

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্‌যাপন সফল হোক”



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, ডিসেম্বর ১, ২০২০

Government of the People's Republic of Bangladesh
Ministry of Law, Justice and Parliamentary Affairs
Legislative and Parliamentary Affairs Division

NOTIFICATION

Dated: 26 November, 2020

S.R.O No. 322-Law/2020.—In exercise of the powers conferred by section 52 of the Bangladesh Standards and Testing Institution Act, 2018, 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 Standards and Testing Institution Act, 2018

Act No. LXVII of 2018

An Act to repeal and re-enact the Bangladesh Standards and Testing Institution Ordinance, 1985

WHEREAS, all the Ordinances promulgated by Martial Law Proclamation between the period from 24th March, 1982 to 11th November, 1986 have ceased to have effect due to omission of paragraph 19 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011) and the Constitution (Seventh Amendment) Act, 1986 (Act No. 1 of 1986) validating the Martial Law being declared void in the judgment pronounced by the Appellate Division of the Supreme Court of Bangladesh declaring the Martial Law unconstitutional in civil petition for Leave to appeal No. 48/2011; and

(১৩০৪১)

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WHEREAS, some of those Ordinances are kept in force by the Act No. VII of 2013; and

WHEREAS, the Government has decided to make new laws in Bangla by way of necessary amendment and modification of such Ordinances as may be considered necessary after reviewing the necessity and relevancy of such Ordinances and soliciting opinions thereon from all stakeholders and relevant Ministries or Divisions; and

WHEREAS, in the light of the above-mentioned decision of the Government, it is necessary and expedient to repeal and re-enact the Bangladesh Standards and Testing Institution Ordinance, 1985 (Ord. No. XXXVII of 1985) in response to the needs of time by considering the provisions thereof;

THEREFORE, it is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Bangladesh Standards and Testing Institution Act, 2018.

(2) It shall come into force at once.

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

- (1) **“Institution”** means the Bangladesh Standards and Testing Institution specified in section 4;
- (2) **“Chairman”** means the Chairman of the Council;
- (3) **“trade mark”** means any registered trade mark or any mark used or proposed to be used in relation to goods, which indicates that the proprietor using the mark on the goods has right to trade in such goods;
- (4) **“article”** means any substance, manufactured or natural, or partly manufactured or partly natural, or raw, or partly or wholly processed or manufactured;
- (5) **“Inspector”** means an Inspector appointed under section 22 or any employee of the Institution authorised by the Director General in this behalf;
- (6) **“Council”** means the Council constituted under section 8;

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- (7) “**process**” means the general practice, technique and mode of manufacture of any article;
- (8) “**regulations**” means regulations made under section 50;
- (9) “**fee**” means such fee or charge, as may be determined by the Institution by regulations, or any amount payable as fee under this Act;
- (10) “**Code of Criminal Procedure**” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (11) “**Bangladesh Standard**”, in relation to any article or process, means the national standard of Bangladesh established or published by the Institution, indicative of the quality of such article or process, and for the purpose of this clause, includes the following matters, namely:—
- (a) any provisional standard; or
- (b) any international standard adopted by the Institution;
- (12) “**rules**” means rules made under section 49;
- (13) “**person**” includes any person, company, association, partnership business, statutory or any other body, or any representative thereof;
- (14) “**Director General**” means the Director General of the Institution;
- (15) “**mark**” means a device, brand, heading, label, ticket, name, signature, word, letter, sign, number, combination of numeral ingredient or colour, and includes any combination thereof;
- (16) “**licence**” means a licence issued under section 16 to use the Standard Mark in relation to any article or process which conforms to the Bangladesh Standard;

- (17) **“label”** means the display of written, printed or graphic matter on an product or its container or tag, or the printed literature of the product or any other material affixed thereto for the purpose of giving information as to the identity, composition, ingredients, attributes, direction for use, characteristics, weight, quantity, price, date of manufacturing or expiry of such article;
- (18) **“grading”** means classification of a material in conformity with a standard prescribed by regulations;
- (19) **“simplification”** means reduction of unnecessary size and variety of a material;
- (20) **“Standard Mark”** means the Bangladesh Standards and Testing Institution Certification Mark specified by regulations to represent the Bangladesh Standard for the purpose of clause (k) of section 6.

