreign Affairs.
- The department also carries out activities related to import expenditure and revenue income statistics (Office of the chief controller of imports and exports, 2022).

2.6 Current state and challenges or bottlenecks of Import Export (Control) Act, 1950

2.6.1 The context of “Control” in the Act

Since the 1950s, "the controls" have been implemented by developing nations as a result of a balance of payments (BOP) crisis imposed by increasing development spending. Hence, the majority of Western industrialized nations now had a nearly full range of import and exchange controls as a result of World War II. However, within a decade, most exchange controls and import restrictions in developed economies were lifted. In the 1960s, several developing economies had trade “control” systems with high protection. As the trade scenarios changed over the years, literature relevant to trade regimes and regulations discusses promoting trade rather than protecting industries and ways to achieve neutrality between the domestic market and exports. In Ian Little, Tibor Scitovsky, and Maurice Scott’s book, there is a detailed discussion on transitioning into a more liberal trade regime that is more favourable to exports that might occur over time.

The new Import Policy Order 2021-24, curbs the Ministry’s “control” of imports by allowing the import of cruise ships through lifting bars. For example, the importation of motorcycles up to 5000 CC is also allowed since the new policy. The Ministry of Commerce (MoC) issued the new Order through gazette notification under the Imports and Exports (Control) Act 1950. Therefore, the newer provisions and policies ease the regulatory authority which is the Chief Controller of Imports and Exports to accelerate the clearance process of the trading documents. The government is optimistic about the new Order as this might aid the domestic industries to manufacture products in a more simplified process. Moreover, easing the process of international trade is being prioritised, and simultaneously, the protection of local industries is also incorporated into the policy. The overlapping of policies and provisions regarding exports and imports are all defined in the new Import Policy Order. The Chief Controller of Imports and Exports (CCI&E) has to comply with the new policies. The fee schedule of the import has been excluded from the new policy which will be issued by the CCI&E through circulars (Mala, 2022).

The following table lists some names of the law or Acts that are similar to or equivalent to the Imports and Exports (Control) Act, 1950 of Bangladesh. Other than Pakistan, all the other countries have Acts that have similar provision as the Imports and Exports (Control) Act but has not included the word “control” in the name. Rather than using the word “control”, other countries have preferred words like “Trade Regulation” or “Trade Strategy”.

Table 2: Name of a similar Act in other Asian countries

Country	Name of the Act equivalent/similar to The Imports and Exports (Control) Act, 1950
India	The Foreign Trade (Development and Regulation) Act, 1992
Vietnam	The Law on Foreign Trade Management

Malaysia	The Strategic Trade Act 2010 (STA)
South Korea	Foreign Trade Act
Singapore	The Regulation of Imports and Exports Act 1995
Philippines	An Act to Regulate Imports and for Other Purposes
Pakistan	The Imports and Exports (Control) Act, 1950

Source: Compiled by the authors'

Therefore, the word “control” needs to be defined in the Act specifically and re-evaluated to conclude if the context of “control” in the Act is still necessary to be included in the name or title of the Act.

2.6.2 Limitations of Import Policy Order

The issue with the IPO 2015-2018:

1. The policy document is unnecessarily long and does not come up with comprehensive and concrete objectives. There is no projection timeline to achieve the desired goal as well. Moreover, coordination is lacking among various agencies associated with the import sector.
2. Being mostly centred on imposing high tariffs and para-tariffs, the IPO’s main goal is protecting the local importers. However, this situation is bound to change after its LDC graduation. Therefore, in this regard, the policy needs substantial revision.
3. The current protection of Intellectual Property (IP) Rights is not enough. There are no technological and policy arrangements to ensure the non-infringement of the IP rights regarding import. Moreover, the country has not yet entrenched exhaustion methods like 'Parallel imports. “Parallel Import” are genuine goods that are legitimately acquired from the rights holder and subsequently sold at lower prices through unauthorized trade channels in the same or a different market.
4. The capacity building in issues like anti-dumping and countervailing measures is yet to be achieved under the existing IPO.

2.6.3 Limitation of Export Policies

The Export Policy (hereinafter, EP) 2018-2021 takes into consideration the context of implementing the UN Declaration on Sustainable Development Goals-2030 and making Bangladesh a middle-income country by 2021, export policy's role is undeniable in bringing momentum in exports, enhancing trade capacity and consolidating Bangladesh’s position in world trade. It puts special emphasis on increasing the production capacity of export-oriented industries and improving product quality as well. In its objectives, it aims to update and liberalize the trade regime in keeping with the change in global trade patterns and undertake initiatives to raise export earnings to USD 60 billion by the year 2021. The Policy is divided into Eight chapters. Chapter one, provides, inter alia, the objectives, strategies, application and scope of the policy. Chapter three ensures control of exports through a prohibition on the export of some products as given in Annex-1, and Conditional Export of products as given in Annex-2. The policy also allows Entre-Port and Re-Export. In alignment with the standard Sanitary and Phytosanitary Measures (SPS), products under entre-port trade are not allowed to be brought out of the port area. The policy also allows ‘Re-export’ as well. Chapter four works with Export Diversification and classifies the product and service sectors according to their priority. It outlines two groups of sectors- one is the highest priority sector and the other, is the special development sector. These are given special benefits and facilities like income tax rebates and financial incentives. In echoing the theory of Comparative Production

Advantage, the EP emphasizes on One District One Product (ODOP) program.³ In Chapter five, the General Export Facilities are enshrined. It offers⁴ Export Promotion Fund and Other Financial Facilities as well. The monetary transactions of trade are to be supervised by the Bangladesh bank and Facilities are to be provided for opening back-to-back/Usance Letters of Credit for all export items. Furthermore, Banks will set the exporters' cash credit limit based on the success of export earnings in previous years.⁵ Duty-free import of spare parts up to 10% of total capital machinery will be allowed every two years mainly for export-oriented industries. Also, for Research and Development purposes National Board of Revenue will examine the possibility of permitting the duty-free import of machinery and equipment by export-oriented industries.⁶ Chapter six offers product-Specific Export Facilities for Readymade Garments Industry, Leather Industry, Jute Industry, Agri Industry, Frozen food and Fish Product Industry, Tea Industry, Pharmaceutical Industry, Information and Technology Industry, and other industries in which Bangladesh has a comparative production advantage due to either its manpower or having enough raw materials. Chapter seven only deals with the export of services. Chapter eight comes up with the measures for the promotion of export.

Issues with the Export Policy

1. There lies substantial legal uncertainty regarding the status of the Export Policy, EP. The problem is that nowhere in the Policy does it mention that it is an order like the IPO 2015-18. This instrument, therefore, is more of a statement of intent to facilitate exports than an order duly made under the IECA 1950. How these statements of intent are enforceable under the current Bangladeshi legal regime is therefore as obscure as it could be. This vile legal uncertainty may also frustrate the whole purpose of the policy by creating confusion among the traders.
2. The existing EP has no plan at all for LDC graduation. So, whenever it is revised, the makers must include provisions intending to plan for LDC graduation.
3. The lack of cohesion and coordination was bound to come, which in turn has made the proper implementation of the Policy harder. For example, while, the focus of the NBR is to fulfil its annual revenue target, and the objective of the export policies is to provide export incentives (tax holidays, cash incentives, duty drawbacks) for almost all exports. Accordingly, the high ambition of achieving an export volume of USD 60 billion could not be achieved. Instead, it was only USD 45.4 billion⁷ in the Fiscal Year 2020-2021.
4. The EP does not provide necessary directives to ensure the export industry complies with Environmental, Social and Quality (ESQ). Over the years, in many potential markets, Bangladesh could not do well because of non-complying with its ESQ standards. So, this is one of the places where the new upcoming policy might work upon.

³ Comparative advantage is a situation in which a country may produce goods at a lower opportunity cost than another country, but not necessarily have an absolute advantage in producing that goods.

⁴ Article 5.2 and 5.3 of the EP.

⁵ Article 5.5.5 of the EP.

⁶ Article 5.15 of the EP.

⁷ Selim Raihan and Recardo Saurov Antor Halder, 'The need for a dynamic export policy in bangladesh' (2021) SANEM 8(5).

The Import Policy Order (IPO) 2015-2018: The IPO is an order under section 3(1) of the IECA, 1950. The IPO is divided into nine chapters. The import is regulated by banning of import of products enlisted in Annexure-1. Moreover, some products are only importable upon fulfilment of some conditions. Moreover, under the order, a ban on any of the products of annexure-1 may be revoked upon the recommendation of the concerned authority when the price of such items increases disproportionately in the domestic market. The General Conditions of importation include but are not limited to mandatorily using H.S. Code, having a No Objection Certificate (NOC), Pre-shipment inspection, where necessary, and Importing at a competitive rate.⁸ An import license is not required unless otherwise specified, however, Import Registration Certificate or IRC is a must. The Transaction can be made both through a Letter of Credit (LC) and against the LCA form without opening LC. Import bans under this list include shrimps (a major domestic produce and export item); poppy seeds; grass and bhang (cannabis sativa); opium; gaseous hydrocarbons; goods including petroleum oil residues; sodium cyclamate; artificial mustard oil.⁹ The list of prohibited goods includes certain prohibitions, inter alia, based on religious, safety, social or health grounds. These include maps, charts and geographical globes; horror comics, obscene and subversive literature; books, newspapers, periodicals, documents and other papers, posters, photographs, films, gramophone records, audio and video cassettes, tapes, etc. containing matter likely to cause religious outrage.¹⁰

2.6.4 Ease of doing business

As an emerging economy in South Asia, Bangladesh is considered to enter a lower-middle-income country in 2026. The World Bank said that yearly exports from 2018 and 2019 totalled USD 44.169 billion and USD 45.188 billion, respectively, primarily from knitwear and apparel products. Additionally, remittances hit USD 15 billion, continuing a recent trend of GDP growth of more than 6%. The 38 billion USD foreign reserve of the nation. Since Bangladesh has very little mineral resources, its economy is primarily dependent on labour and land (Khatoon et al. 2020).

Therefore, there is no overarching prohibition on conducting business with particular nations or territories. To prohibit or impose restrictions on the import and export of specific commodities from or to specified countries for specific durations, the Chief Controller of Import and Export (CCIE) frequently updates the import and export policies, addenda, and Statutory Regulatory Orders (SROs). The UN Security Council resolutions are recognised by the Anti-Terrorism Act of 2009 (Khatoon et al. 2020).

Comparing the ease of doing business in the case of Bangladesh's Act with Vietnam's import and export regulations, it can be said that Vietnam's foreign trade regime or regulation facilitates smoother trading in the international market. To establish a trading firm in Vietnam, a company does not need to hold an import or export licence. However, a foreign investor must register with the Department of Planning and Investment (DPI) to engage in import or export operations. Additionally, an Investment Certificate is necessary for international investors who want to participate in import or export activities in Vietnam.

⁸ Article 5 of IPO.

⁹ Annexure-1 of the IPO

¹⁰ Ibid.

Companies must follow the processes for adjusting their Investment Certificates if they want to expand their current company operations to include import or export activity. Moreover, Certain products are prohibited from importation into or exportation from Vietnam by foreign-invested firms. Petroleum oil is one of the goods that cannot be exported. Cigars, tobacco, petroleum products, publications, aircraft, and other items are prohibited from entry into the nation. The trading corporation must get government import and export licences for several items (Vietnam Briefing, 2019).

2.6.5 Imports and Exports Licencing

Import Registration Certificates (IRC) are certificates that must be obtained by any business to import products into Bangladesh. An organization or firm must have an Import Registration Certificate to import without quality or value restrictions. The Office of the Controller of Imports and Exports (CCI&E) is formed in Bangladesh under the Ministry of Commerce. It is a separate entity that issues Import Certificates or IRC upon request. The Import Policy Order 2015-18 serves as the legal foundation for the Import Registration Certificate (FM Associates, 2022a).

Similarly, any company entity that wishes to export items from Bangladesh must get an Export Registration Certificate. An entity or corporation must have an Export Registration Certificate to export without quality or value restrictions. The legal foundation for the Export Registration Certificate is the Export Policy Order 2015-18. CCI&E is a separate entity that issues Export Certificates, or ERCs, upon request (FM Associates, 2022b).

An annual fee is required to be paid by the importers and exporters holding the registration certificate, hence, they must renew the registration certificate every year. Currently, exporters and importers may now apply for and renew licenses online. This comes after the Ministry of Commerce launched the Online Licencing Module (OLM), a mechanism aimed to expedite the approval process and streamline overall export-import operations. The service, which is accessible via the Office of CCI&E's website, allows traders to submit applications for the issuance/renewal of both Export Registration Certificates (ERC) and Import Registration Certificates (IRC) (IRC).

The action is reported to be following the country's WTO pledge to digitize its corporate operations and reduce company expenses. It is also intended that it would cut paperwork and processing times, as well as minimize corruption by eliminating the need for traders to make informal payments to get permits (Hong Kong Trade Development Council, 2022).

2.6.6 Deregulation and globalization

The productivity and competitiveness of downstream industries, especially manufacturing, which uses the services provided by these upstream industries as inputs for its production, would increase if regulatory burdens were reduced in network industries, such as energy, telecommunications, and transportation, as well as in retail and professional services. Through input-output linkages, regulation in upstream industries has a significant "knock-on" influence on manufacturing (Bourlès et al. 2013). In addition, such product market changes will emphasise new firm entry more as a way to promote competition, motivating incumbents to step up their innovation efforts to safeguard their market shares.

In light of these economic gains, nations have gradually eliminated outmoded or poorly designed regulations in product markets over the past few decades, reducing state involvement in business sectors, easing the start-up and expansion of businesses, and facilitating the entry of foreign goods and companies. While certain regulations have been substantially eliminated, others have been replaced with better-designed laws that may even serve to increase competition (OECD 2014).

Recent discussions, however, have centred on whether restricting imports—which also means reducing import competition—could benefit domestic businesses and employees. Contrarily, research in economics shows that competition and the introduction of new firms boost efficiency by giving existing firms incentives to innovate to maintain their market dominance (Aghion and Howitt 2008). And given that a quarter of jobs depend on foreign demand, a recent OECD research finds no benefits to expanding protection (OECD 2016). A trade war is a possibility that would probably result in a lot of casualties and severely reduced incentives for innovation. One point that hasn't received much attention in this discussion is the possibility of effectively realising a significant portion of the benefits of deregulation through increased import competition.

