

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, সেপ্টেম্বর ১৭, ২০১৭

Government of the People's Republic of Bangladesh
Ministry of Science and Technology

NOTIFICATION

Dated: 30 August 2017

S. R. O. No. 277-Law/2017.—In exercise of the powers conferred by section 70 of the Bangladesh Atomic Energy Regulatory Act, 2012, the Government is pleased to publish the following Authentic English Text of the Act, and it takes effect from the date on which the Act comes into force under sub-section (2) of section 1 of this Act:

The Bangladesh Atomic Energy Regulatory Act, 2012

Act No. 19 of 2012

[19 June, 2012/5 Ashar, 1419]

An Act to make a new law by repealing and consolidating the existing Act related to regulation of the peaceful uses of atomic energy

Whereas it is expedient and necessary to make a new law by repealing and consolidation the existing Act related to regulation of the peaceful uses of atomic energy;

Therefore, it is hereby enacted as follows :—

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Bangladesh Atomic Energy Regulatory Act, 2012.

(৯৮৩১)

মূল্য : টাকা ৪০.০০

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

(3) It extends to the whole of Bangladesh.

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

- (1) **“authorization holder”** means any person who is authorized by the authority to carry out specific activities under this Act or regulations made there under;
- (2) **“authorized limit”** means recognized limit prescribed by the authority by regulations;
- (3) **“sabotage”** means any deliberate act directed against a nuclear installation or nuclear material, specified equipment and non nuclear materials or management or transportation of radioactive waste or spent fuel which may, by the release of radioactive material, directly or indirectly, damage the lives, health or property of the people or endanger the environment.
- (4) **“import” and “export”** mean “import” and “export” as defined in section 2(c) of Import and Export (Control) Act, 1950 (Act No. XXXIX of 1950);
- (5) **“ionizing radiation”** means such radiation which is capable of producing ion-pairs directly or indirectly in any material while passing through it;
- (6) **“advisory council”** means an advisory council constituted under section 16 of this Act;
- (7) **“source material”** means—
 - (a) uranium containing the mixture of isotopes found in nature; or
 - (b) depleted uranium; or
 - (c) thorium; or
 - (d) any material specified under sub-clauses (a), (b) and (c) in the form of metal, alloy, chemical compound or concentrated solution; or
 - (e) any other material which contains one or more of the materials specified in sub-clauses (a), (b) and (c) in a more concentrated form and quantity than that in prescribed by regulations;

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- (8) “**authority**” means the Bangladesh Atomic Energy Regulatory Authority constituted under section 4 of this Act;
- (9) “**commission**” means the Bangladesh Atomic Energy Commission established under the Bangladesh Atomic Energy Commission Order, 1973 (President’s order No. XV of 1973);
- (10) “**practice**” means any human activity that introduces additional sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people or the number of people exposed;
- (11) “**employee**” means officers and staffs of the Authority;
- (12) “**company**” means any company, statutory body, partnership business, society or association of persons;
- (13) “**chairman**” means the chairman of the authority;
- (14) “**radioactivity**” means the decay of an unstable nucleus through disintegration or emission of nuclear particles;
- (15) “**radioactive material**” means any material in which radioactivity is present in excess of the authorized limit;
- (16) “**radioactive waste**” means any such material, in whatever physical form, remaining from practices or interventions and for which no further use is foreseen and—
- (i) that contains or is contaminated with radioactive material and has an activity or activity concentration higher than the limit set for clearance from regulatory requirements; and
- (ii) exposure to which is not excluded from the scope of applicable regulations;
- (17) “**radioactive waste management**” means all activities involved in the handling, transportation, pre-treatment, treatment, conditioning, storage and disposal of radioactive waste;
- (18) “**nuclear incident**” means any occurrence or series of occurrences having the same origin which causes nuclear damage or, but only with respect to preventive measures, creates a grave and imminent threat of causing such damage;

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- (19) **“nuclear fuel”** means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission;
- (20) **“nuclear accident”** means any such accident involving release of radioactive material into the environment or potentially dangerous occupational or public exposure, caused by disruption of the control and management of a chain process of nuclear fission or any management relating thereto or criticality and disruption of the heat transport from an irradiated nuclear material, or malfunction of nuclear material, including nuclear fuel;
- (21) **“nuclear safety”** means to protect the workers, the lives and the environment from the risk of hazardous radiation by the achievement of proper operating conditions of nuclear installation, prevention of accidents or mitigation of consequences of accident;
- (22) **“nuclear material”** means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium 233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue or any other material as defined by the Authority;
- (23) **“nuclear damage”** means—
- (a) loss of life or physical or mental injury;
 - (b) damage to property;
 - (c) economic loss arising from loss or damage specified in sub-clauses (a) and (b), in so far as not included in those sub-clauses if incurred by a person entitled to claim in respect of such loss or damage;
 - (d) the costs of measures of reinstatement of impaired environment, unless such impairment is insignificant, if such measures are actually taken or to be taken, and in so far as not included in sub-clause (b);
 - (e) loss of income deriving from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment, and in so far as not included in sub-clause (b);

- (f) the cost of any reasonable measures and subsequent loss or damage caused by such measure taken by any person to prevent or minimize damage after a nuclear incident has occurred specified in sub-clause (a), (b), (c), (d) and (e) or (g), subject to the approval of the competent authority required by the law of the State where the measures were taken;
- (g) any economic loss caused by any other way except the loss caused by the impairment of the environment, if permitted by the general law on civil liability of the competent court;

in the case of sub-clauses (a) (b), (c), (d), (e) and (g) above, to the extent that the loss or damage arises out of or results from ionizing radiation emitted by any source of radiation inside a nuclear installation, or emitted from nuclear fuel or radioactive products or waste in, or of nuclear material coming from, originating in, or sent from a nuclear installation, whether so arising from the radioactive properties of such matter, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such matter;

Explanation.—(i) “radioactive products or waste” means any radioactive material produced in, or any material made radioactive by exposure to the radiation incidental to, the production or utilization of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be useable for any scientific, medical, agricultural, commercial or industrial purpose;

- (ii) “preventive measures” means any reasonable measures specified in sub-clauses (a), (b), (c), (d) and (e) of (g), taken by any person to prevent or minimize damage after a nuclear incident has occurred;
- (24) “**nuclear reactor**” means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission may occur therein without an additional source of neutrons;
- (25) “**nuclear or radiological emergency**” means such an emergency in which there is, or is perceived to be, a hazard due to the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction or radiation exposure;
- (26) “**nuclear energy**” means all forms of energy released from an atomic nucleus due to various nuclear interactions and processes such as fission, fusion etc.;

- (27) “**security**” means the prevention and detection of and response to, theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear material, other radioactive material and such other facilities relating thereto and taking measures thereon;
- (28) “**nuclear installation**” means a nuclear fuel fabrication plant, nuclear reactor (including subcritical and critical assemblies), research reactor, nuclear power plant, spent fuel storage facility, enrichment plant or reprocessing facility or any other installation as defined by the Authority;
- (29) “**safety**” means the protection of people and the environment from the risk of radiation and also includes the safety of nuclear installations, safety of radiation, safety of radioactive waste management and safety in the transport of radioactive material; but it does not include non-radiation related matters of safety;
- (30) “**specified equipment**” means equipment prescribed by regulations;
- (31) “**specified non nuclear material**” means non nuclear material prescribed by regulations;
- (32) “**atomic energy**” means all forms of energy released from an atom due to various atomic and nuclear interactions and processes;
- (33) “**natural source**” means a naturally occurring source of ionizing radiation, such as source of cosmic and terrestrial radiation;
- (34) “**regulations**” means regulations made under this Act;
- (35) “**radiation**” means such radiation, which, while dispersing or propagating through matter or space, produces electromagnetic induction or effects;
- (36) “**radiation generating equipment**” means any manufactured product or device, or component part of such a product or device, or any such machine or system which may generate or emit ionizing radiation during operation;
- (37) “**radiation protection**” means the protection of the lives and the environment from the harmful effects of ionizing radiation;
- (38) “**radiation protection officer**” means any person having proper technical knowledge in radiation protection matters related to a particular practice and assigned to supervise whether the conditions specified in this Act, rules or regulations are complied with by an authorization holder or an operator or overseas operator;

- (39) “**radiation source**” means any material or an apparatus producing or capable of producing ionizing radiation in a particular installation or place;
- (40) “**overseas operator or operator**” means any person or organization or company authorized as an overseas operator or operator in such manner as may be prescribed by regulations;
- (41) “**rules**” means rules made under this Act;
- (42) “**person**” means an individual having natural personality, a partnership firm, society, company, corporation, co-operative society and statutory body;
- (43) “**spent fuel**” means any nuclear fuel that has been irradiated in a reactor core and permanently removed from the core and which shall not be used as a nuclear fuel in a nuclear plant unless reprocessed;
- (44) “**spent fuel management**” means all activities related to the handling or storage of spent fuel inside the nuclear power plant, but it shall not include any off-site transportation;
- (45) “**physical protection**” means a set of all technical and organizational measures, means and methods intended to effectively prevent unauthorized tampering or interference with, or unauthorized removal of nuclear material, nuclear installations and radioactive material, timely detection thereof and recovery of misappropriated nuclear material;
- (46) “**member**” means a member of the Authority and shall also include the Chairman;
- (47) “**facility**” means nuclear installation, irradiation installation, mining and processing of all radioactive ores, including uranium and thorium ores, radioactive waste management facility and any other places where radioactive material is produced, processed, used, handled, stored or disposed of or where radiation generators are installed on such a scale that consideration of protection and safety is required.