3. **Not to prejudice the action taken under any other law.**—Any proceeding or action taken under this Act, or rules or regulations made thereunder shall be in addition to, and not in derogation of, the action taken under any other law.

4. **Establishment of the Institution.**—(1) For carrying out the purposes of this Act, the Bangladesh Standards and Testing Institution established under the Bangladesh Standards and Testing Institution Ordinance, 1985 (Ord. No. XXXVII of 1985) shall continue as if it had been established under this Act.

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

5. **Head Office, etc.**—(1) The Head Office of the Institution shall be in Dhaka.

(2) The Institution may, with the prior approval of the Government, establish its offices and branches at such other places as it may think fit.

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

- (a) to set up Bangladesh Standards of quality and dimensions and prepare and promote the general adoption of standards on national and international basis relating to commodities, products, structures, practices and productions, and withdraw, revise, alter and amend such standard from time to time;
- (b) to consider and recommend Bangladesh Standards to the Government for the measurement of length, weight, mass, volume and energy;
- (c) to take measures for standardisation, quality control, metrology, and simplification in industry and commerce, and to establish laboratories, and conduct activities on invention or research;
- (d) to secure that the producers and users comply with the Bangladesh Standards adopted by the Institution;
- (e) to implement the Bangladesh Standards through the administration of a national certification mark scheme or inspection of goods or both;
- (f) to provide or arrange facilities for examination, testing and inspection of product, process, system and practices for investigation, research or promotion of export that may be necessary, and for the purpose of this section, issue test report of any article relating to Bangladesh Standards and grading;
- (g) to certify the quality of commodities, produce and other articles including food materials, whether for local consumption, export or import;

- (h) to coordinate the efforts of producers and consumers for the improvement of any article, product or use thereof, appliance, process and method, so as to avoid the national waste of materials and time involved in production of unnecessary varieties of pattern, and sizes of articles and the same purpose;
- (i) to establish and publish, in such manner as may be prescribed by regulations, the Bangladesh Standard Specifications in respect of an article or process or code of practice;
- (j) to recognise, adopt or endorse, in such manner as may be prescribed by regulations, any standard established by any institution in Bangladesh or in any foreign country or by any international organisation as Bangladesh Standard in relation to any article or process;
- (k) to specify a standard mark to be called the Bangladesh Standards and Testing Institution Certification Mark which shall be of such design and special particulars as may be prescribed by regulations to represent the Bangladesh Standard;
- (l) to grant, renew, reject, suspend or cancel, in such manner as may be prescribed by regulations, a licence for the use of Standard Mark;
- (m) to make such inspection or take such samples of any product or substance as may be necessary to see whether any article or process in relation to which the Standard Mark has been used or proposed to be used conforms to the Bangladesh Standard or whether the Standard Mark has been improperly used in relations to any article or process with or without licence;
- (n) to utilise, with the permission of the owners, the services of laboratories other than those maintained by the Institution and approve such laboratories for the purpose of the Institution;

- (o) to make arrangements, or provide for the facilities, for the testing and calibration of precision instruments, gauges and scientific apparatus and to issue certificate in regard thereto so as to conform with its standard;
- (p) to cooperate with any person, association or organisation outside Bangladesh having objectives similar to those for which the Institution has been established;
- (q) to grade and mark agricultural produce in accordance with the Agricultural Produce Grading and Marketing Act, 1937 (Act No. 1 of 1937) and the rules made thereunder for the purpose of export; and
- (r) to do all acts and things ancillary or incidental to the aforesaid functions.

7. Direction and administration.—(1) The direction and administration of the Institution shall vest in a Council, and the Council may exercise all powers and perform all functions which may be exercised and performed by the Institution.

(2) The Council shall, in discharging its duties and functions, follow this Act, rules and regulations made thereunder and the instructions given by the Government, from time to time.