The benefits of domestic deregulation rely on both sectoral openness to imports and enterprises' technological improvement. This is true for about a handful of OECD nations (Ben Yahmed and Dougherty 2017). The findings demonstrate that companies close to the sectoral technological frontier experience better productivity growth in industries with increasing import penetration. When pressure from foreign competitors is high, the most productive firms appear to experience a significant rise in productivity; by contrast, import penetration does not, or does so very moderately, incentivize firms that are far from the technical frontier.

For businesses operating in countries with strict regulation, such as those with greater entry barriers, the beneficial effect of international competition is restricted among the most productive firms. Firms' incentives or capacities to enhance their productivity to compete with overseas competition are stronger in nations with less rigorous regulation. It has been observed that domestic and international competitive forces are complementary. Regardless of the regulatory environment, foreign competition does not significantly improve the efficiency of enterprises at the bottom of the productivity distribution, but it may accelerate their decline by causing them to relinquish market share to more productive firms (Dougherty & Yahmed, 2017).

Import accessibility offers a chance to raise business productivity. However, studies show that only a small number of businesses benefit from it, and the benefits vary by country (with different regulatory environments). Although the market selection of the most productive firms leads to gains in overall efficiency, the departure or closure of less productive firms hurts the labour market. Therefore, a suitable method would be to encourage more businesses, both large and small, to take advantage of it through framework and innovation policies that would aid in closing the technological gap between businesses. Recent OECD analysis has demonstrated that problems in the spread of technology across enterprises are the primary cause of the systematic difference in productivity gains between firms and sectors.

2.6.7 Importation of waste materials

Since 2017, over 1.2 million tonnes of plastic garbage have been shipped to Bangladesh, despite the legislative prohibition on the import of all waste products. According to a study conducted by the Environment and Social Development Organization (ESDO), until 2019 the majority of the illegal imports of plastic garbage came from the US and the UK (Sakib, N. S. M., 2021).

2.6.8 Non-Tariff Measures (NTMs)

When NTMs are a subject of discussion, it is typically started by focusing on the NTMs individuals encounter when exporting to other nations. However, the NTMs that importers encounter in Bangladesh are also very important. According to a survey by the ITC, while importing raw materials and consumer goods into Bangladesh, over 91% of Bangladeshi exporters must deal with onerous NTMs, and about 53% of importers must as well (Kibria, Asjadul, 2018). Some of the key NTMs while importing into Bangladesh include document requirements, port congestion, a lack of suitable testing facilities, a lack of complete automation in the clearance process, and a delay in getting test results.

2.7 Global trading scenario and relevance of the Act

2.7.1 LDC graduation and its challenges

Special and Differential (S&D) provisions favour both LDCs and developing countries. WTO members are urged to give certain LDCs a special priority among these requirements. This is done to protect the interests of LDCs while also increasing their trading capability. Additionally, several S&D provisions are only applicable to LDCs, such as giving them more access to markets, giving them more flexibility in how they implement rules and giving these nations additional assistance with their technical requirements. The main area of trade where such LDCs get preferential treatment includes market access and WTO rules and regulations implementation.

The departure from the LDC criterion in 2026 will have both positive and negative consequences. Favourably, the country's outlook and confidence in dealing with international financial agencies will increase as a result of the LDC graduation. Additionally, it can raise the credit rating and increase the foreign direct investment (FDI) inflow. On the other hand, it is anticipated that after LDC graduation, the economy will experience "preference erosion." As a result, the nation may see intense worldwide competition. As a response, the nation may decide to take preventative action and start improving production efficiency, productivity, and the product's ability to compete in the international market.

The economy might suffer increased difficulty in getting through the transitional period if suddenly implemented international support measures are abruptly discontinued. Due to the sudden termination of several benefits in terms of Overseas Development Assistance (ODA), Foreign Direct Investment (FDI), International Trade, etc., the Post LDC economy may encounter a new reality. Among the LDCs, Bangladesh has made effective use of preferential trade agreements. Due to its importance in the growth of the apparel industry, privileged access to the market has a considerable impact on the economy. In addition, Bangladesh benefits from duty-free, quota-free (DFQF) market access to all exported goods in the European Union as well as in the majority of developed nations including Canada, the United

States, Japan, and many more. Following graduation, the nation will have a three-year grace period, so Bangladesh won't be qualified for LDC-specific market access or the LDC-specific rule of origin, like other graduating LDCs. Additionally, the nation will not be granted "service waiver" preferential market access for goods like information and communications technology, transportation, travel, etc.

Bangladesh has benefited from TRIPS flexibilities and other related waivers that are only given to LDCs to support local enterprises and meet domestic demand for products and services. This TRIPS exemption has proven to be a significant component in Bangladesh's pharmaceutical industry's growth. Bangladesh might therefore lose the TRIPS discipline's flexibility if it graduates from the LDC category, which could have an impact on the accessibility and pricing of these domestically made medications. As a result, this might also have an impact on pharmaceutical product exports. The agriculture sector of the economy will need to uphold the standards set forth by the WTO's Agriculture accords, which is another area of concern for the nation. Bangladesh may also need to seek bilateral and regional free trade agreements, as well as negotiate trade agreements with nations that already do business with it (FTAs). Therefore, the Imports and Exports (Control) Act requires to have new provisions that comply with the current international trading requirements and global scenarios such as actively taking part in the negotiation process during international trading deals and agreements. The Office of the Chief Controller of Imports and Exports could take on a bigger role in research and feasible study related to the construction of FTAs and participate to a higher degree in international trade negotiations.

2.7.2 Covid-19 pandemic and its impact on trade

By unleashing illnesses, the Covid-19 pandemic has affected and scared the entire world. The government implemented a nationwide lockdown in the final week of March 2020 to swiftly stop the virus's spread. Since then, the economy has steadily opened. To reduce the risk of the virus spreading while reviving the economy, the administration devised a more modern strategy. By offering stimulus packages totalling roughly Taka 1196.4 billion (\$4.3 billion), or 4.3 per cent of GDP, the government of Bangladesh has designed a work plan to combat the spread of the virus and decrease the impact on the economy. First, to increase employment in both the formal and informal sectors, the government expanded public spending.

Secondly, by providing fiscal stimulus packages to keep people in the manufacturing industry to boost or sustain the competitiveness of the businesses engaged in export-oriented sectors. This might generate a business environment and kickstart economic recovery. The primary objective of these reforms is to minimise the pandemic-related challenges encountered by businesses by offering low-interest lending facilities from the banking system. The social safety net program was also started by the government. Furthermore, to enhance the amount of money in the economy, the Bangladesh bank has decreased the cash reserve ratio and the repo rate. Such a strategy is used to lessen the effects of the financial shock brought on by the epidemic, and keeping the economy liquid may help more businesses be able to withstand such shocks. It should be noted that how the rest of the world's economy returns to normal will determine how quickly export revenues may recover. (Bangladesh Planning Commission, 2020).

Bangladesh Bank eased foreign exchange regulations during the pandemic. The new strategy made it possible to help Bangladeshi nationals who were having trouble returning home by giving them foreign currency. Due to the simplicity of the process, foreign-owned businesses operating in Bangladesh now have access to short-term working capital loans from their parent companies or foreign shareholders (to meet needs for payments of wages and salaries). To expedite export, international considerations were added to the current strategy. To maintain the currency rate, the Bangladeshi central bank has been intervening in the foreign exchange market. (IMF, 2021).

2.7.3 8th Five-Year Plan

The broad objectives of Bangladesh's industrial policy can be divided into two categories: industrial development that replaces imports and industrialization focused on exports. Due to the two-track industrialization policy's concerns with complementarity and conflict in the articulation of incentives between the two strands of trade policy—import substitution and export promotion—industrial policy is now required to work in tandem with trade policy. The decision between two broad conflicting strategies, comparative-advantage-following (CAF) or comparative-advantage-defying (CAD), is brought to the forefront by the two-pronged strategy of import substitution and export-oriented industrialization. While CAD policies may not always choose an economic activity with a comparative advantage, CAF industrial and trade policies support economic activities based on the nation's comparative advantage (for example, labour-intensive production). These two strategies will be kept in proportion as trade and industry policies are developed for the 8FYP.

Maximizing the potential for the industrial sector to contribute to employment generation requires a strong industrial policy that works in conjunction with market dynamics. In practice, Bangladesh's industrial policy aims to create jobs, encourage structural change toward an industrial economy, advance technological capacity, improve regional industrial activity distribution, encourage investment in underdeveloped regions, and facilitate more equitable income distribution. While it may be appealing to focus on a broad range of objectives, the 8th Five-Year Plan (2021–25) recognises that prioritisation is crucial because industrial policy must have a limited number of clearly defined objectives to be effective. This is simply due to the lack of available policy instruments to address multiple objectives. Additionally, many goals could conflict with one another. Therefore, the primary goal of our industrial policy during the 8FYP will be to achieve structural transformation so that by 2030, the industry's share of the GDP will be between 40 and 45 per cent, absorbing the majority of the labour force that was previously underemployed in agriculture and unofficial services. Furthermore, the objective would be to promote emerging industries with time-bound and performance-based criteria to establish a globally competitive manufacturing sector. In Bangladesh, it is customary to strategically coordinate the development and implementation of industrial policy between the government and businesses.

The industrialization strategy, which focuses on creating a globally competitive manufacturing sector with strong and sustained export performance, will need the backing of the concurrent trade policy. The strategic approach will be to take advantage of the enormous global market through increased trade integration and trade openness with key participants in the regional and global economy. Future high and sustainable growth must be driven by strong trade and

export performance that takes advantage of the enormous demand potential of the global market.

Trade may need to be reorganised to comply with WTO regulations in the post-LDC graduation scenario. After graduation, likely, that subsidies for export promotion won't be available, but other subsidies—for environmental protection, R&D, and regional development—might be used more frequently to boost the competitiveness of exportable items.

2.7.4 4th Industrial Revolution (4IR)

Bangladesh's manufacturing industry is growing, and the country has a creative and entrepreneurial class. Smart factories, cyber-physical systems, self-organization, and new distribution and procurement systems are all possible outcomes of this system. The industrial revolution is changing the textile industry in Bangladesh. If Bangladesh is to take advantage of the opportunities offered by 4IR, it must take specific actions to solve issues with accessibility, pricing, and technology use in a quickly changing global environment. The garment industry's traditional operational procedures are currently being transformed by 4IR using automation, AI, robotics, intelligent manufacturing, etc.¹¹

The fourth industrial revolution has accelerated manufacturing, which has altered the types of required skills across all occupations in nations around the world. Over time, low-skilled labour in emerging nations like Bangladesh will be replaced by newer technology due to advancements in artificial intelligence (AI). As a result, the nation risked losing its comparative advantage in the production of low-skilled labour. Therefore, the recent industrial revolution may bring about a structural change that leads to a knowledge-based society. High-paying cognitive occupations, low-paying manual labour, and positions requiring knowledge of how to maintain and use artificial intelligence systems will all be in high demand. Production will make use of robotics, artificial intelligence (AI), quantum computing, nanotechnology, autonomous electronic vehicles, etc. (Bangladesh Planning Commission, 2020). As a result, the labour market will need individuals with sophisticated computer abilities. The Bangladeshi population's age distribution, with 30% of the population between the ages of 10 and 30, may help the nation absorb such skills more successfully. Proper planning with education and training to aid in skill development is a requirement to achieve rapid progress towards the fourth industrial revolution. To improve the capacity of human resources, there should be changes made in the education system (The Financial Express, 2021).

2.7.5 Trade facilitation and its relevance to emerging economies

Trade facilitation is widely discussed and recognised at the global, regional, and national levels. The Trade Facilitation Agreement (TFA), signed during the ninth World Trade Organization (WTO) Ministerial Conference in December 2013, is the first major global trade agreement signed since the WTO's inception in 1995. The agreement demonstrates a global consensus on the importance of trade facilitation for long-term economic development, as

¹¹ Shibli, A. (2022, February 13). *The economic impacts of the 4IR on Bangladesh*. The Daily Star. <https://www.thedailystar.net/recovering-covid-reinventing-our-future/blueprint-brighter-tomorrow/news/the-economic-impacts-the-4ir-bangladesh-2960641>

well as a limited but concrete framework for countries to simplify and improve the transparency of their trade procedures.

According to a WTO report, improving trade facilitation can provide a more powerful boost to developing countries' exports because they have high trade costs, a large part of which is due to a lack of trade facilitation. Custom delays and time-consuming procedures are far more common in developing and least developed countries. According to the report, trade facilitation frequently leads to increased FDI in small economies, increased government revenues, and decreased customs fraud and corruption (WTO, 2015).

The significance of trade facilitation must be interpreted in the context of the 2030 Agenda for Sustainable Development, which was adopted by world leaders in September 2015 at a historic UN Summit. 1 SDG 17.11 specifically states that countries should "significantly increase the exports of developing countries, in particular, to double the share of global exports held by the least developed countries by 2020." As evidenced by WTO research, the implementation of the WTO Trade Facilitation Agreement—narrow trade facilitation—has the potential to increase global merchandise exports by up to \$1 trillion per year. Similarly, according to a study conducted by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), the implementation of cross-border paperless trade measures is expected to increase Asia and Pacific countries' export potential by more than \$300 billion.

2.7.5 WTO regulations and provisions

Bangladesh continues to be dedicated to the multilateral trading system and is a notable voice for LDCs. Its anticipated graduation from LDC classification is projected to have some effects on, among other things, preferential market access to decisive key markets and special and differentiated treatment (S&D)-related WTO benefits (e.g. TRIPS). Bangladesh has started attempts to negotiate regional trade agreements (RTAs) with a few nations because it places priority on strengthening intra-regional commercial links, including because of its possibilities for graduating. Only the Asia Pacific Trade Agreement, the South Asian Association for Regional Cooperation (SAARC) Preferential Trading Arrangement (SAPTA), and the South Asia Free Trade Agreement (SAFTA) are in effect, but Bangladesh is a participant in numerous RTA efforts that are slowly proceeding. For Bangladesh, the importance of many of these agreements in terms of commerce and product coverage has been rather low up until now. It continues to be a beneficiary of the Generalized System of Preferences (GSP) programmes of several nations and is qualified for additional LDC-specific preferences under some programmes. Bangladesh continued to have a limited regular notifications record (i.e., customs tariff four times) during the review period despite being a long-standing recipient of trade-related technical assistance and submitting its WTO GATS inquiry points and TFA category commitments notifications. At the same time, it had no involvement in trade disputes in the WTO. (WTO, 2019).

