

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, নভেম্বর ১৬, ২০২৩

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

NOTIFICATION

Dated : 12 November, 2023

S.R.O. No. 310-Law/2023.—In exercise of the powers conferred by section 28 of the Bangladesh Reference Institute for Chemical Measurements Act, 2020 (Act No. XV of 2020), the Government is pleased to publish the following English Text of the Act to be called the Authentic English Text of the Act:

The Bangladesh Reference Institute for Chemical Measurements Act, 2020
Act No. XV of 2020

An Act to provide for the establishment of an Institute for functioning as the reference laboratory in Chemical Metrology, conducting research, providing services, and undertaking all matters ancillary thereto.

WHEREAS, it is expedient and necessary to provide for the establishment of an Institute for functioning as the reference laboratory in Chemical Metrology, conducting research, providing services, and undertaking all matters ancillary thereto;

THEREFORE, it is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Bangladesh Reference Institute for Chemical Measurements Act, 2020.

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(2) It Shall come into force at once.

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

- (1) “Institute” means the Bangladesh Reference Institute for Chemical Measurements (BRICM) established under section 4 of this Act;
- (2) “employee” means employees of this Institute and also includes the scientists;
- (3) “traceability” means comparing the measurement results with International System of Units-SI Unit, through the unbroken chain of comparability;
- (4) “fund” means the fund constituted under section 17 of this Act;
- (5) “regulations” means regulations made under this Act;
- (6) “Board” means the Governing Board constituted under section 8 of this Act;
- (7) “scientist” means the scientific officer and employees appointed to the posts higher than the post of scientific officer in the Institute;
- (8) “rules” means rules made under this Act;
- (9) “Director General” means the Director General of the Institute; and
- (10) “Chairman” means the Chairman of the Board.

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

4. Establishment of the Institute.—(1) On the commencement of this Act, there shall be established an Institute to be called the Bangladesh Reference Institute for Chemical Measurements (BRICM) for carrying out the purpose of this Act.

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

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

(2) The Institute may, with the prior approval of the Government, establish branch offices at any place in the country.

6. Functions of the Institute.—The functions of the Institute shall be as follows, namely:—

- (a) to provide measurement service and reference measurement services;
- (b) to provide proficiency testing (PT) and inter-laboratory comparison services;
- (c) to develop, validate and transfer chemical measurement methods;
- (d) to maintain network with the highest international organization in the area of chemical metrology including other related regional organizations and domestic, regional and international authorities and assist in establishing traceability in the country through participation in the concerned technical committees of those organizations;
- (e) to participate in the concerned technical committees, constituted from time to time, in the International Bureau of Weights and Measures (Bureau International des Poids et Mesures-(BIPM), Asia Pacific Metrology Programme (APMP), and other related national, regional, and international organizations, in order to establish traceability pursuant to the provision of clause(d);
- (f) to assist in upgradation of testing services of the domestic laboratories to international standard and to make it acceptable and traceable to international system of unit introduced by International Committee of Weights and Measures (CIPM) and preserved in BIPM, by way of providing proficiency testing, inter-laboratory comparison and calibration services;
- (g) To procure, produce, preserve, and distribute or sell national reference materials, with metrological traceability, for measurement of different organic and inorganic substances, like chemicals, toiletries, medicine, food, drinks, climate and environment, clinical, microbial, gas, petroleum, polymer, nanomaterial, etc.;

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- (h) to assign reference values for chemical, organic, inorganic, microbial materials, etc, existing in substances;
 - (i) to provide instrumentation and calibration services;
 - (j) to provide reference measurement based bio-equivalence study and active ingredients , i.e. Active Pharmaceutical Ingredient (API) characterization services;
 - (k) to establish organic and inorganic reference specimen bank in order to introduce matrix matched reference materials’;
 - (l) to introduce reference measurement ‘based chemical toxicity and risk analysis and management system’;
 - (m) to provide services, through co-ordination, as a technical support organization (TSO) of different chemical measurement related regulatory organizations, like Bangladesh Standard and Testing Institution, Drug Administration, Bangladesh Food Safety Authority, Department of Environment etc.;
 - (n) to conduct contract research, i.e. conducting research on contract, with the approval of the Government;
 - (o) to undertake awareness building program for popularization of chemical metrology, laboratory quality management system, accreditation and instrumentation, and provide training and consultancy services in this regard.
 - (p) to undertake and conduct chemical metrology related fundamental and applied research, apply the research outcome and manage, coordinate and control the related activities and provide assistance to the Government in formulating policies in this regard;
 - (q) to conduct educational programmes in chemical metrology and to provide research assistance in higher degree;
 - (r) to conduct training programmes for the foreign trainees;

- (s) to formulate and publish guidelines in accordance with the guidelines of different chemical metrology related international organizations, like International Union of Pure and Applied Chemistry (IUPAC), International Organization for Standardization (ISO), BIPM, APMP and Association of Officials of Analytical Chemist (AOAC) etc.;
- (t) to introduce and provide fellowship in line with the research activities of the Institute; and
- (u) to perform such other duties and functions as may be assigned by the Government for the purposes of this Act;

7. General Direction and Administration.—The general direction and administration of the Institute shall vest in a Governing Board which may exercise all powers and perform all functions which may be exercised or performed by the Institute.