8. Composition of the Council.—(1) The Council shall consist of the following members, namely:—

- (a) the Minister-in-charge of Ministry of Industries who shall also be the Chairman of the Council;
- (b) the State Minister, if any, Ministry of Industries who shall also be the first Vice-Chairman of the Council;
- (c) the Secretary, Ministry of Industries, who shall also be the second Vice-Chairman of the Council;
- (d) the Inspector General of Police;
- (e) the Chairman, Bangladesh Sangbad Sangstha, ex-officio;
- (f) Principal Information Officer, Department of Press Information;
- (g) the Chief Controller, Imports and Exports;

- (h) the Director General, Bangladesh Television;
- (i) the Director General, Bangladesh Betar;
- (j) one representative, not below the rank of Joint Secretary of the Ministries or Divisions, as the case may be, specified in Part-I of the Schedule nominated by the respective Ministries and Divisions;
- (k) the President or the Chairman of the organisations specified in Part-II of the Schedule;
- (l) the Chief Executive of the bodies specified in Part-III of the Schedule; and
- (m) the Director General, who shall also act as the Secretary of the Council.

(2) A member nominated under sub-section (1) shall hold office for a term of 3 (three) years from the date of his nomination:

Provided that where a person is nominated as a member by reason of his holding an office or appointment, he shall cease to be such member when he ceases to hold that office or appointment.

(3) Any person nominated to be a member may, at any time, resign his office by writing under his hand addressed to the Chairman:

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

(4) No act or proceeding of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Council and no question shall be raised in respect thereof.

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

(2) The meetings of the Council shall be held with the consent of the Chairman at such times and places as may be determined by him.

(3) All meetings of the Council shall be presided over by the Chairman, but in his absence, by the first Vice-Chairman, or in the absence of the Chairman and the first Vice-Chairman, the second Vice-Chairman or, in the absence of all of them, by a member elected for that purpose by the members present.

(4) To constitute a quorum at a meeting of the Council, not less than 8 (eight) members shall be present, but in case of an adjourned meeting, no quorum shall be required.

(5) The decisions shall be taken by a majority of the votes of the members present.

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

(7) At least one meeting of the Council shall be held in every 4 (four) months.

10. Appointment of Committees.—(1) The Council may, for efficient performance of its functions, appoint one or more Committees.

(2) The Council shall, for constitution of the Committees under subsection (1), determine the Chairman and the number of members of the Committee which may require.

(3) The Chairman and the members of the Committee shall hold office for such period as may be determined by the Council.

11. Association with the Council, etc. of persons not being member.—(1) The Council or a Committee appointed under section 10 may associate with itself any person whose assistance or advice may be desired for carrying out its functions.

(2) Any person associated with the Council or a Committee appointed under section 10 may take part in the discussion at a meeting of the Council or of the Committee, as the case may be, but he shall not have a right to vote.

12. Director General.—(1) There shall be a Director General of the Institution who shall be appointed by the Government on such terms and conditions as it may determine.

(2) The Director General shall be the Chief Executive of the Institution and be responsible for the proper administration of the Institution.

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

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

14. **Authentication of orders and other instruments of the Institution.**—All orders and decisions of, and all other instruments issued by, the Institution shall be authenticated by the signature of such officers or employees as may be authorised in this behalf by the Council.

15. **Prohibition of use of Standard Mark without licence.**—(1) Except under a licence issued under section 16, no person shall use, in relation to any article or process, or in the title of any patent, or in any trade mark or design, the Standard Mark or any imitation thereof.

(2) Notwithstanding the holding of a licence under section 16, no person shall use, in relation to any article or process, the Standard Mark or any imitation thereof unless such article or process conforms to the Bangladesh Standard.

16. **Licence, etc.**—(1) If any person intends to use, in any article or process or in the title of patent, or in any trade mark or design, the Standard Mark, or where there is any obligation under section 20 or 21, he shall apply to the Institution, in such form and on payment of such fee as may be prescribed by regulations, for issue of a licence for such use.