2.8 Deviation from the international practices (by comparators)

In this chapter, we provided some analysis of the Imports and Exports (Control) Act of three countries- India, Singapore and Pakistan (comparators countries) for revealing some takeaways which can be followed and incorporated in future amendments of the Act.

2.8.1 “The Foreign Trade (Development and Regulation) Act, 1992” of India.

Table 3 Summary of The Foreign Trade (Development and Regulation) Act, 1992

Brief Overview	Objectives/function of the Act	Major Takeaway
<ul style="list-style-type: none"> The Foreign Trade (Development and Regulation) Act, 1992 governs and regulates India's foreign policy. The Act was not enacted as a new piece of legislation to regulate foreign policy, but rather as a substitute for the Import and Exports (Control) Act of 1947. The Foreign Trade (Development and Regulation) Act, 1992 now regulates and manages India's whole export and import scenario. This act has removed all of the nuances of the previous act and has given the Indian government some of the most powerful control tools available. This act is regarded as the most important piece of 	<ul style="list-style-type: none"> The primary objective of the Foreign Trade (Development and Regulation) Act, 1992 is to provide a framework for the development and regulation of foreign trade by enabling to import of goods into India and taking measures to encourage exports from India, along with other aspects. The Act empowers the Central Government to make any provision to fulfil these objectives. Following the authority granted by the FTDR Act 1992, the government formulates the Export and Import Policy to accomplish the objectives. <p>POWER OF CENTRAL GOVERNMENT TO MAKE ORDERS AND ANNOUNCE EXPORT AND IMPORT POLICY</p> <ul style="list-style-type: none"> Powers to make provisions relating to imports and exports- By Order published in the Official Gazette, the Central Government may make provisions for the development and regulation of foreign trade by facilitating imports and increasing exports. The Central Government may also, by Order published in the Official Gazette, make provision for prohibiting, restricting, or otherwise regulating the import or export of goods in all cases or specified classes of cases, subject to such exceptions, if any, as may be made by or under the Order. Continuance of existing Orders: All Orders made under the Imports and Exports (Control) Act, 1947 (18 of 1947), and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force and shall be deemed to have been made under this Act. The Central Government may, from time to time, formulate and announce the export and import policy through a notification in the Official Gazette, as well as amend that policy. 	<p>The Act has sections with detailed provisions. Hence, The Foreign Trade (Development and Regulation) Act has several takeaways.</p> <p>Firstly, the Act have a detailed section on Power relating to search and seizure. The Central government is given the entire power to authorise any person to exercise such powers concerning entering such premises and searching, inspecting and seizing such goods and documents.</p> <p>Next, The Appeal and Revision section is a major takeaway as it is missing in the Imports and Exports (Control) Act. Any individual aggrieved by any decision or order made by the Adjudicating Authority under this Act may prefer an appeal. Moreover, every authority making any adjudication or hearing any appeal or</p>

Brief Overview	Objectives/function of the Act	Major Takeaway
<p>legislation governing the country's foreign trade. The Act was enacted with the primary goal of providing an appropriate framework for the development and standardization of foreign trade by facilitating imports and increasing exports in the country, as well as any other aspects relating to it.</p> <ul style="list-style-type: none"> The Central Government has been given significant powers as a result of this Act. The Central Government has complete authority under this act to adopt any measures about international commerce that are necessary to achieve the act's objectives. This Act also gives the government the authority to make any provisions related to the formulation of national import and 	<ul style="list-style-type: none"> Appointment of Director General and his functions: For this Act, the Central Government may appoint anyone to be the Director General of Foreign Trade. Moreover, the Director General shall advise and be responsible for the implementation of the Central Government's export and import policy. <p>IMPORTER-EXPORTER CODE NUMBER AND LICENCE</p> <ul style="list-style-type: none"> The issue, suspension and cancellation of licence: Subject to such exceptions, the Central Government may levy fees in respect of any person or class of persons making an application for a licence or in respect of any licence granted or renewed in the manner prescribed. <p>On an application and after making such inquiry as he deems necessary, the Director General or an officer authorised by him may grant or renew or refuse to grant or renew a licence to import or export such class or classes of goods as may be prescribed, after recording in writing his reasons for such refusal.</p> <p>SEARCH, SEIZURE, PENALTY AND CONFISCATION</p> <ul style="list-style-type: none"> Power relating to search and seizure: The Central Government may, by notification in the Official Gazette, authorise any person to enter such premises and search, inspect, and seize such goods, documents, things, and conveyances, subject to such requirements and conditions as may be prescribed. <p>The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures shall apply to any search and seizure conducted under this section.</p> <p>APPEAL AND REVISION</p> <ul style="list-style-type: none"> Appeal: Any person who is dissatisfied with a decision or order made by the Adjudicating Authority under this Act may file an appeal. - Firstly, to the Central Government where the decision or order was made by the Director General; and also to the Director General or any officer superior to the Adjudicating 	<p>exercising any powers of revision under this Act shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908).</p>

Brief Overview	Objectives/function of the Act	Major Takeaway
<p>export policy. The Act also allows the Central Government to designate a Director General by notifying the appointment in the Official Gazette, and the Director General is responsible for carrying out all international trade policies as specified in the Act.</p>	<p>Authority authorised by the Director General to hear the appeal where the decision or order was made by an officer subordinate to the Director General.</p> <ul style="list-style-type: none"> • Revision: The Central Government, in the case of any decision or order made by the Director General that is not made in an appeal, or the Director General in the case of any decision or order made by any officer subordinate to him, may, on its or his motion or otherwise, call for and examine the records of any proceeding in which a decision or order imposing a penalty or redemption charges or adjudicating confiscation has been made and against which no appeal has been filed. • Powers of Adjudicating and other Authorities: Every authority that makes an adjudication hears an appeal or exercises revisionary powers under this Act has all the powers of a civil court under the Code of Civil Procedure, 1908. (5 of 1908) while trying a suit, in respect of the following matters- (a) summoning and enforcing the attendance of witnesses; (b) requiring the discovery and production of any document; (c) requisitioning any public record or copy thereof from any court or office; (d) receiving evidence on affidavits; and (e) Issuing commissions for the examination of witnesses or documents. <p>MISCELLANEOUS</p> <ul style="list-style-type: none"> • Protection of action taken in good faith: No order made or deemed to have been made under this Act may be challenged in any court, and no suit, prosecution, or other legal proceeding shall lie against any person for anything done or intended to be done in good faith under this Act or any order made or deemed to have been made thereunder. • Power to make rules: The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. 	

Source: Authors' compilation of Act retrieved from the Official government website of India.

2.8.2 “The Regulation of Imports and Exports Act 1995” of Singapore

Table 4 Summary of "The Regulation of Imports and Exports Act"

Brief Overview	Objectives/function of the Act	Major Takeaway
<p>The Regulation of Imports and Exports Act 1995 is an Act constructed to provide for the regulation, control, and registration of imports and exports. The Act also functions to provide provisions for relevant matters.</p>	<ul style="list-style-type: none"> • Administration of Act and delegation of powers The Director-General is in charge of enforcing this Act and any regulations promulgated under it. Furthermore, any senior authorised officer or any authorised officer may delegate the execution of all or some of the powers conferred or responsibilities imposed on him or her by this Act or any rules established under this Act to the officer appointed. • Regulations for registration, regulation and control of importation and exportation <ol style="list-style-type: none"> 1. The Minister may make regulations for the registration, regulation and control of all or any class of goods imported into, exported from, transhipped in or in transit through Singapore. 2. In additionally to subsection 1., the minister may also make the following regulations- <ul style="list-style-type: none"> - for prohibiting, absolutely or conditionally, or for regulating, in all cases or any specified case or class of cases and subject to such exceptions as may be made by the regulations, the import or export or the carriage coastwise or the shipment as ships’ stores or the transhipment or transit of all goods or goods of any specified class or description. - for imposing on such importers, exporters, agents, forwarding agents, common carriers, consignors or consignees of goods or on owners, agents, masters or persons in charge of a conveyance as may be prescribed in the regulations, the duty to furnish- <ol style="list-style-type: none"> i. to the Director-General; or ii. to the owner, agent, master or person in charge of a conveyance, or a railway station master or such other person as may be prescribed - for permitting the Director-General to authorise, in any manner that may be prescribed, the importation, exportation, transhipment or transit of goods regarding which the required particulars, information or documents have been furnished - for prohibiting the importation, exportation, transhipment or transit of goods, or the delivery of goods or documents relating to those goods, except in compliance with the regulations or with the approval of the Director-General. - For prohibiting the exportation of all goods or goods of any specified class or description except in accordance with any conditions that may be prescribed to comply with any preferential tariff arrangement or agreement between Singapore and a country or territory 	<p>The terms are described with more clarity at the beginning of the Act.</p> <p>The Act is more in-details and has many additional sections regarding-</p> <ol style="list-style-type: none"> 1. Computer service- The Director-General may establish or operate a computer service and make provision for any bid, certificate, declaration, direction, list, manifest, notice, permit, receipt, return or other document required or authorised by this Act or any regulations made under this Act to be made, served or submitted by electronic transmission (called in this Act an electronic notice). 2. Service of notices- Every notice, requisition or document required by this Act or any regulations made under this Act to be

Brief Overview	Objectives/function of the Act	Major Takeaway
	<p>outside Singapore, including any condition that the goods exported must come from a prescribed source or that the manufacture of the goods must be carried out or procured by any person registered.</p> <ul style="list-style-type: none"> - For requiring the owner or agent of any conveyance in Singapore to provide details of any coal, oil, or other fuel or supplies on board that conveyance. - To determine the form and manner in which the required specifics, information, and documents must be provided. - To specify the time frame within which the required particulars, information, and documents must be provided. - For requiring the master of any vessel to appear at an examination station or the Port Master's office and provide any particulars, information, and documents that may be considered necessary. - For prohibiting the issuance of a port clearance to any vessel's master pending compliance with any provision of the regulations. - For the registration of all or any class of goods imported into, exported from, transhipped in, or transiting through Singapore. - Importers, exporters, common carriers of goods or anyone making a declaration under this Act or any regulations made under this Act must be registered. - For the issuance of certificates of entitlement to permits for the export or import of any prescribed classes of goods to successful applicants who bid for the certificates. Moreover, regulations require the payment of fees and deposits for the submission of applications for the issuance of certificates of entitlement under any regulations made under the preceding point, as well as providing for the forfeiture of deposits for non-compliance with any of the conditions governing the submission of such applications. Furthermore, the minister may also formulate regulations for prescribing the levy, or the method or manner for establishing the levy's amount, payable for the import or export of various kinds of products, or a certificate of entitlement granted under any regulations adopted, and for prescribing the manner or technique for paying the levy. - To make provisions for the form, manner, amount, period, and forfeiture of security required to secure compliance with this Act, any regulations made under this Act, or any condition imposed under this Act or its regulations, and to make provisions for the form, manner, amount, period, and forfeiture of the security. 	<p>served on any person may be served-</p> <ul style="list-style-type: none"> - by delivering the notice, requisition or document to the person. - by sending the notice, requisition or document by registered post addressed to the person at the person's usual or last known place of residence or place of business. <p>3. Classification of goods: Any customs officer may certify in writing under his or her hand that any goods examined by him or her are goods of a particular category or description, and the goods are then presumed to be goods of that category or description for this Act and any regulations made under this Act unless the contrary is proven.</p> <p>4. Power to require the production of licence or permit: Unless the holder has legitimately parted with custody of any current licence or permission</p>

Brief Overview	Objectives/function of the Act	Major Takeaway
	<ul style="list-style-type: none"> - For prescribing the fees payable under any rules made under this section, or the method or manner for establishing the amount of the fees or charges, and for prescribing the manner or method in which the fees or charges must be paid. - for prescribing the fees to be charged for services and facilities provided by the Director-General. - The procedure for submitting appeals to the Minister concerning any matter stated in this Act or any rules enacted under this Act and - Prescribe anything that is needed to be prescribed under this Act or is necessary or expedient to be prescribed to carry out or give effect to the provisions of this Act. <p>3. In issuing rules under subsection (2), the Minister may provide that anybody who violates or fails to comply with any provision thereof is guilty of an offence and responsible for conviction-</p> <ul style="list-style-type: none"> - A fine of not more than \$100,000 or three times the value of the commodities in respect of which the offence was committed, whichever is larger, or imprisonment for not more than two years, or both, may be imposed for a first offence. - A fine of not more than \$200,000 or four times the value of the commodities in respect of which the offence was committed, whichever is larger, or imprisonment for not more than three years, or both, may be imposed for a second or subsequent offence. <p>4. All such regulations must be presented to Parliament as soon as possible after publication in the <i>Gazette</i>.</p> <ul style="list-style-type: none"> • Provisions as to issue and cancellation of licences <p>1. Where any regulations established under the previous regulation section provide for the Director General to issue any certificate, licence, or permit, the Director General may, if he or she sees fit and subject to any express provision to the contrary in the rules, make provisions.</p> <ul style="list-style-type: none"> (a) as to the issue and terms of the certificate, licence, or permit, as well as the cancellation or suspension of the certificate, licence, or permit at any time; (b) as to the conditions to be attached to the issue of the certificate, licence, or permit, as well as the cancellation or variation of those conditions from time to time; and (c) as to the refund of all or part of any levy or fee paid for the issue of the certificate, licence, or permit in such circumstances as the regulations may permit. 	<p>issued under any regulations imposed under the "Regulation of Registration" section, the holder shall provide the licence or permit on demand to any authorised officer. Moreover, Anyone who violates this section is guilty of an offence and faces a fine of up to \$3,000 if convicted.</p> <p>5. Seizure of goods in certain cases: A senior authorised officer may seize any goods if he or she has reasonable grounds to believe that an offence under this Act or any regulations made under this Act has been or is being committed. Additionally, All such goods must be delivered as soon as possible into the custody of the Director General and held in custody pending a court order relating to their disposition made under this Act. However, if any goods seized are of a perishable nature or</p>

Brief Overview	Objectives/function of the Act	Major Takeaway
	<p>2. Any authorised officer may, without prejudice to subsection (1)(a), cancel the certificate, licence, or permit at any time if-</p> <ul style="list-style-type: none"> - any condition of the certificate, licence or permit is contravened; or - the officer is satisfied that the certificate, licence, or permission was issued as a result of any materially false declaration, statement, representation, or information. <ul style="list-style-type: none"> • Procedure for cancellation, etc., of the certificate, licence or permit <ol style="list-style-type: none"> 1. Any certificate, licence, or permit issued under any regulations made under section 3 may be cancelled, suspended, or varied by the endorsement of the certificate, licence, or permit, or by service of a written notice of the cancellation, suspension, or variation on the holder of the certificate, licence, or permit. 2. If a certificate, licence, or permit is cancelled or suspended, the holder must immediately submit it to the authorised officer who cancelled or suspended it, unless it has been legitimately disposed of. 3. A certificate, licence, or permit issued via an electronic notification provided in accordance is exempt from subsection (2). 4. Anyone who fails to comply with subsection (2) is guilty of an offence and faces a fine of not more than \$3,000 if convicted. 	<p>consist of an animal or other living creature in the DirectorGeneral's opinion, the DirectorGeneral may at any time direct their sale on such terms, in such manner, and at such price as the DirectorGeneral may think fit, and the proceeds of the sale are then treated for this Act as if they were the goods seized.</p>

Source: Authors' compilation of Act retrieved from the Official government website of Singapore.

