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PART IIIA.—Ordinances and Orders promulgated by the President of the People's Republic of Bangladesh.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

NOTIFICATION

No. 127-Pub.—27th February, 1973.—The following Order made by the President, on the advice of the Prime Minister, of the People's Republic of Bangladesh on the 26th February, 1973, is hereby published for general information:—

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

President's Order No. 15 of 1973

THE BANGLADESH ATOMIC ENERGY COMMISSION ORDER, 1973

WHEREAS it is expedient to provide for the establishment of an Atomic Energy Commission for the promotion of the peaceful uses of atomic energy in Bangladesh, the discharge of International obligations connected therewith, the undertaking of research, the execution of development projects involving nuclear power stations and matters incidental thereto;

NOW, THEREFORE, in pursuance of paragraph 3 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. (1) This Order may be called the Bangladesh Atomic Energy Commission Order, 1973.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

- (a) "Atomic energy" means the energy or ionizing radiations released in any process which involves transformation of, or reaction between atomic nuclei and includes energy liberated as a result of the fission of special nuclear material or fusion of atomic nuclei;
- (b) "Chairman" means the Chairman of the Commission;
- (c) "Commission" means the Bangladesh Atomic Energy Commission established by this Order;
- (d) "Government" means the Government of the People's Republic of Bangladesh;
- (e) "Prescribed" means prescribed by rules made under this Order;
- (f) "special nuclear material" means plutonium 239, uranium 235 or uranium 233 or any other material which the Commission determines to be capable of releasing energy through fission and fusion.

3. (1) On the commencement of this Order, there shall be established a Commission to be called the Bangladesh Atomic Energy Commission for carrying out the purposes of this Order.

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

(3) The Head Office of the Commission shall be at Dacca.

4. (1) The Commission shall consist of one Chairman and not more than four full-time Members to be appointed by the Government from amongst notable persons in the field of science and technology, on such terms and conditions as the Government may decide.

(2) There shall be an Advisory Committee to advise the Commission and assist it in its work in any manner the Commission may decide, which Committee shall consist of the Chairman and the full-time members of the Commission as well as not more than five part-time members, to be appointed by the Government. The part-time members will be selected from amongst the engineers, scientists, doctors, teachers and other professionals in the employ of the Commission, the universities and the research institutions in science and technology.

(3) The Chairman and other members shall exercise such powers and perform such functions as may be prescribed or as may be assigned to them by the Commission or the Government from time to time. The Chairman will be the Chief Executive Officer of the Commission.

(4) The Commission shall have a full-time Financial Adviser and a full-time Secretary to be appointed by the Government.

5. (1) A member of the Commission shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for such further period or periods, not exceeding three years at any time, as the Government may decide:

Provided that no member shall hold office for more than two consecutive terms, unless under special circumstances, to be decided by the Government, where the services of a member is expressly desired in the interest of Nuclear Science.

(2) A person appointed to be a member of the Commission may at any time resign his office by letter addressed to the Chairman:

Provided that no resignation shall take effect until it has been accepted by the Government.

(3) A vacancy caused by resignation or any other reason shall be filled by appointment of a person qualified to fill such vacancy.

(4) The Government at any time terminate the appointment of the Chairman or any other member of the Commission without assigning any reason.

(5) No act or proceeding of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or defect in the constitution of, the Commission.

6. (1) The functions of the Commission shall be to do all acts and things, including research work, necessary for the promotion of the peaceful uses of atomic energy in the fields of agriculture, medicine, industry, development of related technology and electronic equipment and appliances, and 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.

(2) The Commission may, on behalf and with the approval of the Government, perform such other functions relating to the peaceful uses of atomic energy and space and upper atmosphere research, and on such terms and conditions, as may be agreed upon between the Commission and the Government.

(3) In the performance of its functions, the Commission shall be guided on questions of policy by the instructions, if any, given to it by the Government which shall be the sole judge as to whether a question is a question of policy.

(4) The Commission shall, in order to carry out any functions under clause (1) or clause (2),—

(a) prepare and submit, for the approval of the Government, proposals, schemes or projects in such form as may be indicated by the Government;

(b) proceed to give effect to a proposal, scheme or project as approved by the Government.

7. (1) The Commission shall meet at such time and place and in such manner as may be prescribed:

Provided that a meeting may also be convened by the Chairman when he so thinks fit.

(2) At a meeting of the Commission each member shall have one vote, and in the event of equality of votes, the Chairman shall have a casting or second vote.

(3) If for any reason the Chairman is unable to be present at a meeting, a member authorised by the Chairman shall preside over the meeting.

(4) Until the rules are framed in this behalf, fifty per cent. of the members appointed for the Commission shall form a quorum at a meeting of the Commission.

8. (1) The funds of the Commission shall comprise of:—

(a) funds of the former Atomic Energy Commission existing in Bangladesh which stand transferred to the Commission;

(b) grants from the Government;

(c) donations and endowments;

(d) income from investments and royalties;

(e) receipts of the commission from such other sources as may be approved by the Commission, and

(f) funds and assets of the former Space and Upper Atmosphere Research Committee existing in Bangladesh.

(2) The Commission may open a deposit account with any bank or banks.