(2) The Institution may issue a licence if, after such inquiry as it deems necessary, it is satisfied with the following matters, namely:—

- (a) the article or process in respect of which the Standard Mark is to be used conforms to the related Bangladesh Standard; and
- (b) there is arrangement for regular inspection or testing to ensure that the article or process concerned conforms to the Bangladesh Standard.

(3) A licence may be issued by the Institution in such form and on such conditions and subject to the payment of such fee as may be prescribed by regulations.

(4) A licence issued under this section shall remain valid for a period of three years.

(5) Notwithstanding anything contained in sub-section (4), the Institution may, after giving a reasonable opportunity of being heard, revoke a licence, if it is satisfied that any condition specified in the licence has been violated.

(6) Where the licence of a licensee is lost or destroyed otherwise, he may apply for a copy of the licence in such manner and subject to the payment of such fee as may be prescribed by regulations.

(7) On receiving the application under sub-section (6), the Institution shall provide a copy of the licence in such manner and within such time as may be prescribed by regulations.

17. Approval of clearance.—The Institution may, in such manner and on payment of such fee as may be prescribed by regulations, issue the clearance of the standard of quality for any article imported.

18. Prohibition of use of certain names, etc.—Except in such cases and under such conditions as may be prescribed by regulations, no person shall, without prior sanction of the Institution, use the following names, expressions or marks, namely:—

- (a) any name which so nearly resembles the name of the Institution as to deceive or likely to deceive the public or the expressions like “Bangladesh Standard” or “Bangladesh Standard Specification” or similar expressions; or
- (b) any mark or trade mark containing the expressions of “Bangladesh Standard” or “Bangladesh Standard Specification” or any abbreviation of such expressions.

Explanation.—For the purpose of this section, “specification” means the description of any article or process mentioning, as far as possible, the nature, standard, strength, accuracy, blending, quantity, volume, weight, classification, durability, manufacturing authority, ingredients, source, method of manufacturing or other characteristics so as to differentiate such article or process from any other article or process.

19. Prohibition of registration in certain cases.—(1) Notwithstanding anything contained contrary in any other law for the time being in force, no registering authority shall register any company, institution or body of persons or trade mark or design bearing any name or mark, the use of which may contravene the provisions of section 15 or 18.

(2) If any question arises as to whether the use of any name or mark is in contravention of the provisions of section 15 or section 18, the registering authority shall refer the question to the Government, and the decision of the Government thereon shall be final.

Explanation.—For the purpose of this section, “registering authority” means any authority competent under any law for the time being in force, to register a company, institution or body of persons or any trade mark or design or to provide the patent.

20. Power to prohibit or restrict export of certain articles.—(1) The Government may, in consultation with the Institution, by notification in the official Gazette, subject to the conditions and exceptions mentioned in the notification, prohibit or restrict or otherwise control the taking out of Bangladesh of articles of any specified description which do not bear the Standard Mark or follow general practices, including trade practices, and procedures connected with the export of such articles.

(2) No article of the specified description shall be taken out of Bangladesh except in accordance with the conditions of a licence to be issued by an employee authorised in this behalf by the Government.

(3) All articles, to which any notification under sub-section (1) applies, shall be deemed to be restricted or prohibited under section 16 of the Customs Act, 1969 (Act No. IV of 1969) and all provisions of the said Act shall have effect accordingly.

21. Power to prohibit the sale, distribution, commercial advertisement etc. of certain articles.—(1) The Government may, in consultation with the Institution, by notification in the official Gazette, prohibit, with effect from such date as may be specified in the notification, the sale, distribution and commercial advertisement of any article specified therein which does not conform to the Bangladesh Standard established by the Institution in relation to that article:

Provided that the date specified in the notification shall not be a date earlier than 2 (two) months from the date of publication of the notification.

(2) The Government may, by notification in the official Gazette, require any article which conforms to the Bangladesh Standard to be marked with the Standard Mark.

Explanation.—For the purpose of this section,—

- (a) where any article, or cover or label attached thereto, is marked with the Standard Mark, such article shall be deemed to be marked with the Standard Mark; and
- (b) “cover”, mentioned in clause (a), means any stopple, barrel, bottle, container, box, crate, cover, capsule, case, frame, packet, or any other receptacle.