2.8.3 The Imports and Exports (Control) Act, 1950 of Pakistan

Table 5 Summary of the Imports and Exports (Control) Act, 1950

Brief Overview	Objectives/function of the Act	Major Takeaway
<p>The Ministry of Commerce, Government of Pakistan, oversees the imports and exports of products in Pakistan. The Government may forbid, restrict, or control imports and exports following section 3 of the</p>	<p>Section 3: Power to Prohibit or restrict Imports and Exports: The Federal Government may, by an order published in the Official Gazette and subject to such conditions and exceptions as may be made by or under the order, prohibit, restrict or otherwise control the import and export of goods of any specified description, or regulate generally all practises (including trade practises) and procedure connected to the import or export of such goods. Such an order may also provide for applications for licences under this Act, the evidence to be attested to by the applicant and the Federal Government may also, by an order published in the Official Gazette. The terms,</p>	<ul style="list-style-type: none"> • The majority of the Act is similar if not exactly to The Imports and Exports Control Act of Bangladesh. • However, Section 3 of the Act is divided into three main categories:

Brief Overview	Objectives/function of the Act	Major Takeaway
<p>Imports and Exports (Control) Act, 1950. The Commerce Ministry regulates this through Import Policy Orders and Export Policy Orders amended from time to time through notifications.</p>	<p>procedures, time frames, and cost structures that may be specified in such order concerning the submission, consideration, and disposition of appeals, applications for review, and revisions.</p> <p>Only items that abide by the terms of a licence issued by the chief controller or other designated government officials may be exported or imported.</p> <p>Any restrictions on the import or export of commodities of a certain sort by land, air, or sea may be announced by the Federal government in the Official Gazette. Or, they could set restrictions on the clearance depending on whether the product will be utilised for domestic consumption, storage, or export.</p> <p>Section 4: Continuance of Existing Orders The Imports and Exports (Control) Act of 1947's Section 3 lists some orders, all of which are consistent with the provisions of the current Act and coherent with one another. Import License Sale or Purchase is Prohibited: Any import licence cannot be bought, sold, or dealt with in any other way.</p> <p>Prohibited regarding the sale and transfer of goods by Industrial Consumers: Importing any items without a licence that has been provided to him is severely forbidden for anyone who is an industrial consumer. Any industrial consumer who imports goods without a licence is obligated to sell, transfer, or use them for purposes other than those for which the licence was granted.</p> <p>Section 5: Penalty If any person does not follow the orders and provisions made under the Act then the person shall be liable for punishment with imprisonment for a term which may extend to one year or may need to pay a fine of up to one million Pakistani rupees or both. The Federal Government or any officer authorised by it may suspend, adjust, deduct, or cancel the whole or, as the case may be, any part of export quotas whether granted to or acquired by such person based on performance if any person violates any provision of any order made or deemed to have been made under this Act or the rules made thereunder, or makes use of an export licence otherwise than under any condition subject to which it was granted.</p>	<p>i. Power to Prohibit — no entry or no exit of goods from the boundaries of Pakistan.</p> <p>ii. Power to Restrict — entry and exist subject to certain stipulations e.g. licences, NOCs and quotas etc.</p> <p>iii. Power to Regulate — Procedures for import and export e.g. list of documents that shall be required for clearance at the time of import and export. Also, the steps involved in the clearance of goods at the ports etc.</p> <ul style="list-style-type: none"> • There are additional subsections under section 5 which are missing in Bangladesh's Imports and Exports (Control) Act such as the existing provision on the establishment of Commercial Courts. Therefore, the provision also allows the federal

Brief Overview	Objectives/function of the Act	Major Takeaway
	<p>Commercial Court</p> <p>The Federal Government may establish as many Commercial Courts as it deems necessary by publication in the official Gazette, and when more than one Commercial Court is established, the announcement shall define the territorial limits within which, or the class of matters in respect of which, each of them shall exercise jurisdiction under this Act. A Commercial Court shall be composed of a person who is or has previously served as a Session Judge or a High Court Judge, who shall serve as the Chairman, and two members to be appointed by the Federal Government from among:</p> <p>a) Federal officers not below BPS-19 to be nominated by the Ministry of Commerce; b) Businessmen or executives whose names are on the panel of such persons to be drawn by the Federal Government in connection with the Federation of Pakistan.</p> <p>The Federal Government may set the terms and circumstances for the appointment of the chairman and members of a Commercial Court. A Commercial Court will hold hearings in the location(s) designated by the Federal Government.</p> <p>A Commercial Court shall have all the authority granted to a Court of Session exercising original jurisdiction under the Code of Criminal Procedure, 1898 (Act V of 1898).</p> <p>A Commercial Court should not be required to recall and rehear any witness who has provided testimony merely because of a change in the composition of the court. Instead, the court may rely on the testimony already recorded by it or presented to it, as appropriate.</p> <p>A person conducting a prosecution before a Commercial Court shall be deemed to be a Public Prosecutor in all matters concerning which no procedure has been prescribed by this Act, and the Commercial Court shall follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act V of 1898), for the trial of cases by Magistrates; With the</p>	<p>government of the country to set up Commercial courts as per requirement and even appoint rightful or eligible people with experience to carry out the provisions under the “Penalty” section efficiently.</p> <ul style="list-style-type: none"> • On the other hand, the Commercial Court has enough power to not rehear any witness instead the court may rely on the testimony already recorded by it or presented to it, as appropriate. Therefore, a Commercial Court shall have all the authority granted to a Court of Session exercising original jurisdiction under the Code of Criminal Procedure, 1898 • The subsection regarding “Jurisdiction” is also missing in the Imports and Export (Control) Act of Bangladesh.

Brief Overview	Objectives/function of the Act	Major Takeaway
	<p>condition that the Commercial Court may, if it sees appropriate, conduct a summary trial in any case under the procedures outlined in the aforementioned Code.</p> <p>The Commercial Court's decision may be appealed to the High Court within 30 days.</p> <p>A Commercial Court's actions or procedures are not invalidated just because one or more members are absent, there is a vacancy among them, or there is a defect in the way they are made up.</p> <p>Jurisdiction</p> <p>(1) A Commercial Court must be the sole forum for the trial of any case involving a violation of an order relating to export commerce imposed under Section 3.</p> <p>(2) A Commercial Court may not hear a case involving an offence that falls under subsection (1) unless an officer of the Export Promotion Bureau submits a written complaint in support of it after receiving permission from the bureau's chairman or vice chairman via a general or special order.</p> <p>(3) Upon the establishment of a Commercial Court, any cases within its scope that may still be pending in any Court at the time of the Commercial Court's establishment will be transferred to the Commercial Court.</p> <p>(4) Any document produced in support of a claim made to a Commercial court under subsection (2) may be represented by a photostat copy, which may be used as evidence. If the Pakistan Mission in the nation where the document was produced or compiled, or an officer of the Export Promotion Bureau designated by its Chairman in this regard, properly attests the copy.</p> <p>(5) When a case is moved to a Commercial Court, hence, the Commercial Court is not obligated to recall and rehear any witnesses who have testified in the case before the transfer and is free to act on the evidence previously produced or recorded by the court that tried the matter before the transfer.</p>	<ul style="list-style-type: none"> • A Commercial Court must be the sole forum for the trial of any case involving a violation of an order relating to export commerce. A document produced in support of a claim made to a Commercial court under subsection (1) may be represented by a photostat copy, which may be used as evidence. If the Pakistan Mission in the nation where the document was produced or compiled, or an officer of the Export Promotion Bureau designated by its Chairman in this regard, properly attests the copy. • A Commercial Court may order an exporter to pay compensation from the Federal Government's Revolving Fund. The amount of compensation paid is recoverable as a backlog in land revenue, plus interest calculated at

Brief Overview	Objectives/function of the Act	Major Takeaway
	<p>(6) A Commercial Court must, to the extent possible, resolve a case within 90 days after the complaint's filing; provided, however, that a delay in the resolution of a matter in no way invalidates a Commercial Court decision.</p> <p>(7) In addition to any punishment provided under Section 5, a Commercial Court may order an exporter to deposit in Court within the time specified by the Court an amount that, in his opinion, is equivalent in value to the loss or damage suffered by the Foreign buyer as compensation when it finds an exporter against whom a complaint has been made guilty of violating any provision of an order made under Section 3 relating to export trade. Provided, however, that where timely payment of compensation to a such foreign buyer is deemed to be in the best interests of the country by the Commercial Court, it may order payment of such compensation from the Federal Government's Revolving Fund.</p> <p>(8) The amount of compensation paid by an exporter in response to an order made under subsection (5) is recoverable as a backlog in land revenue, plus interest calculated at the applicable bank rate for the time after the period during which the amount was due.</p> <p>(9) The Revolving Fund will be credited with the compensation and interest that were paid to the exporter.</p> <p>Transfer of Pending cases: All cases that fall within the definition of the Commercial Court's jurisdiction and that may have been pending in any Court before the Commercial Court's establishment must be transferred to the Commercial Court upon the establishment of the Commercial Court.</p> <p>In regards to a case transferred to a Commercial Court according to subsection (1), the Commercial Court shall not be required as a result of such transfer to recall and rehear any witness who has given testimony in the case before the transfer and may act on the evidence already documented by or produced before the court which tried the case before the transfer.</p>	<p>the applicable bank rate. Provided, however, that where timely payment of compensation to a such foreign buyer is deemed to be in the best interests of the country by the Commercial Court, it may order payment of such compensation.</p> <ul style="list-style-type: none"> Moreover, the Act accelerates the process by transferring pending cases that fall under the jurisdiction of the commercial court to the newly established commercial court.

Brief Overview	Objectives/function of the Act	Major Takeaway
	<p>Section 6: Cognizance of offences Courts are not required to be aware of any offence punishable unless a complaint in writing is made.</p> <p>In case of offence which is punishable under the Act or rules and provisions made under the Customs Act, by the Collector of Customs or by an officer of Customs authorised in writing on this behalf by a Collector of Customs, or</p> <p>In the case of any other offence by the Chief Controller or by an officer authorised by him in writing in this behalf.</p> <p>Section 7: Savings Provisions or orders made under this Act shall not be questioned in any court. Moreover, no legal proceeding shall be carried out against any person for any activity done in good faith or intended to be done under the Act or any relevant provisions.</p> <p>Section 8: Power to make rules The government may make future provisions that are consistent with this Act to facilitate the implementation of the objectives and purposes of this Act.</p>	

Source: Authors' compilation of Act retrieved from the Official government website of Pakistan.

3. The Import and Export (Control) Act, 1950 and ways to incorporate SHE trade

Empirical evidence suggests that countries with higher levels of gender equality are more open to trade, as analyzed by the trade-to-GDP ratio. Trade liberalization is associated with an increased accumulation of education and skills (human capital) and gender equality (Schultz 2007). Women stand to benefit from expanded trade, but they face barriers that prohibit or limit their access to those opportunities. These limitations aid in explaining why women labour in particular industries, own and operate particular enterprises, purchase particular commodities, or make particular decisions within households. The expansion of global value chains (GVCs), the increasing importance of services in the global economy and trade, and the use of new technology provide women with new and significant chances to engage in trade and better profit from its advantages. It is conceivable to show how women might obtain a larger share of the benefits of trade by looking at these patterns through the lens of gender.

Some of these obstacles are directly tied to how commodities and services traverse international boundaries, such as greater trading costs and discrimination against women at border crossings. However, "beyond-the-border" restrictions are just as significant. For instance, the concentration of female employment in low-skill industries like textiles can be partially attributed to women's limited access to education. Additionally, women business owners experience greater financial challenges than males, particularly for riskier ventures like trade. Women's freedom and mobility are restricted by ingrained gender prejudice for domestic chores like childrearing. Women's access to jobs and services related to trade may be significantly hampered by these restrictions. The detrimental effects of border and beyond-the-border obstacles on women in their many roles are magnified in nations with high levels of conflict and fragility (The World Bank & World Trade Organization, 2020).

The overall Imports and Exports (Control) Act was constructed with gender unbiasedness, hence, the Act does not discriminate against women. However, issues with women's knowledge of business, social attitudes, and institutional hurdles frequently prevent women entrepreneurs from actively engaging in trade and business-related activities. Such limitations need to be identified and highlighted, nonetheless, that the existing provisions under the current Act are not to blame for the issues. The impediments are laid out here so that Bangladesh's future trade regulation Acts may be amended to facilitate effective solutions to such gender-relevant hurdles, at the very least, address them and create proactive measures to overcome them and create a more welcoming business environment for women. These significant barriers to "She trade," that can be related to the Act are briefly mentioned below.

Legal barriers to women's participation in trade

As the country is moving towards further trade liberalization, the question is how the broader legal framework may affect women's economic choices and participation in trade, both as entrepreneurs and employees in trade-related industries and as household decision-makers. More women work and are better paid in economies where the law guarantees equal opportunity (The World Bank & World Trade Organization, 2020).

