

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

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, ফেব্রুয়ারি ৭, ২০২১

**Government of the People's Republic of Bangladesh
Ministry of Law, Justice and Parliamentary Affairs
Legislative and Parliamentary Affairs Division**

NOTIFICATION

Dated : 28 January 2021

S.R.O. No 27-Law/2021.—In exercise of the powers conferred by section 28 of the Bangladesh Atomic Energy Commission Act, 2017 (Act No. XXIII of 2017), the Government is pleased to publish the following English Text of the Act to be called the Authentic English Text of the Act :

**The Bangladesh Atomic Energy Commission Act, 2017
Act No. XXIII of 2017**

**An Act to repeal and re-enact the Bangladesh Atomic Energy Commission
Order, 1973**

Whereas it is expedient and necessary to continue the functions of the Bangladesh Atomic Energy Commission established under the Bangladesh Atomic Energy Commission Order, 1973 (P.O. No. 15 of 1973 and re-enact the Act in updated form for the peaceful use, development and promotion of atomic energy in Bangladesh, the undertaking of research connected therewith, organizing educational activities and execution of development projects involving nuclear power stations according to the international rules and regulations, and for matter incidental thereto;

(২২১৯)
মূল্য : টাকা ১২.০০

THEREFORE, it is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Bangladesh Atomic Energy Commission Act, 2017.

(2) It shall come into force at once.

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

- (1) “Commission” means the Bangladesh Atomic Energy Commission established under section 3;
- (2) “Chairman” means the Chairman of the Commission;
- (3) “radioactive material” means the substance which releases radiation due to its disintegration or decay;
- (4) “prescribed” means prescribed by rules or regulation;
- (5) “prescribed material” means any material or substance including mineral which, the Commission may, by notification, determine and the Commission thinks, is used and likely to be used for producing or using atomic energy or conducting research in this regard, and shall also include uranium, plutonium, thorium, beryllium, deuterium or any of its derivatives or compound or any other material or substance relating to the materials mentioned above;
- (6) “atomic energy” means the energy released or produced through transformation of, or reaction between atomic nuclei, or the energy produced through ionizing radiations and liberated as a result of the fission of special nuclear material or fusion of atomic nuclei;
- (7) “regulations” means regulations made under this Act;
- (8) “rules” means rules made under this Act;
- (9) “Member” means the Member of the Commission; and
- (10) “scientist” means an officer directly appointed to the post of scientific officer, engineer, medical officer and geologist and to the post of above rank.

3. Act to override other laws.—Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

4. Establishment of the Commission.—(1) For carrying out the purposes of this Act, the Bangladesh Atomic Energy Commission established under the Bangladesh Atomic Energy Commission Order, 1973 (P.O. No. 15 of 1973) shall continue to be in force as if it had been established under this Act.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with power, subject to this Act and rules made there under, to acquire, hold and dispose of property, both movable and immovable, and the Commission may, by its name, sue and be sued.

5. Office of the Commission.—(1) The head office of the Commission shall be at Dhaka.

(2) The Commission may, if necessary, with the prior approval of the Government, establish one or more of its branch offices at any place of Bangladesh.

6. Constitution of the Commission.—The Commission shall consist of 1 (one) Chairman and not more than 4 (four) Members having experience in the field of science and technology.

7. Appointment, tenure and resignation of the Chairman and Members.—(1) The Chairman and the Members shall be appointed from amongst the scientists working in the Commission and, if necessary, from amongst the prominent scientists of the country on such terms and conditions as may be determined by the Government and they shall perform duties on fulltime basis.

(2) The Chairman and the Members shall hold office for a period not exceeding 3 (three) years from the date of taking over charge :

Provided that the Government may, if necessary, re-appoint the Chairman or any Member for a further period of not exceeding 3 (three) years.

(3) After taking over charge under sub-section (2), the Chairman or any Member may, at any time, resign his office by writing under his hand addressed to the Government.

(4) The Government may, at any time, discharge the Chairman and any Member from his office without assigning any reason.

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

(2) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the senior most Member of the Commission shall perform the duties of the Commission until a newly appointed Chairman enters upon his office or the chairman resumes the functions of his office :

Provided that in the case of difficulty in determining seniority, the Member nominated by the Government shall perform duties of the Chairman.

9. Meetings of the Commission.—(1) Subject to the provisions of this Act, the Commission may determine the procedures of its meeting.

(2) The agenda, date, time and place of the meeting shall be determined by the Chairman, and the Secretary of the Commission shall convene such meeting with the consent of the Chairman.

(3) All the meetings of the Commission shall be presided over by the Chairman, and in his absence, the senior most Member shall preside over such meeting.

(4) The presence of 3 (three) Members including the Chairman shall constitute the quorum for a meeting of the Commission.