22. **Inspectors.**—(1) The Institution may appoint as many Inspectors as may be necessary for the purpose of inspecting whether the Bangladesh Standard Mark has been improperly used in respect of any article or process or in the title of any patent, or in any trade mark or design and for the purpose of discharging such other duties as may be assigned to them.

(2) Subject to the regulations made under this Act, an Inspector shall have the following powers, namely:—

- (a) to inspect any operation carried on in connection with any article or process in relation to which the Standard Mark has been used;
- (b) to take the sample of any substance or material, or of article used in any article or process, in relation to which the Standard Mark has been used;
- (c) to search, seize or investigate in respect of an offence under this Act as a Police Officer of the rank of Sub-Inspector; and
- (d) to exercise other powers.

(3) Every Inspector shall be furnished by the Institution with a certificate of appointment as an Inspector, and the certificate shall, on demand, be produced by the Inspector.

23. **Power to obtain information, etc.**—Every licensee shall supply the Institution with such samples, and with such information of any material or substance used in any article or process, as the Institution may require.

24. **Delegation of powers.**—The Institution may, by general or special order in writing, delegate any of its powers, in such circumstances and under such conditions, if any, as may be specified in the order, to the Chairman or the Director-General or any member of the Council or any officer of 9th grade or above.

25. **Appeals.**—(1) Any person aggrieved by an order passed under clause (I) of section 6 may prefer an appeal to the Government within 3 (three) months from the date of receipt of the decision or within such further time as may be allowed by the Government by notification in the official Gazette, on payment of such fee as may be prescribed by regulations.

(2) The Government may call for relevant papers from the Institution and, after conducting such inquiry into the matter as it considers necessary, pass an order and any such order passed by the Government shall be final.

26. Certain matters to be kept confidential.—(1) Any information obtained by an Inspector or by a member of the Council or any employee of the Institution from any statement made or information supplied or in any evidence given or from inspection made under the provisions of this Act shall be treated as confidential.

(2) Notwithstanding anything contained in sub-section (1), nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Act.

27. Penalty etc. for contravention of sections 15, 18 or 19.—(1) If any person contravenes any provision of section 15, 18 or 19, such act of that person shall be an offence, and for this he shall be punished with imprisonment for a term which may extend to 2 (two) years, or with fine which may extend to 1 (one) lac Taka, but not less than 25 (twenty five) thousand Taka, or with both.

(2) The Court sentencing a person under sub-section (1) may direct that the property in respect of which the provisions of the Act have been contravened shall be forfeited to the Government.

28. Penalty for contravention of section 20.—If any person contravenes the provisions of any notification issued under section 20 or any condition of a licence issued thereunder, such act of that person shall be an offence, and for this he shall, without prejudice to the confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1969 (Act No.IV of 1969), as applied by sub-section (3) of section 20, be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 50 (fifty) thousand Taka, but not less than 10 (ten) thousand Taka, or with both.

29. Penalty for contravention of section 21.—If any person contravenes the provisions of any notification issued under section 21, such act of that person shall be an offence, and for this he shall be punished with imprisonment for a term which may extend to 4 (four) years, or with fine which may extend to 2 (two) lac Taka, but not less than 50 (fifty) thousand Taka, or with both.

30. **Penalty for obstructing any Inspector in discharge of his functions.**—If any person willingly obstructs, or gives false information to, any Inspector while discharging his public duties, such act of that person shall be an offence, and for this he shall be punished with imprisonment for a term which may extend to 1 (one) year, or with fine which may extend to 50 (fifty) thousand Taka, but not less than 10 (ten) thousand Taka, or with both.

31. **Penalty for other offences.**—If any person contravenes any provision of this Act or rules or regulations made thereunder, such act of that person shall be an offence, and for this he shall, if no other penalty is provided by any section of this Act for such contravention, be punished with fine which may extend to 1 (one) lac Taka, but not less than 25 (twenty five) thousand Taka, or with both.

