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Act No.21 of 1993

An Act made to ensure nuclear safety and radiation control

Whereas it is expedient to make provisions for the purpose of ensuring nuclear safety and radiation control;

Now, therefore, it is enacted as follows:-

1. Short title.- This Act may be called the Nuclear Safety and Radiation Control Act, 1993.

2. Definitions.- Unless there is anything repugnant in the subject or context, in this Act,-

- a) "approved level of radio-activity" means the highest approvable level of radio-activity determined under section 3 (h);
- b) "ionizing radiation" means such radiation as is able to produce, directly or indirectly, ions in the substances exposed to it;
- c) "original substance" means-
 - (1) uranium or thorium or any physical or chemical mixture thereof, or
 - (2) such minerals as contain, alloyed or unalloyed, 0.05% or more uranium or thorium;
- d) "Commission" means the Bangladesh Atomic Energy Commission constituted under the Bangladesh Atomic Energy Commission Order, 1973 (President's Order No.15 of 1973);
- e) "radioactive substance" means any substance the radioactivity of which exceeds the approved level of radioactivity;
- f) "radioactive waste material" means waste material created as a result of atomic or radiation processes, the radioactivity of which exceeds the approved level of radioactivity;
- g) "radioactive radiation" means ionizing radiation originating from radioactivity, apparatus and processes;
- h) "radioactivity" means the fusion of unstable atomic nuclei through fission or through the dispersion of atomic particles;
- i) "determined" means determined by rules made under this Act;
- j) "Inspector" means any Inspector appointed under section 8 (1);
- k) "radiation" means the dispersion or movement through substances and space of such energy as may create in such substances or space electro-magnetic impulses or processes;
- l) "person" shall also include any governmental institute, body corporate, commercial organisation or group of persons;
- m) "license" means the licence granted under section 5.

3. Powers of the Commission.- The Commission may-

- a) make such rules or policies or issue such orders or directions as may be required to provide for nuclear safety, radiation control and radio-active waste material and may take appropriate measure for giving them effect;
- b) make and implement policies and research programmes for the protection of life, health, property and environment from the dangers of radioactive radiation;
- c) make and implement policies for protection from all such other radiations except radioactive radiation as may damage life, health, property and the environment;
- d) regulate and harmonize the gathering, production, import, export, transfer, transport,

- acquisition, holding, processing, reprocessing, use and selling of radioactive minerals;
- e) regulate the production of nuclear material or energy and may regulate all matters etc. relating to the safety of such materials and apparatus as are required for their production and use;
 - f) regulate the use and disposal of radioactive waste material;
 - g) regulate the production, storage, import, export, use, transfer, transport of, and trade in, substances or apparatus generating radioactive radiation;
 - h) determine the highest approvable level of radioactivity in the air and in any substance used as food or drink for human beings and animals or in any other way;
 - i) publish information for the information of the public on nuclear safety and radiation control;
 - j) give advice on any matter relating to nuclear safety and radiation control to planning, teaching and research institutions concerned with nuclear energy and relating matters, industrial and commercial institutions and other institutions;
 - k) offer training in all matters relating to radiation to such persons as are using materials and apparatus generating radiation.

4. Restriction on certain activities.- (1) After such date as the Commission may, by notification in the official Gazette, determine in this behalf, no person may, without a licence granted under this Act,-

- a) gather, produce, acquire, import, export, transport, hold, process, reprocess, use, sell, transfer, shift, store, leave or destroy any radioactive substance, nuclear material, material or apparatus generating radioactive or ionizing radiation, or carry out any research work on any such substance or apparatus;
- b) import or introduce in Bangladesh any vehicle driven by nuclear energy or transporting materials or apparatus generating radioactive radiation or radioactive waste materials;
- c) process any foodstuff with radioactive radiation or produce, distribute or put to sale any foodstuff so processed or hold, collect, import or distribute any food or drink contaminated with radioactivity above the approved level of radioactivity;
- d) acquire, fabricate, set up or use any apparatus able to generate radioactivity or ionizing radiation.

(2) Notwithstanding the provisions of sub-section (1), the Commission may, subject to such conditions as it may impose, exempt any person from the operation of this section.

5. Procedure of granting licences.- (1) An application to the Commission for any licence referred to in section 4 shall be made in such manner and against such fees as may be prescribed and the Commission may, on consideration of such application, grant, subject to such conditions as it may impose from time to time, a licence for such period as may be prescribed.

(2) The Commission may, for the purpose of considering any application submitted under sub-section (1), direct the applicant to furnish any relevant information.

(3) In every licence shall be recorded the conditions to be fulfilled by the holder of the licence, including insurances and other financial safety measures for covering the risk of nuclear or radiation damages.

6. Research centres.- (1) The Commission may, for the purpose of exercising its powers and discharging its functions under this Act,-

- a) establish one central research centre and, if necessary, one or more regional research centres, and

b) establish one or more training centres, scientific information preservation and exchange centres and libraries on nuclear matters and radiation.

(2) The Commission may, if it deems necessary so to do for exercising the powers and discharging the functions referred to in sub-section (1), receive the assistance of any university of Bangladesh and of any domestic and foreign research centre it considers reliable, including any research centre of the International Nuclear Energy Agency, or may jointly with any such domestic or foreign institution or research centre conduct research programmes on any substance or matter.

(3) Every report or consideration of any such research centre on any object or matter submitted to it shall be deemed correct and authoritative unless a court proves the contrary.

