

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, এপ্রিল ৪, ২০১৬

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

Dated the 30 march, 2016

S.R.O. No 75-Law/2016—In exercise of the powers conferred by section 24 of the Climate Change Trust Act, 2010, 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 the Act:

**THE CLIMATE CHANGE TRUST ACT, 2010
ACT NO. LVII OF 2010**

[11th October, 2010/26th Ashwin, 1417]

An Act to establish a trust to be called the Climate Change Trust to redress the adverse impact of climate change on Bangladesh and to take measures on other matters relating thereto

WHEREAS it is expedient and necessary to establish a trust to be called the Climate Change Trust to redress the adverse impact of climate change on Bangladesh and to take measures on other matters relating thereto;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Climate Change Trust Act, 2010.

(2) It shall come into force at once.

(২৪৯৩)

মূল্য : টাকা ১৬.০০

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

- (1) “Chairman” means the Chairman of the Board of Trustees;
- (2) “Trust” means the Climate Change Trust established under this Act;
- (3) “Fund” means the Climate Change Trust Fund mentioned in section 15;
- (4) “Regulations” means regulations made under this Act;
- (5) “Board of Trustees” means the Board of Trustees constituted under section 9 of this Act;
- (6) “rules” means rules made under this Act;
- (7) “member” means a member of the Board of Trustees or the Technical Committee;
- (8) “Technical Committee” means the Technical Committee formed under this Act.

3. **Establishment of the Trust.**—(1) As soon as may be, after the commencement of this Act, the Government shall establish a trust to be called the Climate Change Trust, in accordance with the provisions of this Act.

(2) The Trust shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. **Office of the Trust.**—(1) The head office of the Trust shall be in Dhaka.

(2) The Board of Trustees may, if it deems necessary, with prior approval of the Government, establish its branch office at any place in Bangladesh.

5. **Aims of the Trust.**—The Trust shall have the following aims, namely:—

- (a) to make necessary action plan for capacity building for adjustment of the people or groups of people of the affected and risky areas resulting from climate change, upgrading their life and livelihood and facing the long term risk, and to take measures for implementation thereof;

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- (b) to take measures for adaptation, mitigation, technology development and transfer, capacity building and funds for facing adverse effect of climate change on man, biodiversity and the nature.

6. Objectives of the Trust.—The objectives of the Trust shall be as follows, namely:—

- (a) to use the fund of the Trust in facing the risk arising from climate change as a special case out of the development or non-development budget of the Government;
- (b) to initiate and implement suitable action plan for implementation of special programme regarding climate change and ensuring sustainable development;
- (c) to initiate project or programme regarding institutional and social capacity building of the local people and development of human resources in the grass root level for facing climate change;
- (d) to undertake necessary action research in the field of adaptation, mitigation, technology transfer and finance and investment for facing climate change and in the light of the research result, to initiate and implement pilot programmes with dissemination of such result;
- (e) to make necessary action plans of different terms for adjustment with climate change and facing damages and to initiate and implement programmes or projects on the basis of them;
- (f) to assist the climate change cells or focal points formed in different Ministries and in the Department of Environment in respect of climate change including the Climate Change Unit established in the Ministry of Environment and Forest for playing their effective role;
- (g) to assist in initiating suitable programmes and implementation thereof in order to eradicate poverty by building up the institutional, social or local people's capacity for creating public awareness on possible environmental disaster arising out of climate change and for facing the disaster;
- (h) to assist any emergency activities following any natural disaster arising out of climate change.