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.

CHAPTER-II AUTHORITY

4. **Establishment of the Authority.**—(1) As soon as may be, after the commencement of this Act, the Government shall establish an authority to be called the Bangladesh Atomic Energy Regulatory Authority for carrying out the purposes of this Act.

(2) The Authority shall be a statutory body having perpetual succession and a common seal, with power, subject to the provisions of this Act or rules and regulations made thereunder, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

5. **Office of the Authority.**—(1) The Head office of the Authority shall be in Dhaka.

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

6. **Constitution of the Authority.**—(1) The Authority shall consist of a Chairman and 4 (four) Members.

(2) The Chairman and the Members shall be appointed by the Government and they shall be the full-time officers of the Authority.

(3) The Chairman shall be the Chief Executive of the Authority.

(4) The remunerations, allowances, status, seniority and other conditions of service of the Chairman and Members shall be determined by the Government.

(5) The Chairman and the Member shall exercise such powers and perform such functions as may be prescribed or assigned to them under this Act or rules or regulations made thereunder or by the Authority.

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

7. **Tenure of Chairman and Members.**—The Chairman and the Members shall, subject to the provisions of this Act, hold their office for a period of 3 (three) years from the date of their appointment and the Government, if necessary, may re-appoint the Chairman or any Member.

8. Qualifications and disqualifications of the Chairman and the Members.—¹[(1) The Chairman and the Members of the Authority shall be appointed from among the persons having adequate qualification and experience in the field of management of atomic energy :

Provided that one Member may be appointed from among the persons having qualification and experience in the matter of production and circulation of electricity.]

(2) No person shall be qualified for the post of Chairman or Member, who—

- (a) is not a citizen of Bangladesh; or
- (b) has been declared as defaulter by any bank, institution, Bangladesh Bank, or court; or
- (c) has been declared by the court as bankrupt and has not been discharged from that liability; or
- (d) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not passed since his release from such conviction; or
- (e) is, in the capacity of an owner, shareholder, director, officer, partner or consultant or any other cause, directly or indirectly interested with trade including the activities mentioned in section 11 of this Act.

9. Resignation, removal and inability of discharging duties of Chairman and Members.—(1) The Chairman or any Member may, at any time before the completion of tenure, resign his office by 1 (one) month notice, in writing, under his hand addressed to the Government.

(2) Subject to the provision of sub-section (3), the Government may remove the Chairman or any Member from his office, if he—

- (a) is physically or mentally incapable of discharging duties or refuses to discharge duties; or
- (b) is found guilty by the court for moral turpitude; or
- (c) engages himself in such activities which are detrimental to the Authority or the State.

1. sub-section (1) of section 8 was substituted by section 2 of the Bangladesh Atomic Energy Regulatory (Amendment) Act, 2014

(3) If the Chairman or any Member is found ineligible to hold his office for reasons mentioned in sub-section (2), the Government, by following the existing rules and regulations, shall form an enquiry committee to investigate into the reasons, and on the basis of the report of the enquiry committee, the Chairman or the Member may be removed by the Government.

(4) If the office of the Chairperson is vacant or the Chairperson is unable to discharge the functions of his office on account of absence, illness or for any other cause, the most senior Member shall discharge the functions of the Chairperson until a newly appointed Chairperson holds his office or the Chairperson resumes the functions of his office.

10. Meeting of the Authority.—(1) Subject to the other provisions of this section, the Authority may determine the procedures of its meetings.

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

(3) All the meetings of the Authority shall be presided over by the Chairman, but in his absence, the Member nominated by him may preside over such meetings.

(4) The presence of three Members including the Chairman shall constitute quorum for a meeting, but no quorum is needed for adjourned meeting.

(5) The decision of the meeting shall be taken in accordance with the majority votes of the Members of the Authority present in the meeting, and in the case of equality of votes, the Chairman of the Authority shall have a second or casting vote.

(6) As and when required, and for the purpose of advice, the Chairman may, in consultation with Members, invite expert or representative from any relevant organization to participate in the meetings of the Authority, but the invited members shall not participate in decision-making.

11. Responsibilities and functions of the Authority.—For carrying out the purposes of this Act, the Authority shall perform the following functions, namely:—

- (1) to ensure whether safe and peaceful use of atomic energy is complied with or not in accordance with the provisions of this Act or rules and regulations made thereunder;
- (2) to make and enforce necessary standards, codes and manuals;
- (3) to give approval of all activities specified in section 18, that is to issue licence, certificate, registration, permit etc. and to amend, suspend or cancel thereof;

- (4) to ensure whether all the provisions specified in section 18 relating to nuclear safety, radiation protection, security, safeguards, control of import and export, and physical protection are properly complied with or not;
- (5) to develop a system or process for review and assessment of regulatory activities;
- (6) to take initiative and implement programmes for conducting inspection;
- (7) to carry out review and assessment, inspection, and issuance of licence;
- (8) to formulate guidelines for the purpose of enforceable activities and take actions against noncompliance of this Act and rules or regulations made thereunder and to continue it;
- (9) to determine matters for exclusion;
- (10) to determine and grant exemptions to any facility or nuclear installation from regulatory control;
- (11) to determine obligations, including financial matters of authorized persons or entities;
- (12) to determine the limits of radioactivity in soil, water and air or any article of food used for human beings and animals or used otherwise;
- (13) to organize public participatory activities through seminar, workshop, electronic and print media and internet, etc. for information and consultations with interested parties regarding the possible risks associated with facilities and activities;
- (14) to participate for determining the definition of the design basis threat for the implementation of security measures;
- (15) to make and maintain a national register for radiation sources and to update it regularly;
- (16) to make and maintain a national register and update it regularly for persons authorized for carrying out the activities or practices under this Act or rules or regulations made thereunder;
- (17) to discharge duties as an organizer and a co-ordinator for implementing Safeguards Agreements;

- (18) to conduct activities relating to the implementation of international contracts, agreements, protocols and convention (in which Bangladesh is a contracting party) on safeguards and physical protection including illicit trafficking of nuclear and radioactive materials, nuclear safety, radiation protection and radiological emergency situation;
- (19) to make and maintain a state system of accounts and control of nuclear material;
- (20) to conduct research on regulatory matters;
- (21) to communicate and to co-ordinate with various government or non-government bodies having competence in the area of health and safety, environmental protection, security and transport of dangerous goods;
- (22) to formulate national nuclear and radiological emergency planning and to discharge all duties as a co-ordinator in this regard;
- (23) to approve an effective reporting procedures in respect to radiation incidents and to ensure whether plans for nuclear and radiological emergency preparedness and protective actions have been prepared or not in nuclear and radiological emergency situation;
- (24) to ensure that appropriate measures for physical protection of nuclear and radioactive materials and nuclear installations are taken;
- (25) to detect unauthorized or malicious activities against nuclear or radioactive materials and related facilities including protection and response to them, and establish regulatory control system on such materials or facilities mentioned above;
- (26) to ensure that corrective actions are undertaken when unsafe or potentially unsafe conditions are detected concerning a nuclear installations, radiation generator, nuclear material, nuclear substance or radioactive material;
- (27) to determine the liabilities and circumference of nuclear damage and operate the activities relating thereto;
- (28) to communicate and co-operate with any foreign regulatory bodies, international organizations or agencies concerning nuclear safety and radiation protection;

- (29) to determine the terms and conditions of appointment and the services of the employees;
- (30) to take initiative and to conduct human resources development and training programmes for its employees;
- (31) to exchange regulatory information and expand co-operation with regulatory bodies of different countries and international organizations or agencies;
- (32) to publish relevant information and to communicate with the relevant agencies, public and media;
- (33) to take initiative for creating awareness among the public concerning nuclear safety and radiation protection;
- (34) to make schedules for fees and charges;
- (35) to formulate necessary policies and issue orders and to implement thereof in areas of its responsibility;
- (36) to perform any other duties prescribed or assigned to the Authority by rules or regulations or by Government, from time to time.

12. **Financial Advisor and Secretary.**—(1) The Government shall appoint a full time Financial Advisor and a Secretary to co-operate the Authority.

(2) The Government shall determine the remunerations, allowances, status, seniority and other conditions of service of the Financial Advisor and the Secretary.

13. **Appointment of employees of the Authority.**—(1) The Authority may, subject to the organogram approved by the Government, appoint such number of employees as may be necessary for the efficient performance of its functions.

(2) The appointment and the terms and conditions of the service of employees of the Authority shall be prescribed by regulations.