7. Expert Committee.- The Commission may, if necessary, from time to time constitute an expert committee consisting of several persons who are experts in nuclear safety and radiation control for giving advice in respect of any special problem relating thereto.

8. Inspector.- (1) The Commission may appoint one or more Inspectors for the proper implementation of this Act.

(2) The Inspector shall discharge his duties under the control and general supervision of the Commission.

(3) The Inspector may-

a) enter, inspect and investigate any place, premises, compound or vehicle for verifying whether or not the provisions of this Act and the rules made thereunder and the conditions of the licenses are being duly complied with;

b) collect and analyse, for the purpose of verifying nuclear safety and the level of nuclear and ionizing radiation, relevant documents, apparatus or substances or specimens thereof and may call for necessary information from the persons concerned;

c) subject to the rules made under this Act, direct any person holding a licence to take such measures as are necessary for the purpose of providing safety for the health, property and environment of the people.

(4) If during any inspection the Inspector comes to the conclusion that any condition of any licence is being or will be violated, he shall without any delay send a report thereabout to the Commission and in such report shall be stated if, on account of the violation of such conditions, the health of the people or of workers exposed to radiation is being or is suspected to be deteriorated or if the safety of any property or the environment is being or is suspected to be impaired.

9. Annulment of licences, etc. - (1) The Commission may in the prescribed manner annul any licence granted under this Act.

(2) On receiving a report under section (4) to the effect that the conditions of any licence have been or are being violated, the Commission may-

a) in such cases as it considers appropriate, direct the person concerned to duly comply with the conditions of the licence;

b) subject to taking such measures as are required for stopping the deterioration of health and for providing for the safety of properties and the environment, order the functions under such licence to be stopped; or

c) annul the licence.

(3) Every person aggrieved by the annulment of a licence under this section may, within thirty days after receiving the order of annulment of the license, prefer an appeal to the Government.

(4) The decision of the Government on an appeal referred to in sub-section (3) shall be final and no suit at any court shall be filed against it.

10. Urgent preventive measures.- (1) If, on the basis of any information or investigation, it appears to the Commission that the level of radioactive radiation at any place is dangerous to the population, animals, properties or environment of such place, it shall inform the Environment Pollution Office about it and may, if necessary, by notification in the official Gazette, order-

- a) the population, animals or properties to be removed from such place or
- b) the animals or properties contaminated by radioactivity to be (destroyed)- within the period mentioned in the notification.

(2) If any person refuses or fails to comply with an order of the Commission within the period mentioned in the notification under sub-section (1), the Deputy Commissioner or any other Authority determined by the Government may take measures for giving effect to the order of the said notification and may, if necessary, apply reasonable force in order to give it effect.

(3) Until the Commission issues an order to the contrary, no person may enter any place referred to in sub-section (1) without the consent of the Deputy Commissioner and if any person enters or tries to enter such place without the consent of the Deputy Commissioner, he shall, if necessary, on the order of the Deputy Commissioner, be removed from such place by use of force.

(4) No person who suffered a damage as a result of any action taken under this section may claim any kind of compensation therefore from the Commission, the Deputy Commissioner or any officer or employee of the Government or the Commission.

11. Punishments.- Whoever contravenes this Act or any rule made thereunder or any condition of a licence or fails to comply with the said provisions or conditions shall be punishable with a term of imprisonment which shall extend to no less than three years and no more than seven years and also with fine and the court may order the substances, food, drinks, apparatus, vehicles and other properties regarding which such contravention or failure had occurred to be confiscated in favour of the Commission.

12. Commission of offences by companies.- Where a company contravened any provision of this Act or of any rule made thereunder, every director, manager, secretary or other officer of that company who was responsible for the function regarding which such contravention did occur shall be deemed to be culpable of such contravention, unless he can prove that the said contravention did occur without his knowledge, or that he took adequate measures to prevent such contravention.

Explanation.- In this section-

- a) "company" shall include any body corporate, commercial institution, association or organisation; and
- b) in the case of commercial institutions, "director" shall include shareholders or members of the management.

13. Cognizance of offences.- No court shall take cognizance of any offence under this Act or any rule made thereunder without a complaint in writing by an inspector.

14. Exemption from responsibility.- No prosecution, suit or other legal proceeding shall lie against the Government, the Commission or any of its members, an inspector, the Deputy Commissioner or any person authorised by an inspector or the Deputy Commissioner for any damage caused or likely to be caused to any person by anything done in good faith under this Act or any rule made thereunder.

15. Conferment of powers.- The Commission may confer all or any of its powers or responsibilities under this Act to any of its members.

16. Power to make rules.- (1) The Commission may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of sub-section (1), the Commission may make rules with regard to any of the following matters, namely:-

- a) the manner in which to grant, amend, renew, suspend and annul licences and the conditions to be fulfilled by holders of a licence;
- b) the protection of public health and of the environment from nuclear pollution and pollution caused by ionizing radiation and radioactivity;
- c) the bodily and financial safety and insurance of persons who may, in the fulfilment of their duties, come into contact with nuclear material, radioactive substances or apparatus able to generate ionizing radiation;
- d) the fixing of the standard of safety with respect to nuclear and ionizing radiation programmes and its application;
- e) precautionary measures regarding the storage, taking in custody of nuclear materials, radioactive substances or apparatus able to generate ionizing radiation;
- f) the storage, covering, transport, use and management of nuclear materials, radioactive substances or apparatus able to generate ionizing radiation;
- g) the determination and payment of the compensation due to persons affected by nuclear accidents or accidents caused by radioactive radiation.