Non-Tariff Barriers (NTBs) are found to be more burdensome for female-led exporting business

NTMs that make it expensive for firms to export and import include product standards and certification procedures, burdensome customs and bureaucratic procedures, and obtaining import licences. In the context of GVCs, which involve back-and-forth trade and cross-border just-in-time production, the burdens of NTMs are multiplied. Because NTMs are frequently a fixed cost of trading, their costs are more prohibitive for SMEs than for large companies with high turnover, which can easily recoup such costs. Small exporters also lack specialised teams to handle the trading process, and because they export infrequently or in small batches, they are particularly vulnerable to costs incurred as a result of time-consuming and inefficient administrative procedures (World Bank Group and WTO, 2018). This pattern also implies that women entrepreneurs are more negatively impacted by NTMs than men. This is because women are more likely to own and manage SMEs than large corporations, and they frequently export and import fewer commodities. The difference in perceived trade barriers between SMEs and large companies, as determined by a poll of American businesses, reveals the primary impediments to trade in manufacturing and services (WTO 2016). Foreign laws and customs processes are the key barriers to manufacturing. For instance, less than 10% of large companies found customs processes to be cumbersome, compared to roughly 30% of SMEs.

According to survey evidence from Pakistan, while the sorts of NTMs described as difficult by women entrepreneurs are similar to those reported by men-owned businesses, women are more affected (ITC and World Bank Group 2020). In comparison to 51 per cent of firms controlled by males, 66 per cent of exporting companies with female ownership report having issues with NTMs. These issues are caused by regulations that are either too harsh or complex to comply with, or by related procedural hurdles that make compliance with given requirements problematic.

Lack of knowledge regarding business and customs requirements

The majority of women engaged in trade-related activities find it challenging to manage the company's financial prospects. They lack the requisite skills to manage bookkeeping, documentation, export-import preparedness, profit-loss calculation, etc. when trading as well as the requirements for IRC, VAT and TIN certifications, association affiliation certificates, etc. Women's commercial and financial expertise is often inferior to men's, and customs procedures are generally difficult to grasp. Marginal women entrepreneurs frequently lack expertise about how to develop projects, the legal processes required to launch a firm, how to take advantage of special incentives, customs procedures, understanding of the HS code, etc. Women face substantial challenges in connecting to the global trade and value chain due to a lack of awareness about such customs and business-related activities (Ahmad, S., 2021)

Port management system

The port management system, especially inland ports are not women-friendly. The lack of a separate women's information desk, washrooms, and waiting rooms, among other things, frequently makes it difficult for women traders engaged in import and export-related activities to function smoothly.

Following are some of the recommendations that are suggested to promote and facilitate smoother progress in women-led businesses, female employment and development in the livelihood of women's standard of living through the Imports and Exports (Control) Act.

Simplification in the process of the trade licencing issuance

According to a report by Business Initiative Leading Development (BUILD), the trade licence issuance process should be simplified and moved online, while the bank loan process should also be simplified to help boost women-owned businesses. Furthermore, the company registration process, as well as licence and renewal fees, must be simplified for micro and cottage women entrepreneurs. Moreover, easing the prerequisites and requirements for relevant trading license issuance for women-run businesses can also smoothen the initial cost of starting businesses.

Access to securing digital identification number

So that entrepreneurs in Bangladesh can run their businesses comfortably, the process of obtaining digital identification numbers, trade licences, and tax identification numbers should be integrated.

Launching country-wise import requirement identification processes

Women entrepreneurs recommend launching country-specific import requirement identification processes to facilitate trade. This entails determining which products are required by each country. The Export Promotion Bureau (EPB) can expedite continuous training on export-import procedures and share the yearly trade fair calendar with potential participants so that they can better prepare. The organisation may also lower registration fees for female entrepreneurs.

Several governments have used unilateral and bilateral trade policies to advance women's empowerment. Some countries have chosen to conduct or are required to conduct impact assessments of potential trade agreements in preparation for trade negotiations. In a select few economies, government ministries and organisations in charge of gender equity and women's empowerment are involved in the creation and execution of trade policies. By ensuring equal representation of men and women in political and decision-making structures, women's concerns as producers, workers, and consumers can be better reflected and addressed (The World Bank & World Trade Organization, 2020).

4. Key findings of the Act review from KIIs and FGDs

4.1 The act comes with legal uncertainty

One of the rudimentary features of a good law is that the law must be certain¹² and there shall be less scope for exercising discretion by a person enforcing the law. However, the IECA appears to be drafted loosely in this regard. For example, Section 5 of the Act, while stating the penalty provision, weighs all the contraventions, whether it is of the act itself or the rules or order made under it, on the same plane. Not only that, the same punishment is provided for making use of an export license otherwise than in accordance with the act, which may

¹² For more, See A.V. Dicey, *Introduction to the study of the law of the constitution* (Macmillan, 8th edn 1915).

extend up to one year or fine, or both. But the problem here is that, in places, the orders do contain provisions that are directive in nature, and still it may attract the penalty provisioned under this act. The worse problem is that there is no separate legal provision that specifies the condition of giving a license and the punishment provided for breaching it, or the punishment for importing or exporting without a license. To give an example, the Indian Foreign Trade (Development and Regulation) Act 1992 has kept a separate chapter in the Act dedicated to the procedure of obtaining and cancellation of import and export codes and licenses. So these vacuums, along with the scope of arising vagueness regarding penalty postulate that the instrument is much more legally vague and uncertain.

4.2 The good faith clause and invincible legal status of the order and rules made under the Act

The blatant use of the 'good faith clause is one of the most salient features of Bangladeshi laws. This act is not also free from this vice. Section 7 puts it in a rather absolute sense and makes it clear in its first part that no order made or deemed to have been made by the government under this Act shall be called into question in any court. It seems the order and rules under this Act are given the status that is very much in the vicinity with the supreme law of a country. Of note, during its formulation in 1950, erstwhile Pakistan had no Constitution- the supreme Lex- of its own. But given we have a constitution now and that the common legal principle of the concept of a 'Sovereign Parliament'¹³ is that primary laws or laws enacted by a parliament supersede secondary laws, this provision in no way stands the test of constitutionality. Any order or rules under this Act should be struck off if it conflicts with the Constitution or even with primary legislation, i.e. an Act of Parliament. So, this provision snatching the power of the court to question the validity of the orders or rules made under the Act is very alien and anti to the legal framework of Bangladesh, to say the least.

Further, section 7 in its second part provides a typical very pro-executive good faith clause'. Accordingly, anything, in good faith, done or intended to be done under this Act or any rules or order made or deemed to have been made thereunder may be justified. This again violates the very core principle of constitutional supremacy as well as the constitutional theory of 'separation of power' and its modern version 'check and balance'. This unfettered good faith clause is therefore beyond the remit of legal jurisprudence of Bangladesh and will always have to comply with the principle of 'reasonableness' to be justified.

4.3 Does not cover intangible goods and services on paper

The Act nowhere hints about the import and export of intangible products, for example, software. In its definition, it only defines "import " and "export" as bringing into and taking out of, Bangladesh by sea, land or air. The Import Order 2015-2018 provides that software import activities can be done by following the rules and regulations issued by the Bangladesh Bank In reality the regulations impose import duty on the importation of software, however, the definitions of import and export in instruments are yet to specify that. As to service, article

¹³ Interpretation of Article 7(1) and 7(2) render that in Bangladesh Constitutional supremacy prevails. However, the Parliament made laws enjoy the privilege of being the superior laws if compared with any other laws except for the Constitution of Bangladesh.

2.15 of the Export Policy 2018-21 makes it clear that both goods and services can be imported and exported. However, the problem is that the Export Policy is only a directive paper and not even a proper legal order like the Import Policy Order (IPO) of 2015-2018.¹⁴ Therefore, the existing legal regime lacks sufficient vagueness in including the 'service' under the purview of the terms "import" and "export".

4.4 Has not defined appellate and revisionary procedures

While the India Foreign Trade (Development and Regulation) Act 1992 has very specifically defined the appellate and revisional procedure under a decision against an offence related to trade, Bangladeshi IECA is completely silent as to that matter.

4.5 The Procedure of obtaining an "Import" and "Export" License could be easier

Many countries, including Bangladesh's fierce competitor in the RMG sector, Vietnam do not warrant separate licenses for Import and Export. The most common entity for investors looking to engage in import and export activities, as well as engage in domestic distribution of goods, is to establish a trading company. This is an inexpensive establishment option with no minimum capital contribution required.¹⁵ Moreover, in practice, companies that want to import to Vietnam without setting up a local legal entity can utilize an importer of record to facilitate the process. However, there is no process like this under the Bangladeshi system.

4.6 Absence of dedicated courts to deal with commercial matters arising out of trade

Bangladeshi courts are already burdened with disputes of civil and criminal nature. Although the country's trade volume is increasing over time, there are no dedicated courts or tribunals for trying commercial disputes. There is a Single Bench in the Hon'ble High Court Division of the Supreme Court of Bangladesh dealing with Admiralty matters. The jurisdiction of the said Honorable Court is limited to any claim mostly related to ships and it does not cover claims entirely based on the import & export of goods, or international trade-related disputes.¹⁶ This, can in fact, also be interpreted as a situation rendering hurdles to access justice. In this regard, Sustainable Development Goal No. 16 is relatable which pledges 'ensuring access to justice for all as a target to be achieved. However, the absence of even a single court or tribunal dedicated to commercial disputes would mean that Bangladesh is not doing well enough to achieve the goal. The WTO's report on the trade policy review of Bangladesh revealed some recommendations including, creating additional courts in Dhaka and Chittagong for commercial disputes by December 2018, with specific timelines to secure a

¹⁴See World Trade Organization, Trade Policy Review (WTO,WT/TPR/S/385, 2019) 27<https://www.wto.org/english/tratop_e/tp_r_e/tp485_e.htm> accessed on 23 May 2022.

¹⁵Vietnam Briefing. 'A guide to IMport and Export Procedure in Vietnam' (*Vietnam Briefing*, Published on September 9, 2021)<<https://www.vietnam-briefing.com/news/a-guide-to-import-and-export-procedures-vietnam.html/#:~:text=Vietnam%20does%20not%20require%20a,to%20establish%20a%20trading%20company>> Accessed on 23 May 2022.

¹⁶Mohammed Forrukh Rahman, 'Bangladesh: Urgent Need For A Commercial Court In Bangladesh'(*Mondaq*, Published on 17th January 2017)<<https://www.mondaq.com/marine-shipping/555520/urgent-need-for-a-commercial-court-in-bangladesh>> Accessed on 23 May 2022.

World Bank Group ease of doing business ranking of below 100, by 2021.¹⁷ However, there has been no progress on that since then.

4.7 Issues in Implementation Level

The Existing legal regime under the act does not handle issues swiftly. For instance, the issue of trade mis-invoicing could not be addressed. The traders are finding it very easy to manipulate trade invoices and as a result, the country is losing revenue in the form of import and export duties and VAT. According to Global Financial Integrity (GFI), Bangladesh on average lost \$8.27 billion a year from 2009 to 2018 due to traders' mis-invoicing values of imported and exported goods to evade taxes and move money across borders illegally.¹⁸ The causes for such loss are attributed to a lack of proper transparency and arrangements necessary to look over trade mis-invoicing.

4.8 The Act lacks the features of a comprehensive legal instrument

Overall, the IECA, in reality, lacks the quality of a comprehensive legal instrument. It comes with so much vagueness and conciseness that many important things are missing, and waiting to be inserted by the executive orders. Also, the orders are not consolidated together for coordination, rather the policies regarding “Import” and “Export” are made separately, making scope for contradicting each other and issues in coordination.

4.9 Existence of Institutional Incapacity

Inadequate institutional capacity is a serious concern for Bangladesh. The institution will ultimately decide how the nation should progress. Strengthening institutional capability for ensuring the implementation of any policy should have been the first and primary responsibility. A significant investment should be made to increase capacity, for example by ensuring overtime training and labour division. Institutional capacity cannot be improved by outsourcing; as a result, large investment rates in overtime training and ensuring the division of labour must be made.

4.10 Lack of accountability

One of the major effects of institutional incapacity is a lack of accountability. To ensure accountability and the proper implementation of any programme, institutional inefficiency and incapacity should be eliminated.

4.11 Product and Market Diversification

Bangladesh's export sector is at risk since the preponderance of its income derives from just a few exportable goods. This export trade pattern is slowing the growth of the entire economy. The international economy has experienced a severe shock as a result of COVID-

¹⁷ WTO Trade Policy Review of Bangladesh (n 5) 37.

¹⁸ Tribune Desk, 'Trade misinvoicing cost Bangladesh over \$8 billion a year in a decade' (*Dhaka Tribune*, Published on 18th December 2021) <<https://www.dhakatribune.com/bangladesh/2021/12/18/trade-misinvoicing-cost-bangladesh-over-8-billion-a-year-in-a-decade>> Accessed on 23rd May 2022.