14. **Delegation of power.**—The Authority may, by written order and subject to the conditions mentioned therein, delegate all or any of its powers to any Member, officer or employee having professional qualifications and experience in exercising relevant functions.

15. **Funds of the Authority.**—(1) There shall be a fund of the Authority for carrying out the purposes of this Act and the money shall be credited to the fund from the following sources, namely:—

- (a) annual grants made by the Government;
- (b) fees and charges collected under this Act;
- (c) grants received from any person, national and international agencies with prior approval of the Government; and
- (d) money received from any other source with prior approval of the Government.

(2) The fund of the Authority shall be kept to any Scheduled Bank in the name of the Authority, and the fund shall be operated in such manner as may be prescribed by regulations, but the fund shall be operated, from time to time, by the order of the Authority until regulations are made.

Explanation: The “Scheduled Bank” means the Scheduled Bank as defined in Article 2(j) of Bangladesh Bank order, 1972 (P.O.127 of 1972).

(3) The Authority shall meet its necessary expenditure from the fund and the surplus sum (if available) shall be deposited to the Government fund.

16. **The Advisory Council.**—(1) The Authority may constitute an Advisory Council by order to seek advice for the Authority on the scientific and regulatory aspects of nuclear safety and radiation protection under this Act, namely :—

- (a) Chairman of the Authority -President
- (b) a reputed scientist holding a postgraduate degree in any branch of physical science, with at least 20 (twenty) years of experience in the field of nuclear safety and radiation protection. -Member
- (c) a reputed scientist holding a postgraduate degree in any branch of physical science with at least 20 (twenty) years of experience in the field of nuclear science and technology. -Member
- (d) a reputed scientist holding a postgraduate degree in any branch of engineering with at least 20 (twenty) years of experience in the field of nuclear science and technology. -Member

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- (e) a reputed physician holding a postgraduate degree in nuclear medicine, radiology and imaging or radiotherapy with at least 20 (twenty) years of experience in the relevant field. -Member
- (f) a reputed scientist holding a postgraduate degree in any branch of Geo-physics, Geo-technology or Geology with at least 20 (twenty) years of experience in the relevant field. -Member
- (g) a reputed nuclear agriculturist holding a postgraduate degree in agricultural science with at least 20 (twenty) years of experience in the relevant field. -Member
- (h) an officer equivalent to the rank of Joint Secretary from the Ministry of Science and Technology -Member
- (i) an officer equivalent to the rank of Joint Secretary from the Ministry of Health and Family Welfare. -Member
- (j) an officer equivalent to the rank of Joint Secretary from the Ministry of Environment and Forest. -Member
- (k) an officer equivalent to the rank of Joint Secretary from the Legislative and Parliamentary Affairs Division. -Member
- (l) an officer equivalent to the rank of Joint Secretary from the Armed Forces Division. -Member
- (m) an officer equivalent to the rank of Joint Secretary from the Power Division. -Member
- (n) an officer equivalent to the rank of Joint Secretary from the Ministry of Home. -Member

(2) The Authority may, from time to time, if necessary, expand the circumference of the Advisory Council by the order.

(3) The Authority may determine the tenure, responsibilities, terms of references and other conditions of the Advisory Council by an order for the constitution of an Advisory Council specified in sub-section (1).

(4) The Chairman of the Authority shall preside over the meeting of the Advisory Council.

(5) The agenda, date, time and place of the meeting shall be determined by the approval of the President of the Advisory Council.

17. **Expert Committee.**—The Authority may, by order from time to time, constitute such number of expert Committees as may be necessary comprising one or more members, or any of its employees, or one or more experts for assisting in its functions and, in such order may determined the responsibilities, tenure, honorarium and terms of references of the Committees and other conditions also.

CHAPTER-III

AUTHORIZATION PROCESS

18. **Restrictions on certain activities.**—(1) No authorized person, operator or overseas operator shall select site, design, construct, commission, operate, and decommission any nuclear installation or radiation facility or close radioactive waste disposal facility and release the site from regulatory control without taking authorization from the Authority in such manner as may be prescribed by regulations.

(2) Subject to the provisions specified in sub-section (1). no authorized person, operator or overseas operator shall perform the following activities without taking authorization from the Authority namely:—

- (a) to procure, produce, own, import, export, possess, use, repair-maintain, market, transfer, move, store, abandon any device or apparatus capable of producing ionizing radiation and to conduct research on the matter connected therewith;
- (b) to procure, produce, own, import, export, possess, use, transport, process, reprocess, market, transfer, move, store, abandon or dispose of any radioactive material and or source material and to conduct research on the matter connected therewith;

- (c) to procure, produce, own, import, export, possess, use, transport, process, reprocess, market, transfer, move, store, abandon or dispose of any nuclear material, specified equipment and non-nuclear material, and or source material and to conduct research on the matter connected therewith;
- (d) to procure, produce, own, import, export, possess, use, transport, process, reprocess, market, transfer, move, store, manage abandon or dispose of any radioactive waste and spent fuel and to conduct research on the matter connected therewith;
- (e) to conduct exploration mining and milling activities of radioactive ores (Uranium and Thorium ores) and other mining and processing operation involving possible exposure to radiation including other activities related to exposure originated from natural source determined by the Authority;
- (f) to cause an entry, exit or transit through Bangladesh of any nuclear powered vehicle, vessel or aircraft and vehicle, vessel of aircraft carrying nuclear material or radioactive material and radioactive waste and spent fuel;
- (g) to manufacture, assemble, import, export, market and use consumer products prescribed by regulations;
- (h) to process any food with ionizing radiation and similarly to procure, possess produce, import, export, or market any food or drinks which contain radioactivity exceeding the authorized limit;
- (i) to conduct any other activities related to ionizing radiation; and
- (j) to develop the activities related to nuclear material or radioactive material and to conduct research.

(3) Notwithstanding anything contained in the above sub-sections, the Authority may, by notification in the official Gazette mentioning the specific time, exempt any person from the applicability of this section,

19. Stages of authorization procedures of nuclear, radiation and radioactive waste disposal facility.—(1) For carrying out the purposes of this Act, the Authority may issue an authorization for siting of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be

prescribed by regulations made in this behalf and in this sub-section “siting” means selecting of a suitable site for construction of a specific nuclear installation or facility with sources of ionizing radiation, and appropriate assessment and determination of related design base and making design.

(2) For carrying out the purposes of this Act, the Authority may issue an authorization for design of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section “design” means the process and the result of developing the concept, detail plans, supporting calculations and specifications for nuclear installation and its parts.

(3) For carrying out the purposes of this Act, the Authority may issue an authorization for construction of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section “construction” means a process of manufacturing and assembling the components of nuclear and radiation facilities, execution of civil works, installations of the components and equipments and execution of associated tests.

(4) For carrying out the purposes of this Act, the Authority may issue an authorization for installations of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section “installations” means the installations of radioactive and radiation related facilities.

(5) For carrying out the purposes of this Act, the Authority may issue an authorization for commissioning of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf, and in this sub-section “commissioning” means a process through which systems and components of facilities and activities, after construction, are made operational and verified to be in accordance with the design and the required performance criteria.

(6) For carrying out the purposes of this Act, the Authority may issue an authorization for operation of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section “operation” means, the completion of all activities for achievement of the purposes for which the nuclear and radiation facilities have been built, and maintenance of that nuclear and radiation facilities, refueling, in-service inspection and other relevant activities.

(7) For carrying out the purposes of this Act, the Authority may issue an authorization for decommissioning of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section “decommissioning” means all administrative and technical actions taken to allow the removal or withdrawal of some or all of the regulatory controls from a installation but any repository or several nuclear installations used for the disposal of residues from the mining and processing of radioactive material, which are closed but not decommissioned shall not be included in it.

(8) For carrying out the purposes of this Act, the Authority may issue an authorization for closure of radioactive waste disposal facility of nuclear, radiation of radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section ‘closure of radioactive waste disposal facility’ means administrative and technical actions taken and completion and ending of all activities to the relevant parts after passing active working life in a repository.

(9) For carrying out the purposes of this Act, the Authority may issue an authorization for release from regulatory control of an installation of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf and in this sub-section ‘release from regulatory control of an installation’ means after completion of all administrative and technical actions for the suspension or removal of some or all of the administrative controls from a installation then release that installation from the control of the Authority.

(10) For carrying out the purposes of this Act, the Authority may issue an authorization for other relevant stages from time to time, where applicable, of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf.

(11) For carrying out the purposes of this Act, the Authority may issue an authorization for any single or more than one stages or every stages alternately specified in sub-section (1) to (9) of nuclear, radiation or radioactive waste disposal facility or relevant activities in such manner as may be prescribed by regulations made in this behalf.

(12) Notwithstanding anything contained in the above mentioned sub-sections, in case of any authorization provided for a specific stage, the person shall not be able to get automatically any subsequent authorization for next one or more than one stages.

20. **Notification letter.**—(1) If any person intends to carry out the activities specified in section 18, he shall submit a notification letter to the Authority in respect of his intention in such manner as may be prescribed by regulations.