(5) At a meeting of the Commission, each Member present shall have one vote and the decision in the meeting shall be taken on the basis of majority of votes, but in the event of equality of votes, the person presiding over the meeting shall have a second or casting vote.

(6) As and when required, the Chairman may, in consultation with the Members, invite any expert person having relevancy with the agenda of the meeting for giving advice, but such person shall not have any right to vote in the meeting for taking decision.

(7) No act or proceeding of the Commission shall be invalid or be called in question merely on the ground of existence of any vacancy in, or defect in the constitution of, the Commission.

10. Functions of the Commission.—The Functions of the Commission shall be as follows, namely :—

- (1) to promote peaceful uses of atomic energy in the fields of food, agriculture, health, treatment, environment and industry;
- (2) to develop design and technology of electronic equipment and appliances;
- (3) to conduct activities related to education, foreign training and service;
- (4) to do all acts and things, including research work, which are necessary for the execution of development projects involving nuclear power stations and the generation of electric power thereat, and to carry out space and upper atmosphere research, and to conduct the affairs related to exploration, abstraction and commercialization of atomic mineral;
- (5) to establish research and development centres, service centres and plants;
- (6) to produce or, in any way, create, purchase or, in any way, obtain the prescribed materials or radioactive materials which is required or may be required for, or has involvement with, the production, development, use or research of atomic energy, and to arrange for the storage, transportation, disposal, management or decommissioning of the prescribed or radioactive materials so produced, created or obtained;
- (7) to proceed to take steps on the basis of public private partnership;
- (8) to conduct activities relating to exploration in the sand level, segregation, analysis and related research and extraction of heavy minerals and radioactive minerals from one or more areas of Bangladesh through physical, chemical or metallic processes;
- (9) if any atomic and heavy minerals are found in natural condition in or under any land, or in the water, or if there is any possibility of obtaining the prescribed material from the waste derived from or deposited inside or on the surface of any land or water, and if such minerals need to be extracted, to acquire such land, with the approval of the Government, for a certain period subject to payment of compensation;

- (10) to determine the remuneration of the expert committee subject to the approval of the Commission;
- (11) to sign bilateral, multilateral cooperation agreements or memorandum of understanding with any national, international, governmental or non-governmental legal entity, subject to the approval of the Government;
- (12) to provide, by the Commission, any technical service thereof and determine appropriate fees for such service;
- (13) to allocate fund from the income arising out of the investments, services and royalties for the research and development of atomic energy;
- (14) to conduct, with the approval of the Government, research and educational activities relating to space, upper atmosphere and the peaceful uses of atomic energy, and to discharge any other function on such terms and conditions as may be agreed upon between the Commission and the Government;
- (15) to determine the eligibility, duty hours and minimum leave of the candidates for appointment in any yard, space or radiation generating plant of any description or class where radioactive materials are produced, extracted from mine, refined, stored or used, or in any yard or place where machinery or equipment relating thereto are used, and arrange for their periodic medical examinations;
- (16) with the approval of the Government, to communicate with or take assistance of any agency concerned with security for maintaining the over all security of the nuclear power stations including the places referred to in clause (15); and
- (17) to comply with such other directions as may be given by the Government.

11. Financial Adviser and Secretary.—The Government shall appoint a full time Financial Adviser and a Secretary to assist the Commission.

12. Expert Committee.—The Commission may, by order, from time to time, form such number of expert committees as may be necessary comprising one or more members, scientists and employees of nine or above grade, or one or more experts to assist it in its work, and may determine the duties, tenure and terms of references of the committees and other conditions ancillary thereto.

13. International communication by the Commission.—The Commission may, subject to the prior approval of the Government, co-operate or continue to co-operate with any foreign national authority or international organization in respect of the peaceful uses of atomic energy and research and, if necessary, in developing other renewable energy, pursuant to the express terms and conditions of any programme or agreement for co-operation, to which such authority or organization is a party, or pursuant to any other international agreement made after the commencement of this Act.

14. Execution of the orders and directives issued by the Government.—The Government may, from time to time, issue to the Commission orders or directives in principles for carrying out the purposes of this Act, and the Commission shall follow and execute such orders or directives.

15. Discoveries, inventions, etc.—All rights or intellectual property rights relating to discoveries and inventions and any improvement in materials, methods, processes, apparatus or equipment made by any scientist or employee working in the scientific research programme of the Commission shall vest in the Commission.

16. Formation of Company.—For carrying out the purposes of section 9 of this Act, the Commission may, with the prior approval of the Government, form a company.

17. Budget.—The Commission shall, by such date in each year as may be specified by the Government in this behalf, submit a budget statement to the Government for approval for the next financial year showing the sums which are likely to be required from the Government during that financial year.

18. Report of the Commission.—(1) The Commission shall, within next 3 (three) months from the end of each financial year, submit to the Government an annual report, with its approval, on the conduct of its affairs for that year.