19, and the war in Russia and Ukraine has made the situation worse. The foreign exchange reserve of Bangladesh declined from USD 48 in November 2022 to \$33.86 US in November 2022 as a result of rising import costs.¹⁹ Moreover, Bangladesh's export industry is entirely reliant on clothes, therefore the capacity to diversify one's product line is crucial for enduring a downturn in business. Bangladesh's reliance on a small number of markets has decreased as its exports have expanded. This is mostly caused by the growth of the market for items with labour incentives. It is necessary to take part in international trade shows in order to increase export through the creation/investigation of new markets. These non-traditional markets include those in Australia, Brazil, China, India, Japan, Malaysia, Russia, South Africa, and Turkey.²⁰

4.12 Research and development

In Bangladesh, new information, science, technology and innovation (STI), and IP are becoming increasingly important in our daily life. Foreign technical advances have become increasingly important to our government and society. Through open management and strategic modifications, the Bangladeshi government must prioritise building infrastructure for research and development (R&D). Research on prospective new markets should be done by the Research & Development Cell to increase Bangladesh's exports in the upcoming years. Determining the Market's top demand patterns, participation in international apparel commerce, tariff and non-tariff structure, price scenario for knitwear goods in that Market, and other factors are the main objectives of market research. This R&D department might seek to keep the industry updated by examining technological advancements occurring around the world.²¹ For example, the R&D cell of BKMEA exclusively keeps in touch with various foreign missions and embassies and offers opinions on various issues whenever possible. The R&D cell of BKMEA has also organised workshops and provided a lot of training on market analysis, export management, brand development, and other apparel-related topics. The R&D team has also received training from several reputable organisations on project management, project negotiation, brand development, CSR, social awareness, and other topics. According to this viewpoint, each sector's R&D units are essential.²²

5. Recommendations and ways to look forward

Act-relevant recommendation:

- **The comprehensiveness of the Instrument**
 - **Good faith Clause and Unfettered power to the Executive**
 - **The legal status of the Export Policy**
 - **Preparedness for LDC graduation**
 - **Making a business-friendly environment**
 - **The duration of license expiration should be extended from one year to five years**
 - **Dedicated court or tribunal to try commercial matters**
 - **Improving the quality of products and services**
-

¹⁹<https://thefinancialexpress.com.bd/views/views/product-diversification-and-export-growth-1671632840>

²⁰<https://thefinancialexpress.com.bd/views/views/product-diversification-and-export-growth-1671632840>

²¹ <https://thefinancialexpress.com.bd/views/rd-crucial-for-bangladeshs-next-development-1593447814>

²² <https://bkmea.com/department/research-and-development/activities-of-rd/>

-
- **Obligation to provide information regarding both “. import and imported” and “export and exported” goods and services.**
 - **Arrangements to Assess the policies and needs**
 - **Promoting the SME sector through the inclusion of adequate provisions in the Act**
 - **Subjects relating to the Cost of doing business and facilitation of smoother international trade need to be revisited**
-

5.1 The comprehensiveness of the Instrument

The Imports and Exports Control Act, 1950 is very succinct and does not even address as many issues as its Indian counterpart of 1992 does. The law should be amended providing detailed procedures as conditions and cancellation of obtaining a license. Moreover, the appeal and revision arising from the decision against an offence under the Act.

5.2 Good faith Clause and Unfettered power to the Executive

Section 7 of the Imports and Exports Control Act, 1950 comes up with a typical good faith clause like most of the laws of the country. The Indian Trade Regulation and Development Act of 1992 comes up with similar provisions. However, it is in the best interest of Bangladesh to do away with this unconstitutional and overtly pro-executive provision.

5.3 The legal status of the Export Policy

The EP 2018-2021 is legally only a statement of intent. It is not even an order like IPO 2015-2018. To make it legally enforceable, the newly made policy should be given the status of an order. This is the standard practice among the competitors of Bangladesh.

In Bangladesh, unlike the import policy order, the export policy is very weak and mostly ineffective because it is not a legally binding policy instrument that could ensure compliance by the respective government agencies. Almost no country (including India and many World Trade Organization members) does not have a legally binding export and import policy. On the contrary, the import policy order is legally binding in Bangladesh because it is issued by the government in the exercise of powers granted under section 3 (1) of the Imports and Exports (Control) Act, 1950. This power, however, is not used in the case of an export policy. The existing import and export policies are required to be updated to meet the challenges of time and should be formulated as integrated import and export regulations under section 3 (1) of the Imports and Exports (Control) Act, 1950.

5.4 Preparedness for LDC graduation

Under the current trade regime, Bangladesh is enjoying waivers of many of the WTO rules including enjoying a Generalized system of preferences, Patent waivers of Pharmaceutical products, and providing subsidies to sectors like agriculture. Bangladesh should revise its relevant policies very soon. This would include the aim for a robust agro-product-based private sector, making necessary legislative measures to cope with the changed situation

regarding pharmaceutical patents and getting rid of all the additional international obligations that it has taken on itself regarding IP rights.

5.5 Making a business-friendly environment

The country for instance still requires a separate export license apart from a trade license to do export business. In case of import, Import Registration Certificate is required. Competitors like Vietnam have made obtaining permission for “import” and export” easier. Only a single “trade license” is required by either foreign or local trading corporations. Bangladesh might follow the same path.

5.6 The duration of license expiration should be extended from one year to five years

As stated in the Importers, Exporters and Indentors (Registration) Order, 1981, it states that the annual fees must be paid along with the registration fees. In all subsequent years, the exporters and importers holding the registration certificate must renew each year through renewal fee payment. However, through extensive discussions with diverse stakeholders regarding trade licensing, one of the recommendations was to extend the licencing expiration period from one year to five years.

5.7 Dedicated court or tribunal to try commercial matters

Bangladesh has no such arrangements under its current legal framework. In India, under the Commercial Court Act, 2015, there is a scope for creating courts specialized in trying commercial matters. The government may take such initiative in consultation with the concerned High Courts. Bangladesh shall come up with similar arrangements tailored to its circumstances and conditions.

5.8 Improving the quality of products and services

Along with the current function of CCI&E, through collaboration and integration with various quality control authorities in Bangladesh to improve the domestically produced products and services standards. Additionally, CCI&E may also highlight the quality and features of local products to foreign buyers to attract buyers of export potential products.

5.9 Obligation to provide information regarding both “import and imported” and “export and exported” goods and services.

As it is mentioned in the Act, the importer, concerned bank or any public or private authority shall be obliged to provide any information regarding the use and sale of imported goods and services as per the demand of the Director General or authorized representative or officers empowered under various rules and orders issued under this Act. Additionally, the Act may include that the manufacturing company shall provide the information regarding the manufactured products and the authorities shall maintain the confidentiality of the information specific to that area/information.

5.10 Arrangements to Assess the policies and needs

The WTO's review of the trade policy of Bangladesh suggests No qualitative assessment of the existing regulatory burden and benefits from its possible reduction was available from the authorities. No Regulatory Impact Assessment (RIA) is used in the preparation of legal texts. It is standard practice to follow the assessment procedure.

5.11 Promoting the SME sector through the inclusion of adequate provisions in the Act

SMEs can make a significant contribution to Bangladesh's export diversification. Emerging SMEs must receive financial and infrastructure support for them to actively take part in exporting goods and services. To help SMEs prosper in their ventures, soft loans must be made available in simple terms.

5.12 Subjects relating to the Cost of doing business and facilitation of smoother international trade need to be revisited

Improving trade, lowering corporate costs, and encouraging export are the major three objectives of export. Even while export promotion has been successful in Bangladesh, the other two objectives have not yet been achieved. In comparison to other developing nations, Bangladesh has a considerably higher cost of doing business. The formulation of export policies through the provisions in the Imports and Exports (Control) Act will improve the nation's export performance in general.

5.13 Trade in services

Government policies affecting the service trade have a greater impact and relevance now than ever before because of the growing importance of services in trade and economic development. Foreign direct investment, overall economic productivity, and export performance are all significantly influenced by services trade policies, which include a wide range of "inside-the-border" measures. Four service sectors were identified, including tourism and travel-related services, (ii) transportation services (rail, road, air, and maritime sectors), (iii) business services (computer and related services), and (iv) human health services. Additionally, the potential strengths of various key service sectors with higher export potentials were identified (Nursing, Midwifery, and Physiotherapeutic Services). When services that are exported indirectly, i.e. services included in the export of products, are taken into account, the scope of trade in services is more precisely reflected.²³ This perspective is evolving as more people come to realise the significance of services in international trade. It is becoming more and more evident how important the service sector is to economic growth and development. Service trading is changing as a result of developments in information and communications technology, which are best illustrated by the globalisation of the Internet. Services are becoming increasingly important as a source for luring foreign direct investment. Compared to cross-border supply, which accounts for 30% of global service trade, service sectors make up 55% of it. A diverse and important part of connecting nations to the global

²³ https://www.wto.org/english/tratop_e/serv_e/trade_services_economic_diversification_e.pdf

commerce system is played by the service sectors. This holds for both their overall economic performance and their involvement in particular fields like energy, water, the environment, health, and education. Services are expanding in number.

Institutional-related recommendation

- **Increasing human resource capability and ensuring their long-term employment in the same sector.**
 - **Increase the number of human resources employed.**
 - **An establishment and benefits of a Data Bank.**
 - **Officers of the Chief controller's Office should have a strong ground in participation in trade agreements such as future FTAs and PTAs.**
 - **Taking initiatives to balance trade.**
 - **Greater involvement in trade disputes.**
 - **To organise necessary training facilities to attain skills for entrepreneurship.**
 - **Inclusion of women entrepreneurs in exporting business.**
 - **New discussions regarding gender sensitivity should be included in Import Trade Control Committee (ITC).**
-

5.14 Increasing human resource capability and ensuring their long-term employment in the same sector

Human resource development can be described generally as all of the formal and informal procedures through which individuals learn. In the context of an organisation, human resource development refers to a process whereby employees are continuously assisted in a planned way to acquire capabilities (knowledge, perspective, attitude, values, and skills) required to perform various tasks or functions associated with their present or future expected roles, to develop their general enabling capabilities as individuals so that the organisation can achieve its goals.

The trading sector of the country lacks an adequate number of trade experts. Therefore, proper and in-depth training specific to their employment requirement needs to be implemented. In addition, such skilled and trained human resources should be given enough incentives and opportunities to retain them in the specific line of employment, hence, the skilled officer should not be transferred to a different field or sector.

5.15 Increase the number of human resources employed

The Office of Chief Controller of Imports and Exports have a large range of functions that are crucial in terms of regulation and management of the overall trade, however, it can be recommended that the human resources should be increased gradually to achieve greater efficiency. Moreover, employment in senior positions should be for a long period.

5.16 An establishment and benefits of a Data Bank

There needs to be a specific body that should deal with the storage of information electronically and securely. The proposed data bank should collect and store detailed information about import and export-related activities. Therefore, creating and accumulating

databases for industrial product manufacture. Data storage can then be utilised by CCI&E for analysis of import and export commerce. This will further benefit CCI&E to access the demand for goods and services produced in the country. CCI&E should also formally initiate the collection, research and publication of trade-related data.

5.17 Officers of the Chief controllers Office should have a strong ground in participation in trade agreements such as future FTAs and PTAs.

Participation in bilateral and multilateral trade agreement negotiations for product and service diversification and market growth is highly recommended. Moreover, the Office of the Chief Controller may also conduct multiple seminars frequently collaborating with other government agencies and trade associations to facilitate the expansion of internal and foreign trade. Furthermore, CCI&E should gradually increase connections and undertake collaborative trade-relevant activities with foreign as well as domestic trade organizations. With aid of more collaborative work, CCI&E can also encourage and ensure the expansion of domestically produced goods and services in the internal and foreign markets.

5.18 Taking initiatives to balance trade

Due to the unprecedented expansion in export income, which is mostly driven by the ready-made garments (RMG) sector, Bangladesh's export sector is frequently praised. The imbalance between imports and exports distorts its current account, which affects the Balance of Payments (BOP). The majority of the nation's imports are capital goods including machinery, chemicals, and petroleum-based intermediate goods. Bangladesh still exports low-value manufactured goods, and the export basket has not changed significantly since 2000, unlike South Korea, China, and some of its other Southeast Asian rivals who were able to transition from exporting clothing and footwear to more complicated commodities. In light of the nation's overall BOP status, the lack of diversification in the exports and imports of crucial commodities—as well as the upcoming risks—will disrupt the macroeconomic stability of the nation.²⁴

There are some economic implications of domestic protection on the balance of payment of an economy. Sanitary and phytosanitary measures can sometimes restrict the import of products that do not meet the necessary criteria and increase the balance of trade. This type of protection may help to increase the balance of payment by raising the trade surplus. It also helps in protecting the quality of goods and services that are traded in the domestic market. But strict domestic protection on imports restricts the availability of foreign goods in the domestic market. By imposing a tariff on imported goods that are paid by the domestic importer, tariffs raise the cost of goods and services in domestic markets. The domestic importer then raises the prices for the goods and services to meet the increased expenses. It may reduce the aggregate demand affecting the balance of payment. Thus the ultimate impact depends on the magnitude of the decrease in aggregate demand (if happens) and increases in the balance of trade.²⁵

²⁴ <https://www.orfonline.org/expert-speak/analysing-bangladeshs-balance-of-payments-situation/>

²⁵ KII with stakeholder

CCI&E should take steps and initiatives to balance trade. Moreover, the agency may carry out inspections and supervision to ensure the proper use of imported and exported goods and services and impose protection where it is needed.

5.19 Greater involvement in the trade disputes

The agency can take the necessary steps to solve problems arising in e-commerce. Simultaneously, CCI&E may also take other digital resolution initiatives and activities including trade disputes between importers and exporters. Furthermore, the organization may also standardize and regulate agricultural products including animal products for export purposes.

5.20 To organise necessary training facilities to attain skills for entrepreneurship

The main purpose of this recommendation is to ensure a sustainable expansion of internal and foreign trade. Entrepreneurial education and training equip people with the capacity to perceive commercial possibilities, as well as the confidence and self-esteem, knowledge, and skills to capitalize on them. The training might involve education in recognizing opportunities, commercializing a concept, managing resources, and starting a business.

5.21 Inclusion of women entrepreneurs in exporting business

In comparison to male entrepreneurs, the participation of female entrepreneurs in the export sector is not adequate. Women who export confront discriminatory practices from different export-relevant organizations and this also including the NBR, EPB, Bangladesh Bank, and other commercial banks, among other institutions involved in the export of goods and services. Women entrepreneurs are discouraged from entering this industry due to the hassle and complexity of export registration regulations and procedures.

Women should obtain support from the government and all parties involved in order to encourage more women to start businesses. It is necessary to address the issues and worries, as well as the suggestions made by women entrepreneurs, while also ensuring that they have access to financing. Women who are new to the formal business sector, thus they need support for knowledge, training, and capacity building. For women entrepreneurs to operate their businesses smoothly, the government needs to identify short, medium, and long-term interventions and establish some special provisions.²⁶

Also, the policy only directs implementing agencies and actors to take the necessary activities to accomplish the desired outcome. Without converting the policy's objectives into practices, the target group cannot gain any advantage. The implementation of these policies will influence how supportive of businesswomen Bangladesh's policy framework is. It might be asserted that many government initiatives have raised awareness of the challenges facing Bangladeshi women's business activities.²⁷

²⁶ <https://thefinancialexpress.com.bd/trade/the-attention-women-entrepreneurs-need-1619757418>

²⁷ Chowdhury, S., & Rabbani, G. (2013). Policies and institutional supports for women entrepreneurship development in Bangladesh: Achievements and challenges. *International Journal of Research in Business and Social Science* (2147-4478), 2(1), 31-39.