7. Preparation, adoption and implementation of project.—Projects shall be prepared, adopted and implemented with the money of the Climate Change Trust Fund in accordance with the following procedures, namely:—

- (a) in addition to the running development and non-development programmes of the Government, the short, medium and long term development projects shall be adopted through the Trust for the purpose of implementation of special programmes relating to climate change;
- (b) the concerned Ministry or Division and the Non-Government Research Institute or Organisation having experience in the concerned field shall, in the light of the Bangladesh Climate Change Strategy and Action Plan, 2009, made by the Government, prepare projects or programmes relating thereto and submit them to the Board of Trustees;
- (c) the projects or programmes relating thereto shall be implemented by the concerned Ministry, Division or Organisation in accordance with the guidelines relating to climate change and the projects or programmes shall have to be prepared complying with the directions of the Board of Trustees;
- (d) funds shall be allocated to conduct research activities in accordance with the policy formulated by the Board of Trustees for adaptation, mitigation, technology transfer and finance and investment in order to face the effect of climate change;
- (e) necessary funds shall be allocated in accordance with the policy formulated by the Board of Trustees for publicity and advertisement in order to create public awareness of the effect of climate change;
- (f) funds shall be allocated following the policy formulated by the Board of Trustees for arranging seminar, symposium, workshop or training, etc. for sharing knowledge and experience with a view to attaining sustainable disaster recovery and disaster risk reduction.

8. Administration and direction.—The general direction and administration of the Trust shall vest in the Board of Trustees constituted under section 9.

৯. **Constitution of the Board of Trustees.**—(১) The Board of Trustees shall consist of the following members, namely:—

- (a) Minister or State Minister in charge of the Ministry of Environment and Forest, who shall also be its Chairman;
- (b) Minister or State Minister in charge of the Ministry of Finance;
- (c) Minister or State Minister in charge of the Ministry of Agriculture;
- (d) Minister or State Minister in charge of the Ministry of Food and Disaster Management;
- (e) Minister or State Minister in charge of the Ministry of Foreign Affairs;
- (f) Minister or State Minister in charge of the Ministry of Woman and Child Affairs;
- (g) Minister or State Minister in charge of the Ministry of Water Resources;
- (h) Minister or State Minister in charge of the Ministry of Shipping;
- (i) Minister or State Minister in charge of the Ministry of Health and Family Welfare;
- (j) Minister or State Minister in charge of the Ministry of Local Government, Rural Development and Cooperation;
- (k) Cabinet Secretary, Cabinet Division;
- (l) Governor, Bangladesh Bank;
- (m) Secretary, Finance Division, Ministry of Finance;
- (n) Member, Agriculture, Water Resources and Rural Institution Division, Planning Commission;
- (o) Two experts in climate change nominated by the Government;
- (p) Secretary, Ministry of Environment and Forest, who shall also be its member-secretary.

(২) The Unit designated or constituted by the Ministry of Environment and Forest shall give secretarial support to the Board of Trustees.

(৩) A nominated member mentioned in serial No. (o) of sub-section (1) shall hold his office for a period of 3 (three) years from the date of nomination.

(4) No act or proceeding of the Board of Trustees shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board of Trustees.

10. Functions of the Board of Trustees.—The functions of the Board of Trustees shall be as follows, namely:—

- (a) to conduct and control the overall activities of the Trust;
- (b) to approve projects or programmes for using a maximum of 66 percent money of the Fund of the Trust to implement the Bangladesh Climate Change Strategy and Action Plan, 2009 made by the Government and to release, on the recommendation of the Technical Committee, a maximum of 66 percent money of the total Fund and the money accrued as interest on the remaining 34 percent deposited money in favour of the projects or programmes adopted for implementation of the aims and objectives of the Trust;
- (c) to take necessary measures for investment of remaining 34 percent deposited money of the Fund;
- (d) to formulate policies and guidelines for implementation of the projects or programmes to be adopted with the money of the Fund of the Trust and to give final approval to the projects or programmes;
- (e) to give directions to the Technical Committee regarding annual action plan, financing and budget plan for adopting long term projects and programmes;
- (f) to approve the recommendations of the Technical Committee in conducting the action research for redressing the effect of climate change;
- (g) to communicate with different donor countries or organisations, with approval of the Government, for collecting funds, if necessary, from other sources except Government financing and to take initiatives and steps for receiving money from them;
- (h) to constitute a general evaluation team and to revise and approve the evaluation report at least once in a year;
- (i) to solve the problems of the projects or programmes adopted on the recommendations of the Technical Committee and in this behalf, to approve the proposals for arranging seminars, symposiums or workshops with a view to sharing the knowledge and experience;