(2) If any person, during the exploration of minerals or mining or both, explores, discovers or owns any radioactive material, nuclear material or specified material, he shall immediately submit a written report to the Authority and being directed by the Authority, comply with all directions not inconsistent with the relevant laws relating to mining.

21. **Procedures for issuing authorization.**—(1) Any person shall submit an application to the Authority for an authorization of the activities specified in section 18 with necessary documents and such fees as may be prescribed in according with the regulations made under this Act.

(2) The Authority may direct the applicant to provide such additional information as may be necessary for consideration of the application submitted to it under sub-section (1).

(3) In case of authorization, the Authority may set conditions relating to safety and protection in accordance with the national and international protection standard.

(4) The Authority may specify the terms and conditions that may be attached to an authorization and in addition to these terms and conditions also set conditions of insurance, economic safety measures or compensation for the possible damage to the people and the environment.

(5) The Authority may issue an authorization for a fixed period after considering the application, subject to such conditions as may be determined by the Authority, and the authorization shall not be transferred.

(6) In case of expiry of the authorization, the authorization holder may apply for its renewal and extension in such manner as may be prescribed by regulations.

22. **Decommissioning fund for nuclear installation.**—(1) The Government may, in such manner as may be prescribed by rules, constitute a Decommissioning Fund for the purpose of financial activities related to decommissioning of nuclear installations and the money from the following sources shall be credited to fund, namely :—

- (a) money realized in such rates as may be determined by the Government from the operator or overseas operator or authorization holder of different facilities;

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- (b) money allocated by the Government of the relevant fiscal year from national budget;
 - (c) interest accrued from the Decommissioning Fund.
 - (d) donations or grant; and
 - (e) income accrued from the investment of the money of the Decommissioning fund.

(2) The money of the Decommissioning Fund constituted under subsection (1), shall be deposited to any Scheduled Bank and the fund shall be operated in such manner as may be prescribed by rules.

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

23. Responsibilities of the authorization holder.—During the tenure of the authorization, the authorization holder shall perform the following activities :—

- (a) to ensure nuclear safety, radiation protection, management of radioactive waste and spent fuel, physical protection, emergency preparedness including verification thereof, during all the phases of nuclear installation or radiation facility from siting to decommissioning.
- (b) to comply with documents reviewed or approved by the Authority, but, with prior approval of the Authority, any deviation from the approved documents is allowed in accordance with the provisions of this Act and regulations made thereunder;
- (c) to constitute a Decommissioning Fund for nuclear installation;
- (d) to make a special work plan and set up organizational structure as necessary;
- (e) to take preventive measures as well as measures to mitigate or eliminate consequences of incidents and accidents at nuclear installation during all the phases from siting to decommissioning of nuclear installation or during the shipment of nuclear or radioactive material;
- (f) to make inventory and keep records of the nuclear material, radioactive material and of the radioactive waste and spent fuel;

- (g) to submit the information to the Authority within the time specified and in the form prescribed by it for forwarding the report to the International Atomic Energy Agency in accordance with the Safeguards Agreement and the Additional Protocol;
- (h) to work out preliminary on-site emergency plan and source documents for off-site emergency plan and emergency transport order;
- (i) to notify the Authority without any delay, regarding steps taken with a view to preventing incident, accident or remedy of their consequences;
- (j) to notify the Authority in writing of any changes or modifications in facts on the basis of which authorization were issued and of any facts which might result in modification or cancellation of the authorization;
- (k) to notify the Authority, without any delay, if any loss or theft of nuclear material or radioactive material is identified or suspected or come to know any damage to nuclear material or radioactive material, monitoring equipment or seals controlling the status and flows of nuclear material;
- (l) to ensure the safety measures to control or mitigate the environmental pollution caused by discharge or disposal of radioactive waste or source material in the environment.
- (m) to make and maintain human resources development programme with adequate funding;
- (n) to ensure the establishment and maintenance of safety culture in order to encourage a questioning and learning attitude for nuclear safety and radiation protection and to discourage complacency;
- (o) to comply with additional duties prescribed by regulations.

24. Power to control over import and export of nuclear material, specified equipment and non nuclear material, radioactive material and equipment and technology relating thereto.—Under this Act, the Authority may take all necessary measures including authorization procedures to control the import and export, re-export, transit and transshipment of nuclear material, specified equipment and non nuclear material, radioactive material and equipment and technology relating thereto prescribed by it in order to protect the sovereignty and security of Bangladesh and to take control over them.

25. **Authorizations for import and export.**—(1) Under this Act, the Authority shall make regulations for the purpose of controlling the import and export of nuclear material, specified equipment, non nuclear material, radioactive material, and equipment and technology relating thereto which may include any or all of the following matters, namely:—

- (a) procedures of applying for authorization, including schedules for reviewing and deciding on applications;
- (b) list of material, equipment and technology requiring authorization;
- (c) provisions for periodic revision or up-dating of lists of controlled items for considering the developments in technology or changes in relevant circumstances;
- (d) criteria for the evaluation of an application and the issuance of authorization;
- (e) controls of end-user;
- (f) requirements for notification prior to shipment of exports where such notification has been determined as necessary;
- (g) making schedule of fees or charges for authorization;
- (h) provisions for transshipment of material or commodities which does not require authorization for export;
- (i) requirements for records to be kept regarding authorized activities.

26. **Conditions of authorization for import.**—The following conditions shall be applicable for the granting of authorization to import nuclear material, specified equipment and non nuclear material, radioactive material and related equipment and technology identified and controllable by the Authority under this Act, namely:—

- (a) the material, equipment or technology to be imported is not otherwise prohibited by any law or rules-regulations of Bangladesh;
- (b) the recipient of any imported material, equipment or technology subject to a licensing requirement has been granted the appropriate authorization consistent with applicable laws or rules-regulations in Bangladesh;
- (c) the end user of the imported material, equipment or technology has the demonstrated technical and administrative capability and resources to use the imported material, equipment or technology in a safe and secure manner.

27. **Conditions of authorization for export.**—The following conditions shall be applicable for the granting of an authorization to export nuclear material, specified equipment and non nuclear material, radioactive material and related equipment and technology identified and controllable by the Authority under this Act, namely:—

- (a) a binding undertaking given by the receiving State to this effect that any transferred material and information shall be used only for peaceful purposes;
- (b) applicability of safeguard measures of International Atomic Energy Agency relating to transferred item;
- (c) to bring all the matters relating to nuclear material and nuclear installation by the receiving State under the safeguard measures of International Atomic Energy Agency;
- (d) to transfer the previously transferred material and technology to any other third State, subject to the prior approval of Bangladesh;
- (e) to keep consistency of the levels of physical protection applicable to the exported material with the provisions of physical protection of nuclear material specified in the Convention;
- (f) to ensure providing information regarding the transferable nuclear material, equipment, end use of information and end user by the applicant and whether such material, item or information are validly used or not.

28. **Suspension and cancellation of authorization.**—(1) The Authority may suspend or cancel any authorization in such manner as may be prescribed by regulations.

(2) The Authority, on receipt of a report under sub-section (4) of section 51 for violating any of the conditions of the authorization, may—

- (a) direct, as deemed appropriate to its consideration, the concerned person to comply with the conditions of the authorization properly; or
- (b) direct, to stop the activities under the authorization, for taking necessary steps required to ensure safety of life, health, property or environment; or
- (c) suspend or cancel the authorization.

(3) In addition to the provision specified in sub-section (2), action shall be taken in accordance with section 53 of this Act.

(4) If any person is aggrieved by an order of suspension or cancellation of the authorization under this section, he may file a review application within 30 (thirty) working days from the date of receipt of such order to the Authority and the Authority shall, by reviewing such order, make decision within 30 (thirty) working days in such manner as may be prescribed by regulations.

(5) The person aggrieved, by an order made under sub-section (4) may prefer an appeal within 30 (thirty) working days from the date of receipt of such order, to the Government and in such appeal the decision made by the Government shall be final.

(6) Any appeal filed under this section shall be disposed of within 90 (ninety) working days from the date of its filing.

CHAPTER-IV

SAFETY AND SECURITY OF RADIOACTIVE MATERIALS, NUCLEAR SAFETY, RADIATION PROTECTION, QUALITY ASSURANCE, PHYSICAL PROTECTION, ILLICIT TRAFFICKING AND SAFEGUARDS

29. **Safety and security of radioactive material.**—(1) The Authorization holder shall be responsible to ensure safety and security of radioactive materials, and adequate fund and human resources shall be ensured by him within the scope of the authorized activities.

(2) The Authority shall take steps to ensure the proper compliance of the safety and security of radioactive materials by the authorization holder and the terms and conditions in this respect shall be prescribed by regulations.

30. **Nuclear safety.**—(1) The Authority shall take steps to ensure the proper compliance of the safety and security of nuclear materials and the terms and conditions in this respect shall be prescribed by regulations.

(2) The authorization holder shall be responsible for nuclear safety and he shall ensure adequate funds and human resources for nuclear safety including the necessary engineering and technical support activities in all areas related to nuclear safety.