(3) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of Bangladesh, and shall be maintained, and presented for audit, in such form and manner, as may be prescribed.

9. The Commission shall, by such date in each year as may be prescribed, submit to the Government for approval, a budget in the prescribed form for each financial year, showing the estimated receipts and expenditures and the sums which are likely to be required from the Government during that financial year.

10. The Commission may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or by such member or officer of the Commission as may be so specified.

11. (1) The Commission may, subject to such general or special orders as the Government may give it from time to time, appoint officers, consultants, advisers and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

(2) The Government may direct the Commission to dispense with the services of any officer or employee, and when so directed, the Commission shall dispense with his services.

(3) The Commission, subject to approval of the Government, and in accordance with the general or specific standing orders of the Government, shall prescribe the procedure for appointments, terms and conditions of services of its officers and other employees and shall be competent to take disciplinary action against them.

(4) The Commission may, by general or specific orders, delegate to the Chairman, members and officers of the Commission, any of its powers, duties and functions under this order, subject to such conditions and limitations as it may think fit to impose.

12. (1) The Chairman, members, officers and other employees of the Commission shall, when acting or purporting to act in pursuance of any of the provisions of this Order shall be deemed to be public servants within the meaning of section 21 of the Penal Code, 1860.

(2) No suit, prosecution or other legal proceedings shall lie against the Commission, the Chairman, members or officers and other employees of the Commission in respect of anything done or intended to be done, in good faith, under this Order.

13. The Commission may, subject to the prior approval of the Government, co-operate with any foreign national authority or international organisation, in respect of the peaceful uses of atomic energy and space and upper atmosphere research, pursuant to the express terms and conditions of any programme or agreement for co-operation, to which such authority or organisation is a party, or pursuant to any other international arrangement made after the commencement of this Order.

14. (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 centres, 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;
- (e) copies of the documents required by the Government; and
- (f) original documents required by the Government for examination or for any other purpose.

15. The Government may, from time to time, issue to the Commission such directives and orders as it may consider necessary for carrying out the purposes of this Order and the Commission shall follow and carry out such directives and orders.

16. All rights relating to discoveries and inventions and any improvements in materials, methods, processes, apparatus or equipment made by any officer or employee of the Commission, in the course of his employment, shall vest in the Commission.

17. Every member, adviser, consultant, officer or other employee of the Commission shall make such declaration of fidelity and secrecy as may be prescribed.

18. (1) The Government may, make rules to carry out the purposes of this Order.

(2) All rules and regulations made under this Article shall be published in the official gazette and shall come into force on such publication.

19. The Commission may, with the previous approval of the Government, make such regulations, not inconsistent with the provisions of this Order or the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Order.

20. All rules, regulations, and bye-laws of the former Atomic Energy Commission established under the Atomic Energy Commission Ordinance, 1965 (Ord. No. XVII of 1965) and the former Space and Upper Atmosphere Research Committee, and in force immediately before the commencement of this Order, shall, *mutatis mutandis*, and so far as they are not inconsistent with any of the provisions of this Order, continue in force until repealed or altered by rules or regulations made under this Order.

21. No provision of law relating to the winding up of bodies corporate shall apply to the Commission, and the Commission shall not be wound up except by order of the Government, and in such manner as the Government may direct.

22. Notwithstanding anything contained in any other law for the time being in force or in any memorandum or articles of association, deed or other instrument, on the commencement of this Order,—

(a) all assets of the former Atomic Energy Commission established under the Atomic Energy Commission Ordinance, 1965 (Ord. No. XVII of 1965); hereinafter referred to as the said Commission, and of the former Space and Upper Atmosphere Research Committee, hereinafter referred to as the said Committee, in Bangladesh shall stand transferred to, and vested in the Commission.

*Explanation*—The expression “assets” includes all rights, powers, authorities and privileges, all property, movable and immovable, including lands, buildings, cash balances, bank deposits, reserve funds, investments and all other rights 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 debts and liabilities incurred, all obligations undertaken, all contracts entered into and all agreements made in Bangladesh by or with the said Commission or the said Committee shall, unless the Government otherwise directs, stand transferred to, and be deemed to have been incurred, undertaken, entered into or made by or with, the Commission;

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- (c) all officers and other employees now serving in the Atomic Energy Commission in Bangladesh shall continue to serve in the Commission on such terms and conditions as may be determined by the Government or, until so determined, on the same terms and conditions, as were applicable to them immediately before the promulgation of this Order, subject to the provisions relating to pay and allowances in the Bangladesh Government and Semi-Autonomous Organisations (Regulation of Salary of Employees) Order, 1972 (P.O. No. 79 of 1972), so long as the said Order remains in force.
- (d) all suits or other legal proceedings instituted by or against the said Commission in Bangladesh before the commencement of this Order shall, unless the Government otherwise directs be deemed to have been instituted by or against the Commission and may be continued or proceeded with accordingly.

23. The Atomic Energy Commission Ordinance, 1965 (Ord. No. XVII of 1965), is hereby repealed.

DACCA;  
The 26th February, 1973.

ABU SAYEED CHOWDHURY  
*President of the  
People's Republic of Bangladesh.*

N. AHMAD  
*Joint Secretary.*