- (j) to give directions for necessary amendment (where applicable) of the projects or programmes in accordance with the recommendations of the Technical Committee;
- (k) to formulate policies for supervision of the implementation of the projects or programmes adopted;
- (l) to take and implement such programmes for facing the risks arisen out of climate change as may be determined by the Government or other programmes relating thereto;
- (m) to take any action which is necessary for performing the functions under this section and to do any act for carrying out the purposes of this Act;
- (n) to transfer the unused money to the Fund, if the implementation, including making, processing and approval, of the appropriate project or programme is not possible to complete during any financial year;
- (o) to take assistance of competent expert if the Board of Trustees requires;
- (p) subject to the direction given by the Government from time to time, to perform such other duties as may be assigned to it.

11. Meetings of the Board of Trustees.—(1) Subject to other provisions of this section, the Board of Trustees may determine the procedure of its meetings.

(2) The meetings of the Board of Trustees shall be held, with the consent of the Chairman at such times and places as the Chairman may determine.

(3) The Chairman shall preside over the meetings of the Board of Trustees.

(4) At least one meeting shall be held in every 3 (three) months or, when necessary, a meeting may be held at any time with the consent of the Chairman.

(5) To constitute a quorum at a meeting of the Board of Trustees, the presence of at least one-third of the total number of members of the Board of Trustees shall be required, but in case of an adjourned meeting, no such quorum shall be required.

(6) At a meeting of the Board of Trustees, each member shall have one vote and, in the event of equality of votes, the person presiding over the meeting shall have a second or casting vote.

12. Technical Committee.—(1) In order to assist the Board of Trustees, a Technical Committee consisting of the following members shall be formed, namely:—

- (a) Secretary, Ministry of Environment and Forest, who shall also be its Convener;
- (b) Joint-secretary (Environment), Ministry of Environment and Forest;
- (c) Joint-secretary (Development), Ministry of Environment and Forest;
- (d) a representative or focal point of the Climate Change Cell of the concerned Ministry to be nominated by that Ministry;
- (e) a representative of the Planning Wing of the concerned Ministry to be nominated by that Ministry;
- (f) a representative of the concerned sector of the Planning Commission;
- (g) 2 (two) expert representatives (Director, technical) of the Department of Environment;
- (h) 2 (two) representatives of the social institutions/NGOs/ experts concerned with the project relating to climate change to be nominated by the Government;
- (i) a representative of the Centre for Environmental and Geographic Information Services (CEGIS);
- (j) a representative of the Forest Department;
- (k) Deputy Secretary (Environment-1), Ministry of Environment and Forest, who shall also be its member-secretary.

(2) The Unit designated or constituted by the Ministry of Environment and Forest shall give secretarial support to the Technical Committee.

(3) A nominated member mentioned in serial no. (h) of sub-section (1) shall hold his office for a period of 3 (three) years from the date of nomination.

13. Functions of the Technical Committee.—The functions of the Technical Committee shall be as follows, namely:—

- (a) to make annual budget and action plan regarding climate change and to submit for approval of the Board of Trustees;

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- (b) to take measures in accordance with the directions of the Board of Trustees for preparing projects or programmes to be adopted with the money of the Trust and to assist the Board of Trustees in formulating policies;
 - (c) to assist the Board of Trustees in formulating policies for the supervision of the implementation of the projects adopted;
 - (d) to scrutinize the projects or programmes submitted by different Ministries or Divisions and to make recommendation for submission to the Board of Trustees;
 - (e) to form suitable sub-committees required for scrutiny purposes;
 - (f) to provide all types of technical assistance as may be required by the Board of Trustees;
 - (g) to perform such other duties as may be assigned to it by the Board of Trustees; and
 - (h) to take assistance of competent experts if required by the Technical Committee.