(3) During the operation and the decommissioning of a nuclear installation, the authorization holder shall be responsible to perform regular, comprehensive and systematic assessments of nuclear safety taking into account the state of the art in the area of nuclear safety review, and to take measures to eliminate any deficiencies identified.

(4) The authorization holder shall make operating procedures for the performance of activities at nuclear installation, operation, maintenance, control and tests of specified equipments and such procedures shall be in accordance with the conditions of the authorization procedure and the authorization holder shall update the above mentioned procedures and supplement them according to the current status of nuclear installation.

(5) Subject to the prior approval of the Authority, the authorization holder may implement the modifications of nuclear installation and submit a report to the Authority relating thereto.

(6) Separate records shall be kept by the authorization holder regarding the modifications of nuclear installation.

(7) Periodic safety review shall be performed by the authorization holder at intervals in such manner as may be prescribed by regulations.

(8) Details concerning the nuclear safety requirements for nuclear installation in respect of their siting, design, construction, commissioning, operation, decommissioning and closure of repository, as well as the criteria for the categorization of classified equipment into safety classes shall be prescribed by regulations.

(9) Subject to the provisions of this Act or the existing Act related to provide information and publication thereof, no person shall, without prior approval of the Authority, publish or provide any information regarding safety of nuclear or radioactive material, physical protection, radiation protection, safeguards, security, etc.

31. Radiation protection.—The authorization holder shall be responsible for radiation protection and the conditions regarding the radiation protection related to nuclear installation, radiation facility, radioactive material, radioactive waste and other facilities shall be prescribed by regulations.

32. Quality assurance.—(1) The Authorization holder shall be responsible for making organizational structure, procedures and resources necessary to ensure the quality of nuclear installation and radiation facility.

(2) The authorization holder shall be responsible for the determination of, and compliance with quality requirements for, nuclear installation, classified equipment, their classification into the safety classes in the field of use of nuclear energy including equipment supplies and maintenance thereof.

(3) The quality system documentation of authorization holder, quality requirements for nuclear installation, classification of classified equipment into safety classes and quality requirements for classified equipment shall have to be approved by the Authority.

(4) The details concerning requirements for quality system documentation of authorization holder and quality requirements for nuclear installation and radiation facility, quality requirements for classified equipment and the scope of their approval shall be prescribed by regulations.

33. Physical protection of nuclear and radioactive materials and installation.—(1) The physical protection of nuclear material and nuclear installation shall be ensured according to the requirements of the Convention on Physical Protection of Nuclear Material.

(2) The authorization holder shall ensure the physical protection of nuclear installation, nuclear material and radioactive material pertaining to the site selection, design, construction, commissioning, operation and decommissioning of nuclear installations and upon the manufacture, import, export, transportation and storage of nuclear material or radioactive material under this Act.

(3) The authorization holder, who, conducts commissioning, operation and decommissioning of nuclear installation or manufacture, import, export, transport, use and store nuclear material or radioactive material, shall prepare and implement a physical protection plan, and adopt internal rules and instructions on physical protection, and designate an officer in charge of physical protection.

(4) Controlled access areas may be established for the physical protection of nuclear installation or other facilities in which nuclear material or radioactive materials are used or stored.

(5) Any person who, by taking permission, is present within the protected area of a nuclear installation or of another installation in which nuclear material or radioactive materials are used are used or stored shall be obliged to comply with all physical protection requirements determined by the authorization holder.

(6) The necessary requirements on the provision for physical protection including the classification of nuclear installation or nuclear material into categories shall be prescribed by regulations.

34. Safeguards and control over import and export of nuclear material.—(1) The Authority shall be an organizer and a co-coordinator for implementing the obligations of Bangladesh pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons and the Agreement between the People's Republic of Bangladesh and the International Atomic Energy Agency for the application of safeguards in connection with the treaty on the Non-Proliferation of Nuclear Weapons, and the Additional Protocols to this.

(2) To achieve its own capabilities in the Agreement on safeguards, and the Treaty on the Non-Proliferation of Nuclear Weapons and the Additional Protocols related to import and export of nuclear weapons, the Authority shall perform the following activities, namely:—

- (a) all agencies of Bangladesh and the authorization holder shall co-operate the International Atomic Energy Agency with their best in the implementation of safeguards, which includes:
 - (i) promptly providing information required pursuant to the safeguards Agreement and the Additional Protocol ;
 - (ii) providing access to facility and any other location as required by the safeguards Agreement and the Additional Protocol ;
 - (iii) co-operation for facilitating the performance of the inspectors in their tasks of the International Atomic Energy Agency ; and
 - (iv) rendering necessary service as requested by the inspectors of the International Atomic Energy Agency ;
- (b) duly authorized representatives of the Authority and the designated inspectors of the International Atomic Energy Agency shall have access to any facility or other location provided for under the Safeguards Agreement, with a view to conducting the verification activities authorized by the Safeguards Agreement ;
- (c) any person performing activities under the Safeguards Agreement shall be obliged to allow the International Atomic Energy Agency and duly designated inspectors of the same to carry out any measures as the International Atomic Energy Agency considers necessary or appropriate to achieve compliance by Bangladesh with its undertakings, arising from the Safeguards Agreement ;

- (d) the responsible government body shall issue any necessary permission, including visas, on an expedited basis to enable the inspectors of the International Atomic Energy Agency to travel promptly to, from and within Bangladesh for the conduct of their Safeguards duties.

35. **State system of accounts and control of nuclear material.**—The Authority, by regulations, shall ensure the effective implementation of safeguards in Bangladesh by establishing and implementing the following measures in accordance with the Safeguards Agreements, namely:—

- (a) a system for the measurement of nuclear material ;
- (b) a system for the evaluation of measurement accuracy ;
- (c) procedures for reviewing measurement differences ;
- (d) procedures for determining physical inventories and losses ;
- (e) a system for evaluation of unmeasured inventories ;
- (f) a system of records and reports for tracking nuclear material inventories and flows ;
- (g) procedures for ensuring that accounting procedures and arrangements are being carried out correctly ; and
- (h) procedures for reporting to the International Atomic Energy Agency.

36. **Additional information required regarding the accounts and control of nuclear material.**—Any person performing activities under the Safeguards Agreement shall submit to the Authority the information and data necessary for compliance, if Bangladesh agrees, with the undertakings arising from the Safeguards Agreement.

37. **Illicit trafficking.**—The Authority shall take appropriate measures against illicit trafficking of nuclear or radioactive materials through the co-ordination of different relevant organizations.

CHAPTER-V

TRANSPORT AND WASTE SAFETY

38. **Management of radioactive waste and spent fuel.**—(1) The originator of the radioactive waste shall be responsible for the safe management of radioactive waste and security from its generation prior to their receipt at the radioactive waste management facility.

(2) The authorized person or facility shall ensure the following matters regarding radioactive waste management, namely :—

- (a) availability of qualified staff and adequate financial resources as needed for safety and security related activities during the operating lifetime and for decommissioning of facility ;
- (b) financial provision which shall enable the appropriate institutional controls and monitoring arrangements to be continued for the period deemed necessary by the Authority following the closure of a disposal facility ;

(3) Radioactive waste shall be managed in the following way :

- (a) to maintain sub-criticality ;
- (b) to ensure removal of residual heat ;
- (c) to reduce the effects of ionizing radiation on the radiation worker, people and the environment ;
- (d) to take into account properties influencing nuclear safety such as toxicity, flammability, explosiveness, and other hazardous properties.

(4) The authorization holder, or originator, who has produced the spent fuel shall be responsible for the spent fuel management and security until its delivery to the recipient agency is done in accordance with the Agreement, and the authorization holder or the originator shall ensure the availability of qualified staff and adequate financial resources as needed for safety and security related activities for spent fuel and radioactive waste management during the operating lifetime and for decommissioning of nuclear installation.

(5) The details concerning requirements for management of spent fuel management, with the emphasis on its storage and disposal and for management of radioactive waste including its generation, classification of radioactive waste into different groups, and details of requirements for its imports and requirements for the scope and contents of the documentation upon the management of the radioactive waste, requirements for equipment for management of radioactive waste, requirements for record-keeping regarding management of radioactive waste shall be prescribed by regulations.

39. Transport of radioactive material.—The details concerning the requirements on Transport of radioactive material shall be prescribed by regulations consistent with the international rules and regulations for transport of radioactive material.

CHAPTER-VI**EMERGENCY PREPAREDNESS AND REMEDIAL MEASURES**

40. Emergency preparedness, planning and preventive and remedial measures.—(1) The authorization holder, operator or overseas operator shall have the ability to take measures for emergency preparedness, planning and preventive and remedial actions in order to effectively deal with potential nuclear or radiological accident or impact of such incident or damage to the public health, environment and properties.

(2) Emergency planning shall mean a set of measures and procedures to identify and cope with incidents and accidents at nuclear installation or radiological facility or involving radioactive source, and to identify and mitigate and eliminate consequences of release of radioactive substances into the environment during the operation of nuclear installation or radiological facility, the management radioactive remedial of radioactive waste or spent fuel, and the transport of radioactive material.