8. Governing Board.—(1) The Institute shall have a Governing Board and the Governing Board of the Institute shall consist of the following members, namely:—

- (a) Secretary, Ministry of Science and Technology, who shall also be the Chairman of the Board;
- (b) Chairman, Bangladesh Council of Scientific and Industrial Research;
- (c) 1 (one) representative, not below the rank of a Joint Secretary, to be nominated by the Ministry of a Science and Technology;
- (d) 1 (one) representative, not below the rank of a Joint Secretary, to be nominated by the Ministry of Industry;
- (e) 1 (one) representative, not below the rank of a Joint Secretary, to be nominated by the Health Services Division;
- (f) 1 (one) representative, not below the rank of a Joint Secretary, to be nominated by the Secondary and Higher Education Division;
- (g) 1 (one) representative, not below the rank of a Joint Secretary, to be nominated by the Ministry of Food;

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- (h) 1 (one) competent representative to be nominated by Bangladesh Agricultural Research Council;
 - (i) 1 (one) competent representative to be nominated by Bangladesh Standards and Testing Institution;
 - (j) 1 (one) competent representative to be nominated by Bangladesh Atomic Energy Commission;
 - (k) 1 (one) competent representative from Chemical Metrology Discipline of a university nominated by the Government;
 - (l) 1 (one) representative from industries to be nominated by the Government; and
 - (m) the Director General of the Institute, who shall also be the Member Secretary of the Board.

(2) The members nominated under clause (k) and (l) of subsection (1) shall hold office for a term of 3 (three) years:

Provided that, the Government may, if necessary, discharge any member so nominated from his office at any time before the end of the tenure, without showing cause;

(3) Any member nominated under clause (k) and (l) of subsection (1) may, at any time, resign his office by writing under his hand addressed to the Government.

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

(2) At least 3 (three) meetings of the Board shall be held every year and the meeting shall be held at such time and place as may be determined by the Chairman.

(3) To constitute a quorum of a meeting of the Board, presence of at least one third of its total members shall be required, but no such quorum shall be required for an adjourned meeting.

(4) The Chairman shall preside over all meetings of the Board but in his absence, any member nominated by the Chairman may preside over such meeting.

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

(6) No act or proceedings of the Board shall be invalid or be called in question merely on the ground of existence of any vacancy in, or defect in the constitution of, the Board and no question shall be raised in this regard.

10. Director General.—(1) There shall be 1(one) Director General of the Institute.

(2) The Director General shall be appointed by the Government from among the renowned scientists and researchers in the concerned field and the terms and conditions of his service shall be determined by the Government.

(3) The Director General shall be whole-time Chief Executive of the Institute and he shall—

- (a) conduct the affairs relating to appointments, promotions, general conduct and discipline of the employees according to the regulations of the Institute;
- (b) exercise such powers and discharge such functions as may be assigned to him by the Board;
- (c) be responsible for implementation of all decisions of the Board;
- (d) conduct administration of the Institute; and
- (e) conduct other functions of the Institute according to the directions of the Board.

(4) If the office of the Director General is vacant, or he is unable to perform his duties on account of absence, illness or any other reasons, any person appointed by the Government shall perform the duties of the Director General until the newly appointed Director General takes over charge or he is able to resume the functions of his office.

11. Appointment of employees.—(1) The institute 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 of the employees of the Institute and the terms and conditions of their service shall be prescribed by regulations.

(3) The Institute may, with the prior approval of the Government, provide special incentives and allowances to its scientists and employees.

12. Committees.—The Institute may, by written order, from time to time, form necessary number of committees consisting of one or more members or any of its employees or one or more experts, to assist it in the performance of its functions and may, in that order, determine the responsibilities, duration, honorarium, Terms of Reference (TOR), and other conditions.

13. Appointment of Experts on Contract.— In case of special needs for management or, as the case may be, research and innovation of specialized goods or services, the Institute may, with the prior approval of the Government, appoint necessary number of experts on contract from home or abroad and their honorarium and other facilities shall be determined by the Board.

14. Communication, coordination, agreement, and cooperation, etc. with national, regional, international, and foreign organizations or institutes etc.—(1) The Institute may, with the prior approval of the Government, for carrying out its functions effectively and efficiently, communicate and coordinate with related national, regional, international, and foreign organizations or institutes or agencies in respect of Chemical Metrology, enter into agreement on cooperation with them and, as the case may be, represent the country.

(2) For performing the functions and exercising authority mentioned in subsection (1), the Institute may, if necessary, with the prior approval of the Government, seek advice and cooperation of any national or international organization, and provide advice and cooperation to that organization.

(3) The Institute may, with the prior approval of the Government, pay subscription as member of international organizations.

15. Foreign Training and Higher Education.—(1) The Institute may, following government rules and regulations, take measures for imparting necessary foreign training and higher education to its scientists and researchers.

(2) The Institute may, with the prior approval of the Government, provide financial assistance, in full or a part, to any scientist or researcher if he is nominated for training or research by any internationally recognized international organization, and such financial assistance is required.