(2) Notwithstanding the provisions of sub-section (1), the Commission shall submit to the Government, at such time and at such intervals as the Government may specify—

- (a) such periodical reports and summaries as may be required by the Government;
- (b) annual reports on the Head Office and the different research or service centres, nuclear power stations and projects;
- (c) such periodical returns, accounts statements and statistics as may be required by the Government;

- (d) information and comments asked for by the Government on any specific point; and
- (e) copies of the documents required by the Government.

19. Appointment of the scientists and the employees of the Commission.—(1) The Commission may, as per the organogram approved by the Government, appoint such number of scientists and employees as may be necessary for the efficient performance of its functions, and the terms and conditions of their service shall be prescribed by regulations.

(2) The Commission may pay its scientists and employees special incentives and risk-allowances according to the provisions of the regulations made under this Act.

20. Fund of the Commission.—(1) For carrying out the purposes of this Act, the Commission shall have a fund to be called the Bangladesh Atomic Energy Commission Fund to which money shall be credited from the following sources, namely :—

- (a) grants made by the Government;
- (b) donations and endowments;
- (c) grants received from any person or any national or international agency, with the prior approval of the Government;
- (d) income from service, investments and royalties; and
- (e) money received from any other legal sources.

(2) All money of the fund shall be deposited in the name of the Commission in such Scheduled Bank as may be specified by the Commission, and the fund shall be operated in such manner as may be prescribed by rules.

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

(3) The necessary expenditure of the Commission may be borne from the fund according to the policy and rules of the Government and the surplus sum, if any, shall be deposited into the government treasury.

21. 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 every year and send a copy of the audit report to the Government and the Commission.

(3) For the purpose of audit of the accounts 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 bank deposits, security, stores or other property, and may examine any Member or any employee of the Commission.

(4) Notwithstanding the audit mentioned in sub-section (3), the accounts of the Commission may be audited by a Chartered Accountants Firm as defined in Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973), and in this behalf, the Commission may appoint a Chartered Accountant.

22. Secrecy.—(1) The Chairman, Members, members of the expert committee, and the scientists and employees working in the Commission shall make such declaration of fidelity and secrecy as may be prescribed.

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

24. Delegation of powers.—(1) The Commission may, by written order and subject to the such conditions as may be mentioned therein, delegate any of its powers or duties to the Chairman, any Member or any scientist and employee of nine or above grade.

(2) In the case of delegating powers or duties under sub-section (1), the qualifications and ability of the person concerned shall be considered.

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

26. Power to make regulations.—For carrying out the purposes of this Act, the Commission may, with the prior approval of the Government, by notification in the Official Gazette, make regulations.

27. Repeal and savings.—(1) The Bangladesh Atomic Energy Commission Order, 1973 (President's Order No. 15 of 1973), hereinafter referred to as the repealed Order, is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1)—

- (a) all assets of the Commission established under the repealed Order shall stand transferred to, and vest in, the Commission;

Explanation :—“assets” includes all rights, powers authorities, privileges, all property, moveable and immovable, and cash balances, bank deposits, reserve funds, investments and all other right and interests in, or arising out of, such property and all books of accounts, registers, records and all other documents of whatever nature relating thereto;

- (b) all liabilities incurred, all obligations undertaken, all contracts entered into, documents or instruments made by the Commission established under the repealed Order shall sustain and be deemed to have been incurred, undertaken, entered into or made under this Act;
- (c) any suit filed or other proceeding instituted or activity initiated by or against the Commission established under the repealed Order shall, if pending, be disposed of as if it had been filed, instituted or initiated under this Act;
- (d) all types of loans, liabilities and legal obligations of the Commission established under the repealed Order shall be deemed to be the loans, liabilities and legal obligations of the Commission on the same terms and conditions in accordance with the provisions of this Act; and
- (e) notwithstanding anything contained in any contract or terms and conditions of service, the Chairman, Members, scientists and all the employed of the Commission established under the repealed Order shall continue to serve in the Commission on the same terms and conditions as were applicable to them before the commencement of this Act until the Commission changes the terms and conditions of their service.

(3) Notwithstanding such repeal of the said Order, the rules or regulations made, notifications issued, orders, directives or approvals given, recommendations made, all schemes or programmes developed, and all budgets approval shall, if remaining in force immediately before such repeal, be deemed to have been made, issued, given, made, developed and approved under the same provisions of this Act, subject to not being inconsistent with any of the provisions of this Act, and continue to be in force until expiry of time or repealed or amended under this Act.

28. Publication of Authentic English Text.—After the commencement of this Act, the Government may, if necessary, by notification in the official Gazette, publish an Authentic English Text of this Act:

Provided that in the event of conflict between the Bangla and the English Texts, the Bangla Text shall prevail.

By Order of the President

মুহঃ জাকির হোসেন
যুগ্মসচিব (লে.আ)।