14. Meetings of the Technical Committee.—(1) The meetings of the Technical Committee may be convened with the consent of the Convener, and shall be held at such places and times as the Convener may determine.

(2) The Convener of the Technical Committee shall preside over the meeting.

(3) The Technical committee shall keep the Board of Trustees informed with the decisions of its meetings and shall comply with the specific advice, if any, of the Board of Trustees.

15. Fund of the Trust.—(1) There shall be a fund of the Trust to be called the climate Change Trust Fund to which the following sums of money shall be credited, namely:—

- (a) money granted by the Government from the National Budget;
- (b) money received from the donor countries, organisations and institutions approved by the Government;
- (c) money received from the local and foreign sources approved by the Government;
- (d) income accrued from investment of the fund;
- (e) money received from any other sources approved by the Government.

(2) The money of the Fund shall be deposited in any scheduled bank in the name of the Trust and many be drawn out in the manner prescribed by the Board of Trustees.

(3) A maximum of 66 (sixty six) percent money from the Government grants may be spent every year on the projects of programmes relating to the aims and objectives of the Trust, and the minimum 34 (thirty four) percent money and the unspent money shall be credited to the Fund.

(4) Allocation shall be made for standard projects from the profit or interest accrued from the money credited to the Fund.

(5) Necessary expenses of the Trust shall be met from the Fund.

16. Bank account.—(1) A bank account shall be opened with the approval of the Board of Trustees and shall be operated by the joint signatures of the Chairman and the member secretary of the Board of Trustees.

(2) All activities relating to bank shall be performed with the approval of the Board of Trustees.

17. Budget.—The Trust shall, by such date each year as the Government may fix, submit to the Government the annual budget statement (related to the Trust) for the next financial year showing the sums which are likely to be required by the Trust from the Government for that financial year.

18. Audit and accounts.—(1) The Trust shall maintain proper accounts of its income and expenditure and prepare annual statement of accounts.

(2) The Comptroller and Auditor-General of Bangladesh shall audit the accounts of the Trust every year and submit the copy of the audit report to the Government and the Board.

(3) For the purposes of audit under sub-section (2), the Comptroller and Auditor-General or any person authorized by him in this behalf may examine all records, documents, cash or bank balance, securities, stores and other properties of the Trust.

(4) The Board of Trustees shall, as soon as may be after the end of every financial year, submit to the Government an annual report containing a statement of functions performed by it during that financial year.

(5) The Government may, if it deems necessary, require the Board of Trustees at any time to furnish a report or statement on any of its functions and the Board of Trustees shall be bound to furnish such report or statement to the Government.

19. **Manging Director.**—(1) The Trust shall have a Managing Director.

(2) The Managing Director Shall be appointed by the Government and the terms and conditions of his service shall be determined by the Government.

(3) The managing Director shall be the full time chief executive officer of the Trust and shall—

- (a) be responsible to implement the decisions of the Board of Trustees;
- (b) perform the duties and functions assigned to him by the Board of Trustees;
- (c) conduct the administration of the Trust.

(4) If any vacancy occurs in the office of the Managing Director or if the Managing Director is unable to discharge the functions of his office on account of absence, illness or any other cause, any person nominated by the Government shall act as the Managing Director until a newly appointed Managing Director takes over the charge of his office or until the Managing Director resumes the functions of his office.

20. **Delegation of power.**—The Board of Trustees may, if it deems necessary and subject to such conditions as may be specified, delegate any of its powers to the Chairman or any member or any officer.

21. **Protection of actions taken in good faith.**—No suit or prosecution or any other legal proceeding shall lie against the Board of Trustees or any member, Managing Director or other officers or employees for any damage caused or likely to be caused to any person consequent to anything done in good faith under this Act or rules or regulations.

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

23. **Power to make regulations.**—The Board of Trustees may, with the prior approval of the Government and by notification in the official Gazette, make regulations not inconsistent with this Act or rules made there under, for carrying out the purposed of this Act.

24. 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 this Act.

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

By order of the president

DR. KAMAL UDDIN AHMED
Secretary.