(3) The following plans shall be identified as emergency plans :

- (a) preliminary on-site emergency plan, which contains scheduled measures to be taken on the site of a nuclear installation or radiological facility or several nuclear installation or radiological facilities during its construction ;
- (b) on-site emergency plan, which contains scheduled measures to be taken on the site of a nuclear or radiological facility or several nuclear installation or radiological facilities, operated by a single authorization holder, and links to off-site emergency plan ;
- (c) off-site emergency plan, which contains measures to be taken for the protection of the people within the emergency planning zone during the release of radioactive substances into the environment, and links to on-site emergency plan ;
- (d) emergency transport order, which contains measures to be taken in case of an incident or accident during the shipment of nuclear material, radioactive material, radioactive waste or spent fuel ;
- (e) the Authority shall approve the size of exclusion area boundary and emergency planning zone for every nuclear installation upon an application as a part of relevant authorization procedures.

(4) The authorization holder or operator or overseas operator shall be liable to take preventive measures as well as measures to mitigate or eliminate consequences of incidents or accidents at nuclear installation or radiological facility or during the shipment of radioactive material and he shall be responsible to inform the public regarding the measures and procedures taken on the matter connected therewith.

(5) The details concerning the content of emergency plans, details of procedures concerning their submission and approval, measures, procedures and activities, including the determination of the degree of severity of events according to international criteria, details concerning the notification of the Authority and the public, details concerning elements of source documents needed to be attached to the application for the approval of the size of the exclusion area boundary, emergency planning zone, including the deadlines for the submission of the application, details of systems of monitoring, details of training, exercises and updating of emergency plans, details of data to be provided and the time course of incidents and accidents at nuclear installation or radiological facility and during the shipment of radioactive material shall be prescribed by regulations.

41. Emergency remedial measures.—(1) If it appears to the Authority by any information received or result of any investigation that the radiation limit in any place is hazardous or potentially hazardous to the people, animals, property or environment of that place, it shall take appropriate actions to minimize the risks to the people and the environment of that areas and shall inform the national and international organizations.

(2) The Authority may seek assistance from the Bangladesh Atomic Energy Commission and other national and international organizations in order to take emergency remedial measures.

(3) The Authority, if necessary, by notification in the official Gazette, and through media may issue instructions regarding the following matters—

- (a) location of the radiation affected area ;
- (b) removal of persons, animals or properties from that place ; or
- (c) animals contaminated or properties destroyed by radioactive materials within the period specified in such notification.

(4) The District Magistrate or the Police Commissioner empowered by the Government may take steps to implement the instructions issued under sub-section (3), and if necessary, may apply reasonable force when any person fails or neglects to comply with the instructions of the Authority within the time specified in the notification.

(5) Until the Authority directs otherwise, no person shall, without the permission of the District Magistrate or the Police Commissioner, enter into the place specified sub-section (3), and if any person without such permission enters or attempts to enter into such place, he may, if necessary, be removed from such place by applying force under the control of the District Magistrate or the Police Commissioner and, if necessary the accused person may be handed over to the law enforcing agency or legal actions may be taken against him.

(6) If any person is affected as a result of any action taken under this section, he shall not be entitled to claim any compensation from the Authority, the District Magistrate or the Police Commissioner or any officer or staff of the Government or the Authority.

42. Nuclear and radiological emergency planning.—The Authority shall be the co-ordinator in formulating national nuclear and radiological emergency plan and for all activities concerning mitigation of emergency situation.

CHAPTER-VII

NUCLEAR LIABILITY AND COVERAGE

43. Liability of the operator or overseas operator.—(1) Subject to the provision of this Act, the operator or the overseas operator of a nuclear installation shall be liable for nuclear damage wherever suffered, upon proof that such damage has been caused by a nuclear incident at the operator's nuclear installation.

(2) Liability for nuclear damage caused by nuclear material which was stolen, lost, jettisoned or abandoned lies with the operator or overseas operator who was last authorized to possess such material.

(3) Liability for nuclear damage shall apply to the cases where nuclear damage shall be occurred.

44. Liability during transportation.—(1) In the case of transportation of nuclear material, the sending operator or overseas operator shall be liable for nuclear damage until the receiving operator or overseas operator has taken charge of the material involved, unless the sending and receiving operators

have entered into a written agreement to shift liability at another stage of transport or to shift liability to the carrier of the material at its request and in the latter case, the carrier shall be deemed to be the operator or overseas operator in accordance with this Act.

(2) In the case where the nuclear material has been sent to a person within the territory of Bangladesh, the sending operator or overseas operator shall be liable before the nuclear material has been unloaded from the means of transport by which it has arrived in the territory of Bangladesh.

(3) In the case where the nuclear material has been sent from a person within Bangladesh, the receiving operator or overseas operator shall be liable only after the nuclear material has been loaded on the means of transport by which it is to be carried from the territory of Bangladesh.

45. Amount of liability.—The maximum amount of liability in respect of each nuclear incident shall be BDT equivalent of three hundred million Special Drawing Rights (SDRs) or the amount specified by the Government by notification and the liability of an operator or overseas operator for each nuclear incident shall be prescribed by regulations.

46. Financial security.—(1) The operator or overseas operator of a nuclear installation shall be required to have and maintain insurance or other financial security covering its liability for nuclear damage.

(2) The operator or overseas operator of a nuclear installation shall submit for approval to the Authority the conditions of financial security under sub-section (1).

(3) The Government of Bangladesh shall ensure the payment of claims for compensation for nuclear damage which have been charged against the operator or overseas operator to the extent that the yield of the insurance or financial security of the operator or overseas operator specified in sub-section (1) is inadequate to satisfy such claims, in any event, the payment of such claims shall not be in excess of the amount charged in section 45.

47. Extinction of the rights of compensation.—(1) The rights of compensation for nuclear damage under this Act shall be extinguished if any action is not taken—

- (a) in respect to loss of life or personal injury, within 50 (fifty) years from the date of the nuclear incident;
- (b) in respect to any other nuclear damage, within 25 (twenty five) years from the date of the nuclear incident.

(2) The rights of compensation for nuclear damage under this Act shall be raised within 10 (ten) years from the date on which the person suffering damage had knowledge or ought reasonably to have had knowledge of the damage and of the operator or overseas operator liable for the damage, unless the time limits established in sub-section (1) of this section have expired.

(3) Unless otherwise held in any competent court, any person who claims to have suffered nuclear damage and claimed for compensation within the period applicable in accordance with this section, may amend the claim to take into account any aggravation of the damage, before the final judgement of the court, even after the expiration of that period.

48. **Compensation.**—(1) The nature, form, extent and equitable distribution of the compensation shall be determined subject to the provisions of this Act.

(2) Where claims exceed, or are likely to exceed the maximum amount made available pursuant to section 45, compensation for nuclear damage caused by a nuclear incident shall be provided first for compensation for any loss of life or personal injury and after all these claims have been satisfied, claims for other loss or damage shall be compensated.

(3) Interest and costs awarded by the civil court for compensation for nuclear damage shall be exclusive of the minimum liability amounts specified in section 45.

49. **Jurisdiction.**—(1) In accordance with this Act, the case of any claim for compensation for nuclear damage caused by a nuclear incident occurring within the territory or within the exclusive economic zone of Bangladesh shall be tried only in the civil court having jurisdiction and it shall be raised in the court according to the provisions of this Act.

(2) In accordance with this Act, any person having a right of compensation for nuclear damage may bring an action for compensation against the liable operator or overseas operator, or against the insurer or against any other person providing financial security in accordance with section 46.

50. **Exceptions to liability.**—(1) The operator or overseas operator of a nuclear installation shall not be liable for nuclear damage that is proved to be directly caused by:

- (a) a grave natural disaster of and exceptional character; or
- (b) an act of armed conflict, hostilities, civil war or insurrection.

(2) If the operator or overseas operator of a nuclear installation proves that the nuclear damage resulted wholly or partly either from the gross negligence of the person suffering the damage or from an act or omission of such person done with intent to cause damage, the operator or overseas operator may be relieved, wholly or partly, from his obligation to pay compensation in respect of the damage suffered by such person.

(3) Nothing in this Act shall affect the liability of any individual for nuclear damage for which the operator or overseas operator, by virtue of sub-section (2), is not liable and which was caused by an act or omission of such person with intent to cause damage.

CHAPTER-VIII INSPECTION AND ENFORCEMENT

51. **Inspection.**—(1) The Authority may appoint such number of scientists or engineers as may be necessary to conduct regulatory inspection in accordance with the regulations made under this Act.

(2) Any authorized person, applicant for authorization or any unauthorized or unnotified establishment, facility or activity located in any place within the territory of Bangladesh shall come under regulatory inspection.

