

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, ফেব্রুয়ারি ৮, ২০১৭

Government of the People's Republic of Bangladesh

Ministry of Shipping

River Cell Section

NOTIFICATION

Dated : 05 February, 2017

S.R.O. No. 28-Law/2017.—In exercise of the powers conferred by section 21 of the National River Conservation Commission Act, 2013, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act, and it shall be effective from the date on which the Act comes into force under sub-section (2) of section 1 of this Act :

The National River Conservation Commission Act, 2013

Act No. XXIX of 2013

[Dhaka, 22 July, 2013/07 Shrabon, 1420]

An Act to establish a Commission for preventing illegal occupation of rivers, pollution of water and environment, pollution of rivers caused by industrial factories, illegal constructions and various irregularities and ensuring multidimensional use of rivers for socio-economic development including restoration of the normal flow of rivers, proper maintenance thereof and making them navigable.

(১২৮৭)
মূল্য় ১টাকা ১২.০০

WHEREAS, it is expedient and necessary to establish a Commission for preventing illegal occupation of rivers, pollution of water and environment, pollution of rivers caused by industrial factories, illegal constructions and various irregularities and ensuring multidimensional use of rivers for socio-economic development including restoration of the normal flow of rivers, proper maintenance thereof and making them navigable.

THEREFORE, it is hereby enacted as follows :—

Chapter 1

Preliminary

1. Short title and commencement.—(1) This Act may be called the National River Conservation Commission Act, 2013.

(2) It shall come into force at once.

2. Definition.—Unless there is anything repugnant in the subject or context, in this Act—

- (a) “Commission” means the National River Conservation Commission established under section 3;
- (b) “Chairman” means the Chairman of the Commission and shall also include the Member discharging the duties as Chairman;
- (c) “regulations” means regulations made under this Act;
- (d) “rules” means rules made under this Act; and
- (e) “Member” means the Member of the Commission and shall also include the Chairman.

Chapter 2

Establishment of the National River Conservation Commission

3. Establishment of the National River Conservation Commission.—

(1) As soon as may be, after the commencement of this Act, there shall be established a Commission to be called the National River Conservation Commission for carrying out the purposes of this Act.

(2) The Commission shall be a statutory body and have perpetual succession and a common seal, and have, subject to the provisions of this Act, powers to acquire, hold and dispose of property, both movable and immovable and shall by the said name sue and be sued,

4. The office of the Commission.—The head office of the Commission shall be at Dhaka and the Commission may, if necessary, with the prior approval of the Government, establish its branch offices.

5. Constitution of the Commission.—(1) The Commission shall consist of a Chairman and not more than 05 (five) Members including at least one female Member.

(2) The Chairman and Members of the Commission shall be appointed by the Government, and the terms and conditions of their service shall be determined by the Government.

(3) The Chairman and Members of the Commission shall be appointed by the Government for a period not more than 03 (three) years:

Provided that no person shall be appointed for more than 02 (two) terms as the Chairman or a Member.

(4) The Chairman of the Commission and one of the Members shall be fulltime and others shall be honorary.

6. Qualifications of the Chairman and the Members, etc.—(1) The Chairman and the members of the Commission shall be appointed from among the persons who have made remarkable contributions to the public administration, law, human rights, river management, river engineering, river survey or environmental activities:

Provided that among the Members of the Commission,—

- (a) one shall be a river specialist or a hydrologist recognized nationally and internationally;
- (b) one shall be an environment specialist recognized nationally and internationally;
- (c) one shall be a river engineer or a river survey specialist or an expert in river management; and
- (d) one shall be an activist of human rights or of an environment organization or a lawyer.

(2) The Members mentioned in sub-section (1) shall have at least 12 (twelve) years experience in the relevant field.

7. Chief Executive.—(1) The Chairman shall be the Chief Executive of the Commission.

(2) If any vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the full-time Member shall act as the Chairman until a newly appointed Chairman holds office or until the Chairman resumes the functions of his office.

8. Disqualification, removal and resignation of the Chairman and Members.—(1) No person shall be qualified for appointment as or for being, Chairman or Member of the Commission, if he—

- (a) is declared by any court to be an insolvent or of unsound mind;
- (b) in the case of the Chairman and the full-time Member, engages himself any post extraneous to his own duties in consideration of remuneration;
- (c) is convicted of any offence involving moral turpitude; or
- (d) is directly or indirectly involved with any profession or business related with the interest of river or Commission.

(2) If the Government thinks reasonable, may remove the Chairman or any Member of the Commission by giving him reasonable opportunity of showing cause.

(3) The Chairman or any Member may, at any time resign his office by writing under his hand addressed to the Government.

9. Vacancies not to invalidate act or proceeding.—No act or proceeding of the Commission shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Commission.

10. Salaries, allowances, etc. of the Members.—(1) The Salaries, allowances and other privileges of the Chairman and full-time Member shall be determined by the Government.