5.22 New discussions regarding gender sensitivity should be included in Import Trade Control Committee (ITC)

Gender inclusivity or women's representation may be introduced in such committees considering the significance of guaranteeing Gender equality in trade and commerce. (SDG 5).

6. The Recommendation Matrix

Chapter	Stated provision in the Import and Export (Control) Act, 1950	Unchanged	Extension	New inclusion	Drop
1. Short Title, extent (and commencement)	1. (1) This Act may be called the Imports and Exports (Control) Act, 1950.	N/A	N/A	N/A	The word “Control” should be dropped from the Act’s name or redefined if kept.
	(2) It extends to the whole of Bangladesh.	Unchanged	N/A	N/A	N/A
	(3) It shall come into force [at once].	Unchanged	N/A	N/A	N/A
1. Definitions	2. In this Act- (a) “Chief Controller” means the officer appointed by the Government to perform the duties of Chief Controller of Imports and Exports under this Act;	Unchanged	N/A	N/A	N/A
	(b) “Collector of Customs” means an officer appointed as such under 1 [section 3] of the Customs Act, 1969 (IV of 1969); and	Unchanged	N/A	N/A	N/A
	(c) “import” and “export” mean respectively bringing into, and taking out of, Bangladesh by sea, land or air.	N/A	The definitions of “import” and “export” need to be revised and the new definition has to be more clear and more relevant to the current trading scenarios such as including the definition of “export and import of services”.	Definition of terms such as “Importer, Exporter, Indentor, Indenting, Registration Certificate, Permit, Service, Industrial Consumer and License” may be added in the modified future Act.	N/A
2. Power to prohibit or restrict imports and exports	3. (1) The Government may, by order published in the Official Gazette and subject to such conditions and exceptions as may be made by or under the order, prohibit, restrict or otherwise control the import or export of goods of any specified description, or regulate generally all practices (including trade practices) and procedure connected	N/A	The provisions under this specific sub-section should also be applicable for the import or export of services or technology, promotion of R& D. Given that the service or technology provider is	In a crisis moment such as the balance of payment crisis, a barter system might be introduced (only for the emergency)	N/A

Chapter	Stated provision in the Import and Export (Control) Act, 1950	Unchanged	Extension	New inclusion	Drop
	with the import or export of such goods, and such order may provide for applications for licences under this Act, the evidences to be attached to such applications, the grant, use, transfer, sale or cancellation of such licences, and the form and manner in which and the periods within which appeals and applications for review or revision may be preferred and disposed of, and the charging of fees in respect of any such matter as may be provided in such order.		availing benefits under the import and export policies or is dealing with specified services or specified technologies.		
	(2) No goods of the specified description shall be imported or exported except in accordance with the conditions of a licence to be issued by the Chief Controller or any other officer authorised in this behalf by the Government.	N/A	The conditions that will approve the issuance of licencing need to be addressed in detail or other Acts or Orders that discuss the pre-requisite conditions for licence approval could be mentioned as a reference.	N/A	N/A
	(3) All goods to which any order under subsection (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 16 of the Customs Act, 1969 (IV of 1969), and all the provisions of that Act shall have effect accordingly.	Unchanged	N/A	N/A	N/A
	(4) Notwithstanding anything contained in the aforesaid Act the Government may, by order published in the Official Gazette, prohibit, restrict or impose conditions on the clearance whether for home consumption or warehousing or shipment abroad of any imported goods or class of goods.	N/A	N/A	Just like the Indian counterpart of the similar Act, this section of the Act should include a provision regarding the appointment of the Chief Controller and specify his functions in	N/A

Chapter	Stated provision in the Import and Export (Control) Act, 1950	Unchanged	Extension	New inclusion	Drop
				detail or at least refer to other policies or Orders that specify the functions.	
4. Continuance of existing orders	4. All orders made under section 3 of the Imports and Exports (Control) Act, 1947, and in force immediately before the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue in force and shall be deemed to have been made under this Act.	Unchanged	N/A	N/A	N/A
4A. Prohibition to sell or purchase import licence	[4A. No person shall sell, purchase or otherwise deal in any import licence other than an import licence issued under the Export Bonus Scheme. Explanation- In this section "Export Bonus Scheme" means the scheme introduced by Government	Unchanged	N/A	N/A	N/A
4B. Prohibition regarding the sale and transfer of goods by Industrial consumers	4B. Except with the previous permission in writing of the Chief Controller or any other officer authorised in this behalf by the Government, no person who in his capacity as an industrial consumer, imports any goods against a licence issued to him or, where no licence is required for the import of such goods by an industrial consumer, without any licence, shall sell or otherwise transfer such goods or use the goods for a purpose other than the purpose or purposes for which the licence was issued or such goods were imported.]		Power should be provided to the government to restrict or impose quantitative restrictions on goods and services (intangible goods) after extensive enquiry and satisfactory investigation which concluded that the import of a product in such increased volume is injurious to the domestic industry.		
5. Penalty	5. If any person contravenes any provision of this Act or any order made or deemed to have been made under this Act or the rules made thereunder, or makes use of an import or	N/A	N/A	The section of the Act needs to specify the existing provision with more details and include a new	N/A

Chapter	Stated provision in the Import and Export (Control) Act, 1950	Unchanged	Extension	New inclusion	Drop
	export licence otherwise than in accordance with any condition in that behalf imposed under this Act, he shall without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1969 (IV of 1969), as applied by sub-section (3) of section 3 of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.			subsection regarding the establishment of a Commercial Court that must be announced through the Official Gazette under this Act. The Commercial Courts' purpose and detailed description regarding the recruitment for the Court need to be added.	
6. Cognizance of offences	6. No court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made- (a) in the case of an offence which is punishable both under this Act or the rules made thereunder and also, whether by confiscation or otherwise, under the Customs Act, 1969 (IV of 1969), by a Collector of Customs or by an officer of Customs authorised in writing in this behalf by a Collector of Customs, or	Unchanged	N/A	N/A	N/A
	(b) in the case of any other offence by the Chief Controller or by an officer authorised by him in writing in this behalf; and no court inferior to that of a Magistrate of the first class shall try any such offence.	N/A	N/A	Another sub-section regarding a detailed jurisdiction needs to be included in the Act. Firstly, A Commercial Court must be the sole forum for the trial of any case involving a violation of an order relating to export commerce imposed under Section 3.	N/A

Chapter	Stated provision in the Import and Export (Control) Act, 1950	Unchanged	Extension	New inclusion	Drop
				Secondly, A Commercial Court may not hear a case involving an offence that falls under Section 3 unless an officer of the Export Promotion Bureau submits a written complaint in support of it after receiving permission from the bureau's chairman or vice chairman via a general or special order	
7. Savings	7. No order made or deemed to have been made under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any rules made thereunder or any order made or deemed to have been made thereunder.	N/A	The Act can include a provision for "Appeal" when any person who is dissatisfied with a decision made by the Adjudicating Authority under this Act may file an appeal.	N/A	N/A
8. Power to make rules	8. The Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.	Unchanged	N/A	N/A	N/A
9. Repealed	9. [Repeal.- Repealed by section 2 and 1st Schedule of the Repealing and Amending Ordinance, 1965 (Ordinance No. X of 1965).]	Unchanged	N/A	N/A	N/A

Source: Compiled by authors from various sources

7. Conclusion

The three most significant and principal legislative Acts in the area of foreign trade are the Imports and Exports (Control) Act of 1950, the Customs Act of 1969, and the Foreign Exchange (Regulation) Act of 1947. However, it was not until the 1980s that the country's trade regime underwent a significant shift as trade liberalization was implemented, gradually transforming into a large-scale liberalization effort in the 1990s. Since then, successive liberalization programs have resulted in a significant reduction in quantitative restrictions, the opening of trade in many restricted items, significant rationalization and reduction of import tariffs, and complete liberalization of the foreign exchange regime (ADB, 2014).

The Import and Exports (Control) Act, 1950 was formulated to generate a legal framework in the subject area of foreign trade. The Act requires the government to issue policies to regulate trade on a regular basis. However, most of these are carried out without any proper planning or qualitative assessment. Furthermore, because the country will be leaving the LDC list in 2026, its policies will need to be updated to meet the requirements and potential obligations. In this context, this paper attempts to review the legislation in light of the country's LDC graduation as well as its commitment to achieving the Sustainable Development Goals (SDGs) by 2030.

The main primary legislation to regulate the topics and issues emerging from international trade is the Import and Export Control Act (IECA) 1950. The terms "import" and "export" are both defined in the act as, respectively, bringing into and removing out of Bangladesh via sea, land, or air. Section 3 of the act enables the government authority to limit or forbid imports and exports by the order that is published in the official gazette. The same clause also stipulates that to import or export products, you must obtain a licence, which the Chief Controller will issue after receiving your application unless the act specifies otherwise. The measure then establishes a connection between section 16 of the Customs Act of 1969 and the prohibition on certain commodities. The Act stipulates in its legal provisions that if any person violates any provision of this Act or any order issued or assumed to have been made under this Act or the rules made thereunder, he shall be penalised, without prejudice to the punishment provided under the Customs Act 1969, with imprisonment for a term of up to one year, a fine, or both. The same penalty is applied if import or export licences are used in a way that violates IECA. The process for taking notice of offences under this Act is outlined in Section 6.

Section or chapter two of the review paper summarizes the current trading scenarios which are relevant to the Act. Firstly, LDC graduation in 2026 and its impact on the international trading sectors of the country. As a result of the LDC graduation, the country's outlook and confidence in dealing with international financial institutions will improve. On the contrary, it is expected that the economy will experience "preference erosion" after LDC graduation. As a result, the country may face intense international competition. As a result, the country may decide to take preventative measures, such as increasing production efficiency, productivity, and the product's ability to compete in the global market. Secondly, the pandemic's hindrance to the global trading market and causing waves of financial shocks which led to severe adverse impacts on the economy. Thirdly, the 8th Five-year Plan is prompting the economy to move towards greater trade liberalization strategies, hence, the Acts and policies should be

reorganised to comply with WTO regulations in the post-LDC graduation scenario. Also, discussion on trade facilitation and WTO's regulation for international trade and the lesser developed nation needs to comply with the Import and Exports (Control) Act.

Through extensive research, the paper acknowledges several findings and recommendations. One of the major findings is that The Act is loosely drafted, hence, it comes with legal uncertainty. Moreover, the Act's use of the 'good faith clause is one of the most salient features of Bangladeshi laws. Given, that Bangladesh has a constitution now and that the common legal principle of the concept of 'Sovereign Parliament' is that primary laws or laws enacted by a parliament supersede secondary laws, this provision in no way stands the test of constitutionality. Furthermore, The Act does not have any section allocated to detail the provisions and rules for services and intangible goods. The appellate and revisional procedure under a decision against an offence related to trade is not mentioned in the Imports and Exports (Control) Act which is mentioned in India's Foreign Trade (Development and Regulation) Act 1992. Another major topic of discussion is the procedure of Import and Export licensing and its need to make the process easier and less burdensome. Furthermore, there is an absence of a dedicated Commercial court to deal with disputes arising from trade. There are also existing issues at the implementation level due to the lack of proper transparency and arrangements necessary to look over trade mis-invoicing for which Bangladesh loses tax revenue. Overall, the Act lacks the quality of a comprehensive legal instrument. It comes with so much vagueness and conciseness that many important things are missing, and waiting to be inserted by the executive orders.

Some highly recommended suggestions are attained through intensive discussions with relevant stakeholders. Firstly, the law should be amended to include detailed procedures for obtaining a licence, such as conditions and cancellations. Furthermore, the appeal and revision arising from an offence under the Act. Moreover, the Act has a good faith clause but it is in the best interest of Bangladesh to do away with this unconstitutional and overtly pro-executive provision. On the other hand, the Export Policy is legally only a statement of intent. Therefore, the export policy should have a proper legal status of an "Order" like the Import Policy Order. Moreover, the export policy and Import policy need to have greater integration, hence, it should be formulated as an integrated version of exports and imports regulation under section 3(1) of the Imports and Exports (Control) Act. Furthermore, the Act needs extensive revision with adequate provisions that may facilitate a smoother transition for Bangladesh in the post-LDC graduation period. One of the most important recommendations is to revise the Act and include provisions that will aid in the creation of a business-friendly climate. One of the most recommended suggestions is to simplify the process of licencing by allowing a single "trade license" to be required by either foreign or local trading corporations. The Act should incorporate a section stating the establishment of a commercial or tribunal court to deal with disputes arising from international trading. In addition, there should be an arrangement of an annual assessment of policies and Acts as an impact study assessment to aid in constructing and formulating legal documents.

Along with the current existing function of the Office of Chief Controller of Imports and Exports (CCI&E), some additional functions can also be recommended such as actively taking steps in balancing the trade, participating in international trade agreement negotiation, establishing a wing that handles and stores market information through data bank, increasing

collaboration with other quality control authorities to increase standards of goods and services. The Act must also include provisions that mention services along with imports and exports of goods or products.

To conclude, the Imports and Exports (Control) Act, of 1950 is one of the three primary legislative acts in the field of foreign trade. Hence, the act was formulated at a period when the international trading environment was more restrictive with high trading barriers. In the era of extensive globalization, the Act needs adequate amendments which incorporate forward-looking provisions and more detailed regulations that are more effective and relevant to the current and expected future trading scenarios.

8. Reference

ADB. (2007). *Could Imports be Beneficial for Economic Growth: Some Evidence from Republic of Korea* (ERD Working Paper Series No. 103). Economic and Research Department. <https://www.adb.org/sites/default/files/publication/28365/wp103.pdf>

ADB. (2014). *Regulatory Impact Analysis Report on the Current Customs Regulatory Framework in Bangladesh*. <https://www.adb.org/sites/default/files/publication/179665/ria-customs-bangladesh.pdf>

ADB. (2022). Bangladesh and ADB [Data set]. <https://www.adb.org/countries/bangladesh/economy>

Aghion P and P Howitt (2008), *The Economics of Growth*, Cambridge, MA: MIT Press.