(3) For the purposes of sub-section (1), the Institute may, with the prior approval of the Government, enter into any agreement relating to training assistance with any State or organization advanced in research and take other necessary initiatives.

16. Fees, etc.—The Institute may collect fees at such rate as may be determined by the Board for providing Chemical Metrology related advice and services to any person or organization.

17. Fund.—(1) The Institute shall have a fund of which money shall be credited from the following sources, namely:—

- (a) grants made by the Government;
- (b) grants or loans received from any foreign Government, international agency, organization or bank, with the prior approval of the Government;
- (c) proceeds from the Institute's own sources;
- (d) income from the services rendered by the Institute; and
- (e) money earned from investment of fund and accruing from the property of the Institute.

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

Explanation:—In this Act, 'Scheduled Bank' means the Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (P.O.No.127 of 1972).

(3) The necessary expenditure of the Institute may be met up from the money of the fund following the rules and procedures of the Government.

(4) The money of the fund may be invested in any sector as approved by the Government.

18. Budget.—The Institute shall, by such date in each year as may be specified by the Government, prepare a budget statement for the next financial year and submit it to the Government for approval.

19. Accounts and audit.—(1) The Institute shall maintain its accounts following the rules and procedures of the Government, and prepare an annual statement of accounts.

(2) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, shall audit the accounts of the Institute and submit a copy of audit report to the Government and the Institute.

(3) For the purposes of an audit under sub-section (2), the Auditor-General or any person authorized by him in this behalf, shall have access to all records, documents, cash or bank balances, securities, stores and other properties and may examine any member of the Board or any employee of the Institute.

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

(2) The Government may, if necessary, require the Institute to submit a report and statement on any matter of the Institute at any time, at the Institute shall be bound to submit it to the Government.

(3) The Government may, at any time, direct for inquiry into any affair of the Institute or any allegation against it.

21. Delegation of power.—(1) The Board may, by general or special order, delegate any of its power, on such condition as may be determined, to the Director General, any member or any employee.

(2) The Director General may, if necessary and subject to such condition as may be determined by him, delegate, by a written order, any of the powers or responsibilities conferred upon him by this Act, except the power conferred upon him under sub-section (1), to any employee.

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

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

24. Power to borrow.—The Institute may, if necessary, for carrying out the purposes of this Act, borrow money with the prior approval of the Government from any commercial bank, financial institute or any source from home or abroad and shall be responsible for repayment of the loan.

25. Public servant.—All the employees of the Institute shall, while performing duties under this Act, be deemed to be public servants as defined in section (21) of the Penal Code, 1860 (Act No. XLV of 1860).

26. Discoveries, Innovation, etc.—All rights relating to discoveries or innovations and any improvement in materials, methods, process, apparatus or equipment made by any scientist or employee of the Institute, in the course of his employment shall vest in the Institute.

27. Repeal and savings.—(1) Upon the commencement of this Act, the Designated Reference Institute for Chemical Measurement (DRICM), created through ‘Establishment of Designated Reference Institute for Chemical Measurement’ project under Bangladesh Council of Scientific and Industrial Research, hereinafter referred to as the dissolved Institute, shall stand dissolved.

(2) Notwithstanding such dissolution under sub-section (1), any act done or action taken, order or notification issued, decision given, deed or contract executed or made by the dissolved Institute, or any activity going on shall be deemed to have been done, taken, issued, given, executed, made or going on under this Act.

(3) Upon commencement of this Act, all rights, powers, authorities and privileges, all properties, movable and immovable, equipment, cash and bank balances, grants and funds of the dissolved Institute and ‘Development of ISO 17025 Accredited Instrumentation and Calibration Service Laboratory for Chemical Measurements’, ‘Support to BCSIR Instrumentation & Calibration Service Laboratory ICSL for Chemical Metrology under Better Quality and Infrastructure-BEST Program’, ‘Establishment of Designated Reference Institute for Chemical Measurement’ and ‘Augmentation of Chemical Metrology

Infrastructure' projects and all kinds of rights and interests related thereto, or derived therefrom, and all books of account registers, records and all other documents related thereto shall be deemed to have been transferred to and vested in the Institute, and all debts, liabilities and obligations incurred by, and all contracts entered into, by or with the dissolved Institute, shall, unless the Government otherwise direct, be deemed to be the debts, liabilities and obligations of the Institute, and the contracts entered into, by or with the Institute.

(4) All employees already appointed to the revenue posts of the dissolved Institute shall be deemed to be the employees of the Institute.

(5) If any employee of Bangladesh Council of Scientific and Industrial Research serving in the dissolved Institute desires and the Institute so requires, he may continue to serve in the Institute and shall be deemed to be the employee of the Institute from the date of commencement of the Act, maintaining the seniority and continuity of service in Bangladesh Council of Scientific and Industrial Research, and in such case, the service regulations made by the Institute shall be applicable to him.

(6) Any employee not willing to serve in the Institute under sub-section (5) may, within 3 (three) months of the commencement of this Act, express his desire in writing to the Director General.

28. Publication of Authentic English Text.—(1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English Text of this Act.

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

By Order of the President

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