(3) The scientists or engineers shall discharge his duties for inspection declared or undeclared under the control and overall supervision of the Authority and the scientists or engineers may—

- (a) enter into any premises or vehicles to verify whether the provisions of this Act or the regulations made thereunder are being properly complied with or not, and conduct inspection and investigation;
- (b) verify whether the conditions related to the nuclear safety, limits of radioactivity and doses of ionizing radiation are being complied with or not, collect related documents, equipments or materials or their samples for analysis, and demand necessary information from the persons concerned;
- (c) examine designs, drawings, modification of layout and structure pertaining to nuclear safety and radiation protection, physical protection, records, memoranda, reports or documents pertaining to the use, operation, maintenance or storage of any radiation source or, nuclear or radioactive material, as the case may be;

- (d) direct the authorization holder to take necessary measures in order to ensure the safety of the public health, property and environment in accordance with the provisions of this Act and regulations made thereunder;
 - (e) lock and seal any facility, where any radiation generator or radiation source or radioactive material is being used, stored, operated or maintained under the provisions of this Act and regulations made thereunder, without hampering the safety of radiation generator or radiation source or radioactive material;
 - (f) close the nuclear facility and related activities for the time being if nuclear damage seems to be happened;
 - (g) verify whether the safeguards related activities are complied with or not including the security requirements under this Act.
- (4) The scientists or engineers shall, after conducting inspection under sub-section (3), submit an inspection report to the Authority.

52. Enforcement.—(1) If any authorization holder—

- (a) violates any provisions of this Act and rules or regulations made thereunder or the conditions of authorization applicable in case of action or services; and
 - (b) obtains authorization by providing incorrect or false information,
- a notice shall be issued to that person to show cause within 30 (thirty) days as to why he shall not be punished and the authorization shall not be suspended or cancelled.
- (2) The notice issued under sub-section (1), shall contain specific description of the nature of violations and amendable or remedial action:
- Provided that the authorization holder shall be obliged to comply with the above mentioned measures by his own responsibility within specified time up to the quality accepted by the Authority.
- (3) If the authorization holder fails to comply with the notice under sub-section (2), the Authority may lock and seal, or cease the operation of any nuclear installation or radiation facility, as the case may be.
- (4) For implementation of the activities mentioned in the notice under sub-section (1), the Authority may request any law enforcing agency or any other government authority for providing necessary assistance.

CHAPTER-IX
OFFENCE, TRIAL AND PENALTY

53. **Offence and Penalty.**—(1) If any person under the provisions of this Act or regulations made thereunder, without taking authorization from the Authority, performs the activities mentioned under sub-section (1) and clause (c), (d), (e), (f) and (j) of sub-section (2) of section 18, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 1 (one) year and not more than 7 (seven) years or with fine of not less than Taka 10 (ten) lac and not more than Taka 50 (fifty) lac or with both; and in case of repetition of the same offence, he shall be punished with rigorous imprisonment for a term not less than 2 (two) years and not more than 10 (ten) years or with fine of not less than Taka 20 (twenty) lac and not more than Taka 1 (one) crore or with both.

(2) If any person under the provisions of this Act or regulations made thereunder, without taking prior authorization from the Authority, changes or modifies any act mentioned under sub-section (1) and clause (c), (d), (e), (f) and (j) of sub-section (2) of section 18, or violates or fails to comply with any conditions of authorization, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 6 (six) months and not more than 3 (three) years or with fine of not less than Taka 5 (five) lac and not more than Taka 30 (thirty) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 1 (one) year and not more than 5 (five) years or with fine of not less than Taka 10 (ten) lac and not more than Taka 50 (fifty) lac or with both.

(3) If any person under the provisions of this Act or regulations made thereunder, without taking prior authorization from the Authority, performs the activities mentioned under clause (a), (b), (g), (h) and (i) of sub-section (2) of section 18, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 6 (six) months and not more than 3 (three) years or with fine of not less than Taka 5 (five) lac and not more than Taka 30 (thirty) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 1 (one) year and not more than 5 (five) years or with fine of not less than Taka 10 (ten) lac and not more than Taka 50 (fifty) lac or with both.

(4) If any person under the provisions of this Act or regulations made thereunder, without taking prior authorization from the Authority, changes or modifies any act mentioned under clause (a), (b), (g), (h) and (i) of sub-section (2) of section 18 or violates or fails to comply with any conditions of authorization, it shall be an offence and for such offence he shall be punished

with rigorous imprisonment for a term not less than 3 (three) months and not more than 2 (two) years or with fine of not less than Taka 3 (three) lac and not more than Taka 15 (fifteen) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 6 (six) months and not more than 4 (four) years or with fine of not less than Taka 6 (six) lac and not more than Taka 25 (twenty five) lac or with both.

(5) If any person willingly attacks or sabotages in any nuclear installation or related activity, it shall be an offence and for such offence he shall be punished with imprisonment for a term not less than 5 (five) years and not more than life imprisonment or with fine of not less than Taka 30 (thirty) lac and not more than Taka 50 (fifty) lac or with both; and in case of repetition of the same offence he shall be punished with imprisonment for a term not less than 10 (ten) years and not more than life imprisonment or with fine of not less than Taka 50 (fifty) lac and not more than Taka 1 (one) crore or with both.

(6) If any person involves in illicit trafficking of nuclear material, specified equipment, specified non nuclear material, radioactive material or related equipment and technology, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 3 (three) years and not more than 7 (seven) years or with fine of not less than Taka 7 (seven) lac and not more than Taka 12 (twelve) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 5 (five) years and not more than 10 (ten) years or with fine of not less than Taka 15 (fifteen) lac and not more than Taka 25 (twenty five) lac or with both.

(7) If any person involves in any theft of nuclear material, specified equipment, specified non nuclear material, radioactive material or related equipment and technology, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 3 (three) years and not more than 6 (six) years or with fine of not less than Taka (seven) lac and not more than Taka 10 (ten) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 5 (five) years and not more than 10 (ten) years or with fine of not less than Taka 15 (fifteen) lac and not more than Taka 22 (twenty two) lac or with both.

(8) If any person involves in espionage of nuclear installation or related activity, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 3 (three) years and not more than 5 (five) years or with fine of not less than Taka 7 (seven) lac and not more than Taka 9 (nine) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 5 (five) years and not more than 10 (ten) years or with fine of not less than Taka 15 (fifteen) lac and not more than Taka 20 (twenty) lac or with both.

(9) If any person delays or non-cooperates, conceals information, provides wrong information or obstructs the activities of the Authority or the person authorized by the Authority in exercise of the powers under this Act, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 1 (one) year and not more than 3 (three) years or with fine of not less than Taka 3 (three) lac and not more than Taka 5 (five) lac or with both; and in case of repetition of the same offence he shall be punished with rigorous imprisonment for a term not less than 2 (two) years and not more than 5 (five) years or with fine of not less than Taka 6 (six) lac and not more than Taka 10 (ten) lac or with both.

(10) If any person, with taking authorization from the Authority, by means of exercising powers under this Act, supplies or discloses information obtained, it shall be an offence and for such offence he shall be punished with rigorous imprisonment for a term not less than 6 (six) months and not more than 1 (one) year or with fine of not less than Taka 1 (one) lac and not more than Taka 3 (three) lac or with both; and in case of repetition of the same offence, he shall be punished with rigorous imprisonment for a term not less than 1 (one) year and not more than 2 (two) years or with fine of not less than Taka 2 (two) lac and not more than Taka 6 (six) lac or with both.

(11) The court may direct that money, or part thereof, realized as fine under this section to be given as compensation to the affected person in accordance with section 45 and section 60.

54. **Trial.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. 5 of 1898), the offences mentioned in all sub-sections, except sub-section (5) of section 53 of this Act shall be triable by a First Class Judicial Magistrate, or by a Metropolitan Magistrate, as the case may be.

(2) The offences committed under sub-section (5) of section 53 of this Act shall be tried by a court of session.

55. **Information regarding offence.**—(1) Any person may inform the police station or any office of the Authority of an offence committed under this Act.

(2) If any information is given to the police station as specified in sub-section (1), the officer-in-charge of such police station shall send it to the Authority for necessary action.

56. Bailability and cognizability of the offences.—(1) Offences under this Act shall be bailable and non-cognizable except the offences specified in sub-sections (5), (6), (7) and (8) of section 53 of this Act.

(2) Offences under sub-sections (5), (6), (7) and (8) of section 53 of this Act shall be non-bailable and cognizable.

57. Cognizance of offences for trial.—(1) No court shall take cognizance of an offence committed under this Act or regulations made thereunder, except on a written complaint made by any person authorized by the Authority.

(2) The written complaint under sub-section (1), may be filed in the court directly or through the concerned police station.

58. Offences committed by a company.—If any offence is committed by a company under this Act, each Chief Executive, Director, Manager, Secretary, Partner, officer and employee of the company having direct involvement in such offence, shall be deemed to have committed the offence, unless he proves that the offence was committed beyond his knowledge or that he exercised due diligence to prevent the commission of such offence.

59. Appeal.—(1) If any person is aggrieved by a judgement or order of a First Class Judicial Magistrate or Metropolitan Magistrate under all other sub-sections, except sub-section (5) of section 53 of this Act, he may prefer an appeal to a court of session having jurisdiction within 90 (ninety) days from the date of such judgement or order.