Ahmad, S. (2021, April 30). The attention women entrepreneurs need. *The Financial Express*. <https://thefinancialexpress.com.bd/trade/the-attention-women-entrepreneurs-need-1619757418>

Baldwin, R. (2003). *Openness and Growth: What's the Empirical Relationship?* NBER Working Paper No. 9578, National Bureau of Economic Research, Cambridge.

Baldwin, R. (2017). *Factory-Free Europe? A Two Unbundlings Perspective on Europe's 20th Century Manufacturing Miracle and 21st Century Manufacturing Malaise*. in L Fontagné and A Harrison (eds.). *The Factory-Free Economy. Outsourcing, Servitization, and the Future of Industry*. Oxford University Press.

Bangladesh Planning Commission. (2020). *8th Five Year Plan, July 2020 - June 2025: Promoting Prosperity and Fostering Inclusiveness*. General Economics Division (GED), Bangladesh Planning Commission.

Bruton, H. J. (1989). Import substitution as a development Strategy. In: Chenery HB, Srinivasan TN (eds). *Handbook of development economics, vol II*. North Holland, Amsterdam, pp 1601–1644

- Balassa, B. (1978). Exports and economic growth: further evidence. *J Dev Econ* 5:181–189
- Bonelli, R. (1992). "Growth and Productivity in Brazilian Industries: Impacts of Trade Orientation." *Journal of Development Economics* 39:85–109.
- Bourlès, R., G. Cette, J. Lopez, J. Mairesse, and G. Nicoletti (2013), "Do Product Market Regulations in Upstream Sectors Curb Productivity Growth? Panel Data Evidence for OECD Countries", *Review of Economics and Statistics* 95(5).
- Cetintas, Hakan & Barışık, Salih. (2009). *Export, Import and Economic Growth: The Case of Transition Economies*. *Transition Studies Review*. 15. 636-649. 10.1007/s11300-008-0043-0.
- Chowdhury, S., & Rabbani, G. (2013). Policies and institutional supports for women entrepreneurship development in Bangladesh: Achievements and challenges. *International Journal of Research in Business and Social Science (2147-4478)*, 2(1), 31-39.
- Dougherty, S. & Yahmed, S. B. (2017). How deregulation and globalisation interact to boost economic growth. <https://voxeu.org/article/how-deregulation-and-globalisation-interact-boost-economic-growth>
- Edwards, S. (1993). Openness, trade liberalization, and growth in developing countries. *J Econ Lit*. 31:1358–1393
- Feder, G. (1983). On exports and economic growth. *J Dev Econ* 12:59–73
- FM Associates. (2022a). How to Obtain Import Registration Certificate in Bangladesh. <https://www.fmassociatesbd.com/licensing/how-to-obtain-import-registration-certificate-in-bangladesh>
- FM Associates. (2022b). How to Obtain Export Registration Certificate in Bangladesh. <https://www.fmassociatesbd.com/licensing/how-to-obtain-export-registration-certificate-in-bangladesh>
- Giles, J.A. & Williams, C.L. (2000). Export-led growth: a survey of the empirical literature and some noncausality results. Part 1. *J Int Trade Econ Dev* 9:261–337
- Gokcekus, O. (1997). *Trade Liberalization and Productivity Growth: New Evidence from the Turkish Rubber Industry*. *Applied Economics* 29:639–45.
- Grossman, G., and E. Helpman. 1991. *Innovation and Growth in the Global Economy*. Cambridge: MIT Press.
- Haddad, M., J. De Melo, and B. Horton. (1996). *Trade Liberalization, Exports and Industrial Performance*. In M. Roberts and J. Tybout, eds., *Industrial Evolution in Developing*

Countries: Micro Patterns of Turnover, Productivity and Market Structure. Washington, DC: Oxford University Press.

Helpman E, & Krugman, P. (1985). Market structure and foreign Trade. MIT Press. Cambridge MA.

Heller, P.S. & Porter, R. C. (1978). Exports and growth: an empirical re-investigation. J Dev Econ 5:191–193

Hong Kong Trade Development Council. (2019). BANGLADESH: Import/Export Licence Approval and Renewal System Now Online. <https://research.hktdc.com/en/article/Mjk1Njk5MDky>

International Monetary Fund. (2021). Policy Responses to COVID-19. <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>

ITC & World Bank Group. (2020). *Pakistan: Company Perspectives*. An ITC Series on Non-tariff Measures. Geneva: ITC.

Kavoussi, R. M. (1984). Export expansion and economic growth. J Dev Econ 14:241–250

Khan, M.A. (2021, July 2). *Evolution of trade policies of Bangladesh since 1972*. The Financial Express. <https://thefinancialexpress.com.bd/views/evolution-of-trade-policies-of-bangladesh-since-1972-1625238015>

Khatoon, A., Chokroborty, A., & Doulah, A.B.M.N. (2020). *Doing Business in Bangladesh: Overview*. Thomson Reuters Practical Law. [https://ca.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://ca.practicallaw.thomsonreuters.com/1-504-7011?transitionType=Default&contextData=(sc.Default)&firstPage=true)

Lawrence, R., and D. Weinstein. (1999). *Trade and Growth: Import-led or Export-led? Evidence from Japan and Korea*. NBER Working Paper No. 7264, National Bureau of Economic Research, Cambridge.

Lawrence, R. (1999). *Does a Kick in the Pants Get You Going or Does It just Hurt? The Impact of International Competition on Technological Change in US Manufacturing*. In R. Feenstra, ed., *Globalization and Wages*. Chicago: University of Chicago Press.

Mala, D. A. (2022). New policy curbs ministry control on imports. The Financial Express. <https://thefinancialexpress.com.bd/trade/new-policy-curbs-ministry-control-on-imports-1650940096>

McKinnon, R. (1964). Foreign exchange constraint in economic development and efficient aid allocation. Econ J 74:388–409

Michaely, M. (1977). Exports and growth: an empirical investigation. J Dev Econ 4:49–53

- Muendler, M. A. (2004). *Trade, Technology and Productivity: A Study of Brazilian Manufacturers 1986-98*. CESIFO Working Paper No. 1148, Ifo Institute for Economic Research, Munich.
- OECD. (2015). *The Future of Productivity*. Paris: OECD Publishing. <https://www.oecd.org/global-forum-productivity/>
- OECD. (2014, 2017). *Going for Growth: Economic Policy Reforms*, Paris: OECD Publishing.
- OECD. (2016). *OECD Economic Outlook No. 100*. Paris: OECD Publishing. <https://www.oecd.org/economic-outlook/>
- Office of the chief controller of imports and exports. (2022). *Functions of the CCIE*. <http://www.ccie.gov.bd/site/page/a6e988ff-47a2-4e79-bc70-13a378d3d07a/->
- Raihan, S. & Halder, R. S. A. (2021, October 1). *The need for a dynamic export policy in Bangladesh*. Thinking Aloud. SANEM. https://sanemnet.org/wp-content/uploads/2021/12/Thinking-Aloud_V8_N5.pdf
- Raihan, S. (2021, October 11). *Rethinking the Import Policy Order of Bangladesh*. The Business Standard. <https://www.tbsnews.net/features/panorama/rethinking-import-policy-order-bangladesh-314248>
- Shibli, A. (2022, February 13). *The economic impacts of the 4IR on Bangladesh*. The Daily Star. <https://www.thedailystar.net/recovering-covid-reinventing-our-future/blueprint-brighter-tomorrow/news/the-economic-impacts-the-4ir-bangladesh-2960641>
- Sjoeholm, F. (1999). *Exports, Imports and Productivity: Results from Indonesian Establishment Data*. *World Development* 27:705–15.
- The World Bank & the World Trade Organization. (2020). *Women and Trade: The Role of Trade in Promoting Women's Equality*. <https://www.worldbank.org/en/topic/trade/publication/women-and-trade-the-role-of-trade-in-promoting-womens-equality>
- The Financial Express. (2021). *Preparing for the 4IR*. <https://thefinancialexpress.com.bd/editorial/preparing-for-the-4ir-1639411057>
- The World Bank & World Trade Organization (2018). *Trade and Poverty Reduction: New Evidence of Impacts in Developing Countries*. Geneva: World Trade Organization.
- The World Bank. (2022). *The World Bank In Bangladesh Overview*. <https://www.worldbank.org/en/country/bangladesh/overview#1>
- The World Bank. (2022). *GDP growth (annual %) – Bangladesh* [Data set]. <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=BD>

- The World Bank. (2022). *Exports of goods and services (current US\$) – Bangladesh* [Data set]. <https://data.worldbank.org/indicator/NE.EXP.GNFS.CD?locations=BD>
- The World Bank. (2022). *Exports of goods and services (annual % growth) – Bangladesh* [Data set]. <https://data.worldbank.org/indicator/NE.EXP.GNFS.KD.ZG?locations=BD>
- TRADE IN SERVICES AND ECONOMIC DIVERSIFICATION. (2020). World Trade Organization. https://www.wto.org/english/tratop_e/serv_e/trade_services_economic_diversification_e.pdf
- Tybout, J. (2000). *Manufacturing Firms in Developing Countries*. Journal of Economic Literature 38:11–44.
- Tyler, W. G. (1981). Growth and export expansion in developing countries. J Dev Econ 9:121–130
- Vietnam Briefing. (2019). Vietnam’s Import and Export Regulations Explained. <https://www.vietnam-briefing.com/news/vietnams-import-export-regulations-explained.html/>
- Weinhold, D., and J. Rauch. (1997). *Openness, Specialization and Productivity Growth in Less Developed Countries*. NBER Working Paper No. 6131, National Bureau of Economic Research, Cambridge.
- WTO. (2015). World Trade Report 2015. https://www.wto.org/e+nglish/res_e/booksp_e/world_trade_report15_e.pdf
- WTO. (2016). *World Trade Report 2016: Levelling the Trading Field for SMEs*. Geneva: WTO.
- WTO. (2020) TRADE IN SERVICES AND ECONOMIC DIVERSIFICATION. (2020). https://www.wto.org/english/tratop_e/serv_e/trade_services_economic_diversification_e.pdf
- Yahmed, B. S. and Dougherty, S. (2017), "Domestic Regulation, Import Penetration and Firm-level Productivity Growth", Journal of International Trade & Economic Development.
- Yean, T. (1997). *Determinants of Productivity Growth in the Malaysian Manufacturing Sector*. ASEAN Economic Bulletin 13:333–43.

9. Annexure

KIIs conducted for the review of The Imports and Exports (Control) Act, 1950-

Organization/Association	Key Informants
Office of the Chief Controller Imports and Exports (CCI&E) (4)	<ul style="list-style-type: none"> Mr SK. Rafiqul Islam PAA (Chief Controller) Nandan Kumar Banik (Additional Chief Controller BCS (Trade)) Md. Masudul Mannan (Controller) Md. Sirajul Islam (Assistant Controller)
Bangladesh Trade and Tariff Commission (2)	<ul style="list-style-type: none"> Mr Md. Mamun-Ur-Rashid Askari Ms S.M Sumaiya Zabeen
Export Promotion Bureau (1)	<ul style="list-style-type: none"> Ms Kumkum Sultana (Director (Policy and Planning)-Current Charge)
Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA)	<ul style="list-style-type: none"> Mohammad Hatem (Executive President)
The Metropolitan Chamber of Commerce and Industry, Dhaka (MCCI) (3)	<ul style="list-style-type: none"> Md. Saidul Islam (Additional Secretary-General) Asif Ayub (Joint-Secretary General) M. Abdur Rahman (Deputy Chief)
Bangladesh Institute of Development Studies (BIDS) (1)	<ul style="list-style-type: none"> Dr Kazi Iqbal (Senior Research Fellow)

Team Composition

Name of staff	Area of expertise relevant to the assignment	Designation for this assignment	Assigned tasks or deliverables
Dr Bazlul Haque Khondker	Economist, Institutional analysis expert, Survey expert, FGD and KII expert	Team Leader	Finalize questionnaire, FGD, and KII checklists, Evaluation, and analysis, Draft synthesizing summary, Draft short summaries Finalizing reports
Dr Selim Raihan	Economist, Political economy and institutional analysis expert, Survey expert, FGD and KII expert	Co-Team Leader, Trade Expert	Coordinating and monitoring the team, monitoring all the activities performed by the team members, finalizing questionnaire, FGD, and KII checklists, Evaluation, analysis, Draft synthesizing summary, and Finalizing reports.
Mahtab Uddin	Policy analysis and evaluation, Survey expert, FGD and KII expert	Policy Analyst	Monitoring all the activities performed by the team members, finalizing questionnaires, Coordinating FGDs and KIIs, Evaluation and analysing, and Drafting synthesizing summary.
Mohammad Golam Sarwar	Legislative consultant, development law practitioner	Legal Expert	Analyzing the legal terms and provisions of the study, identifying the possible grounds for alterations, extensions, and exclusion of current legal provisions, and providing legal recommendations.
Mir Ashrafun Nahar	Data analyst, Survey Expert	Senior Research Associate	Desk review, analysing secondary data, designing survey questionnaires for KIIs, supervising the survey, conducting FGDs, analysing primary data, and drafting the reports.
Samantha Rahman	Data analyst, survey expert, data collection and Supervision duties.	Research Associate	Desk review, analysing secondary data, designing survey questionnaires for KIIs, supervising the survey, conducting FGDs,

Name of staff	Area of expertise relevant to the assignment	Designation for this assignment	Assigned tasks or deliverables
			analysing primary data, and drafting the reports.
Afia Mubasshira Tiasha	Data collection and Supervision duties.	Research Associate	Desk Review, developing KII questionnaire, assisting in conducting the KIIs, conducting FGDs, transcription.
Ishrak Akhtar	Data collection and Supervision	Research Intern	Assisting in conducting the KIIs, Constructing Transcriptions and translating documents
Anindita Sejuti Ahammad	Data collection	Research Intern	Constructing Transcriptions and translating documents.



IMPORT



EXPORT



SANEM
RESEARCH | KNOWLEDGE | DEVELOPMENT

South Asian Network on Economic Modeling
Flat K-5, House 1/B, Road 35, Gulshan-2, Dhaka-1212, Bangladesh
Tel: +88-02-58813075, E-mail: sanemnet@yahoo.com, www.sanemnet.org