(2) The honorary Members shall be entitled to such honorium and allowances for discharging other duties including attending meeting of the Commission at the rates as may be determined by the Commission with prior approval of the Government.

11. Meeting of the Commission.—(1) Subject to the provisions of this Act, the Commission shall determine the procedure of its meeting.

(2) The Chairman shall preside over all the meetings of the Commission and in his absence the full-time Members shall preside over the meeting.

(3) To constitute a quorum at a meeting of the Commission, the President and at least 02 (two) Members shall be present.

(4) There shall be at least one meeting of the Commission in every 03 (three) months.

(5) For taking decision in the meeting of the Commission each Member shall have one vote, and in the case of equality of votes, the person presiding over the meeting shall have a second or casting vote.

Chapter 3

The functions of the Commission

12. The functions of the Commission.—The Commission shall perform all or any of the following functions, namely:—

- (a) to make recommendation to the Government for coordination of the functions among all concerned Ministries or Divisions related with river;
- (b) to make recommendation to the Government to free the rivers from illegal occupation and to prevent reoccupation;
- (c) to make recommendation to the Government to evict illegal installations established on the rivers or on the banks of rivers;
- (d) to make recommendation to the Government to keep the water of rivers free from pollution;
- (e) to make recommendation to the Government regarding excavation of extinct or moribund rivers;
- (f) to make recommendation to the Government for developing information store house relating to rivers;

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- (g) to make any recommendation to the Government regarding the matter relating to the development of rivers;
 - (h) to make recommendation to the Government to ensure environmentally balanced and sustainable management of rivers;
 - (i) to make recommendation to the Government to take short-term and long-term scheme to conserve rivers;
 - (j) to make necessary recommendation to the Government for taking actions to increase public awareness;
 - (k) to make recommendation after monitoring the activities regarding conservation of rivers and regular inspection;
 - (l) to make recommendation after reviewing practical uses of existing different laws and policies related with the conservation of rivers and if necessary to amend the Act and policies; and
 - (m) to make recommendation to the Government to keep the canals, water bodies and coastal areas of the country free from occupation and pollution.

13. Annual report of the functions of the Commission.—(1) The Commission shall submit an annual report on its affairs of the previous year to the Government by 1st March of each year, wherein, among others, the reasons of not taking necessary actions or measures by the Government or the concerned authority, if no such action or measure is taken in accordance with the advice of the Commission, shall be recorded in writing in so far as it is known to the Commission.

(2) On receipt of the report under sub-section (1), the Government shall take step to lay it before the Parliament.

CHAPTER-4

Officers and employees of the Commission, etc.

14. Appointment of officers and employees.—

- (a) There shall be a Secretary in the Commission;
- (b) the Commission may, subject to the organogram approved by the Government, appoint such number of officers and employees as it considers necessary for the efficient performance of its functions;
- (c) the appointment and the terms and conditions of service of the Secretary and other officers and employees shall be prescribed by regulations; and
- (d) the Government, at the instance of the Commission, may appoint any officer and employee on deputation engaged in the service of the Republic in the Commission.

15. Fund.—(1) There shall be a fund of the Commission to be called as the National River Conservation Commission Fund for carrying out the purposes of this Act and the following money shall be credited to the fund, namely :—

- (a) grants made by the Government;
- (b) grants received from any legal source, subject to the approval of the Government; and
- (c) the interest of the money credited to the bank by the Commission.

(2) The money of the fund shall be kept in the name of the Commission in any Scheduled Bank and the procedure of withdrawal of such money from the bank shall be prescribed by regulations.

(3) The salaries, allowances and the money payable in accordance with the terms and conditions of the service of the Chairman, full-time Member, officers and employees of the Commission shall be paid and all other necessary expenditures of the Commission shall be met from the fund.

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

16. Maintenance of accounts and audit.—(1) The Commission shall maintain its accounts properly and prepare annual statement of accounts.

(2) The comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, shall audit the accounts of the Commission each year and shall send a copy of the audit report to the Government and the Commission.

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

(4) Apart from the audit mentioned in sub-section (2), the accounts of the Commission may be audited by any Chartered Accountant Firm as defined in article 2(1)(b) of the Bangladesh Chartered Accountants Order, 1973 (P.O No.2 of 1973) and for this purpose the Commission may appoint Chartered Accountant.

17. Public servant.—The Chairman, Members, officers and employees while discharging duties of the Commission shall be deemed to be public servant within the meaning of section 21 of the Penal Code, 1860 (Act No. XLV of 1860).

18. Delegation of powers.—The Commission may, by a written order, on such conditions as may be specified therein, delegate all of its powers under this Act to a Member, an officer or any other person of the Commission.

19. Power to make rules.—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

20. Power to make regulations.—The Commission may, with prior approval of the Government, by notification in the official Gazette, make regulations for carrying out the purposes of this Act.

21. Publication of English text.—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic English text of this Act.

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

on behalf of the President

MANOJ KANTI BARAL
Joint Secretary.

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