(2) If any person is aggrieved by a judgement or order passed by the court of session under sub-section (5) of section 53 of this Act, he may prefer an appeal to the High Court Division of the Supreme Court within 90 (ninety) days from the date of such judgement or order.

60. Civil Remedy.—(1) If any person suffers any loss caused by an act which is a punishable offence under section 53, and if such loss can be estimated in terms of money, such person may file a suit claiming damages in the competent civil court.

(2) If the claim is proved in such suit, the court may, considering the facts and circumstances of the case, award decree granting the claim, in part or in full as may be deemed just and fair, by following the Code of Civil Procedure, 1908 (Act No. 5 of 1908), as far as possible.

CHAPTER-X
MISCELLANEOUS

61. **Power to borrow loan.**—The Authority may, with prior approval of the Government, borrow such loan as may be necessary to perform its activities under this Act and shall be liable to pay it off under such conditions as may be applicable.

62. **Recovery of arrear.**—The Authority may recover all arrear fees, charges, penalties and other relevant fees as public demand under the Public Demands Recovery Act, 1913 (Ben. Act No. III of 1913).

63. **Annual budget statement.**—(1) The Authority shall, by such date in each year as may be specified by the Government, submit to the Government a budget statement for the next financial year.

(2) The grants which are likely to be required from the Government including the amount required to meet the expenditure of the Authority shall be specified in the budget statement submitted under sub-section (1).

(3) The Government may, in consultation with the Authority, amend or revise the budget submitted under sub-section (1), and such amended or revised budget shall be deemed to be the approved budget.

64. **Audit and accounts.**—(1) The Authority shall maintain accounts of all moneys received and spent by it in such manner as may be prescribed by regulations and such account shall accurately and properly reflect the financial position of it.

(2) The Comptroller and Auditor-General of Bangladesh (hereinafter referred to as the Auditor-General) shall audit the accounts of the Authority every year and shall send a copy of the audit report to the Government and the Authority.

(3) For the purposes of the audit under sub-section (2), the Auditor-General or any person authorized by him shall have access to all records, files, cash and bank account.

65. **Report.**—The Authority shall, within 90 (ninety) days after the end of every financial year, submit to the Government a report on the conduct of its affairs for that year, and the Government shall, as soon as may be, cause the report to be laid before Parliament.

66. Agreement and co-operation with national, international, regional and foreign organization or institution, etc.—(1) In order to carry out its functions in a smooth and effective manner, the Authority may, with prior approval of the Government, enter into co-operation agreements with any other nuclear regulatory authority or national, international, territorial and foreign organization or institution or agency in respect of the matters of nuclear safety and radiation control.

(2) The Authority may, in order to perform the functions and exercise the powers specified under sub-section (1), if necessary, seek consultancy and assistance of any national or international organization with prior approval of the Government.

67. Laboratory and other technical services.—In order to exercise the powers and perform the functions under this Act, the Authority may—

- (a) set up a central laboratory and, if required, establish one or more regional laboratory and technical support organization to investigate safety related matters;
- (b) arrange training for the scientist or engineer and radiation protection officer of the Government and private establishment and, if necessary, other person in connection with nuclear or radiation related activities;
- (c) seek necessary assistance from the Bangladesh Atomic Energy Commission until infrastructures of it's own have been established;
- (d) seek assistance of any university of Bangladesh and of any foreign laboratory including those of the International Atomic Energy Agency or of such other national and international laboratory as are considered reliable by the Authority for the purpose, and may carry on joint research programmes on any subject with similar national or foreign institutes or laboratories;
- (e) establish one or more training centers, scientific documentation and information exchange centers and libraries on the subjects related to nuclear safety and radiation protection.

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

69. Power to make regulations.—(1) For carrying out the purposes of this Act, the Authority may, with prior approval of the Government and by notification in the official Gazette, make regulations not inconsistent with this Act or rules.

(2) Without prejudice to the generality of sub-section (1), such regulations may provide for all or any of the following matter, namely:—

- (1) qualifications, duties, functions, etc. of the authorization holder;
- (2) determining the authorized limit of any countable material including radioactive material;
- (3) appointment qualifications, duties, functions, etc. of the operator or overseas operator;
- (4) determining the concentration and amount of any material;
- (5) radiation exposure related to any material;
- (6) determining the nuclear incident;
- (7) determining the nuclear accident;
- (8) determining the power and functions of the Chairman and the Members;
- (9) determining the duties and functions of the Authority;
- (10) appointment of officers and staffs of the Authority, service criteria, etc;
- (11) operating the fund of the Authority;
- (12) site selection, design, construction, installation, commissioning, operation and decommissioning of nuclear or radiation facility, closure of the radioactive waste disposal facility and giving exemption of such site from the controlled use;
- (13) matters on notification letter;
- (14) authorization process of the activities mentioned in section 18;
- (15) export and import of nuclear and radioactive material;
- (16) suspension and cancellation of authorization given under this Act;
- (17) determining the conditions related to safety and security of radioactive material;
- (18) determining the conditions related to safety and security of nuclear material;

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- (19) determining the terms and conditions on siting, design, construction, commissioning, operation, decommissioning of nuclear installation and obligatory matters related to nuclear safety in closing down of repository and safety classification of classified equipment.
 - (20) determining the terms and conditions related to radiation protection of nuclear installation, radiation facility, radioactive material, radioactive waste and other facilities;
 - (21) documents related to quality operation of an authorization holder, requirements related to quality of nuclear installations and radiation facilities, requirements related to quality of classified equipment and matters connected with their authorization;
 - (22) determining necessary requirements of classification of nuclear installations or nuclear materials and for their physical protection;
 - (23) measurement procedures of nuclear material, evaluation procedures of measurement accuracy, procedures for reviewing measurement differences, procedures for carrying out physical inventories and losses, procedures for evaluation of unmeasured inventories, procedure for records and reports for tracking nuclear materials inventories and flows, procedures for ensuring that accounting procedures and arrangements are being carried out correctly and procedures for reporting to the International Atomic Energy Agency;
 - (24) management, production, import, categorization of spent fuel or radioactive waste;
 - (25) transportation of radioactive material;
 - (26) description of emergency plans, their submission and approval, taking measures, formulating procedures and description of activities, determining the degree of severity of events according to international standard, details about the notification of the Authority and the public, determination of boundary of emergency planning zone, time-limit, monitoring procedures, training, exercise and description of up-to-date matter of emergency planning, description of data to be submitted and the time course of incidents or accidents at nuclear installation or radiological facility and on transportation of radioactive material, etc;

- (27) determining the liability of operator or overseas operator for a single nuclear incident;
- (28) nature, type, amount, and justified distribution of compensation of nuclear damage;
- (29) matters related to inspection and enforcement;
- (30) accounts and audit of the Authority;
- (31) other matters prescribed by regulations made under this Act.

70. **Publication of Authentic English Text.**—As soon as may be, 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 case of any conflict between the Bangla and the English Text, the Bangla Text shall prevail;

71. **Repeal and Savings.**—The Nuclear Safety and Radiation Control Act, 1993 (Act No. 21 of 1993), hereinafter referred to as the repealed Act, is hereby repealed.

(2) Notwithstanding the repeal under sub-section (1), any act done, right acquired, liability incurred, legal proceeding under the repealed Act shall continue, as if the said Act had not been repealed.

(3) Until new regulations are made under this Act, the rules made under the repealed Act shall, with necessary adaptations, continue to be in force, as if it had been made under this Act and the word “Commission” mentioned in the Nuclear Safety and Radiation Control Rules, 1997 shall be deemed to be the “Authority”.

(4) Upon the commencement of this Act, the Nuclear Safety and Radiation Control Division (NSRCD) of the Commission shall stand dissolved and notwithstanding such dissolution—

- (a) all assets, rights, authorities and privileges, and all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights in, or arising out of, such property of the dissolved Division and the Commission related to the Division, and all debts, liabilities and obligations of the dissolved Commission shall stand transferred to, and vest in, the Authority immediately after establishment thereof.

- (b) all officers and staffs of the Commission working in the Nuclear Safety and Radiation Control Division shall have option to remain on the strength of the Commission or to join the Authority on deputation and in the case of the persons who join to the Authority on deputation from the Commission, the service provision, seniority, continuation and all other benefits of them shall remain in force in accordance with the Bangladesh Atomic Energy Commission Service Regulations;
- (c) all officers and staffs who join the Authority on deputation under sub-clause (b) and shall not return to the Commission within 5 (five) years after joining to the Commission shall be deemed to be the regular employees of the Authority from the date of the commencement of this Act, following the seniority, continuation of service as maintained in the Commission, and in this case, service regulation made by the Authority shall be applicable to them; and
- (d) all debts and liabilities incurred, obligations undertaken and agreements made by the dissolved Division shall be deemed to have been incurred, undertaken and made by the Authority.

By order of the President

Md. Anwar Hossain

Secretary Incharge

Ministry of Science and Technology.