32. **Penalty for repetition of offence.**—If any person convicted for any offence under this Act again commits the same offence, he shall be punished with twice of the maximum penalties provided for such offence.

33. **Cognizance of offence.**—No Court shall take cognizance of any offence punishable under this Act except upon a complaint made in writing by an Inspector authorised by the Government or the Institution.

34. **Trial of offence.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, the offences under this Act shall, subject to the provisions of sub-section (2), be triable by the Court of Magistrate of first class or, as the case may be, by the Court of Metropolitan Magistrate in any Metropolitan area.

(2) In case of repetition of an offence mentioned in section 29 or in any other section, as the case may be, it shall be tried by the Sessions Judge under the Code of Criminal Procedure.

35. **Application of the Mobile Court Act, 2009.**—Notwithstanding anything contained in any other law for the time being in force, the Mobile Court may, for the purpose of the Mobile Court Act, 2009 (Act No. LIX of 2009), hereinafter referred to as the said Act, impose punishment for any offence under this Act, subject to being included in the Schedule of the said Act.

36. **Special Power of the Magistrate to impose fine.**—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, a Magistrate of first class or, as the case may be, a Metropolitan Magistrate may, when imposing fine mentioned in any section under this Act on any person, impose the same fine as mentioned in such section.

37. **Articles liable to confiscation.**—(1) Whenever any offence under this Act is committed, the article or thing, in respect of which or by which such offence has been committed, shall be liable to confiscation.

(2) Any article liable to confiscation under this Act shall, as soon as the order for confiscation under sub-section (2) of section 27 has been made, be delivered to the Director General or any Officer of the Institution authorised by the Director General in this behalf and he shall arrange its destruction or disposal in such manner as may be prescribed by regulations.

38. **Power to close factory etc.**—(1) If after examination, it is found that any article which does not conform to the Bangladesh Standard established by the Institution in relation to that article, or step has been taken to take or send it out of Bangladesh without conforming to the conditions set out under section 20 or any article, in respect of which obtaining licence under section 21 is necessary, is being sold or distributed or advertised commercially, the Director General or any employee of the Institution authorised by him may, by an order in writing, close, in such manner as may be prescribed by regulations, the factory producing such articles or the premises where such articles are stored.

(2) Any person against whom an order of closure has been made under sub-section (1) may appeal to the Government within 30 (thirty) days from the date of such order.

Explanation.—For the purpose of this section “premises” includes the following place, warehouse, dwelling house, vehicle, etc., namely:—

- (a) a place where any business, industry, production or trade is carried on by a person, whether by himself or through an agent, by whatever name called;
- (b) a warehouse, godown or other place where any article or articles are stored, exhibited or traded;
- (c) a dwelling house, if any part of it is used for the purpose of carrying out any business, industry, production or trade; and
- (d) a vehicle or vessel or any other mobile device, with help of which any trade or business is carried on.

39. **Taking assistance of law enforcing agencies and other authorities.**—The Director General or any employee of the Institution authorised by him may, for the purpose of enforcing the powers or performing the functions under this Act or any other law to be enforced by the Institution, request any law enforcing agency or other government or statutory authority to provide necessary assistance, and the agency or authority shall, on such request, be bound to provide such assistance.

40. **To provide service by the Institution, etc.**—Notwithstanding anything contained in section 6,—

- (a) if any person or organisation applies to the Institution for examination of anything in relation to test, measuring or quality control of any article within the functions of the Institution, or requests it to provide information relating thereto, the Institution may, on receiving prescribed fee, provide the report and information after such examination;
- (b) on an application made by the Government or any public body under clause (a), the Institution shall provide the report or information on priority basis; and
- (c) notwithstanding anything contained in clauses (a) and (b), any person or organisation may apply to the Institution for examination of anything in relation to standard, test, measuring or quality control of any article not within the functions of the Institution, and the Institution may, subject to its capability, on receiving prescribed fee, provide the report and information after such examination.

41. **Funds of the Institution.**—(1) There shall be a fund of the Institution and money received from the following sources shall be credited to the fund, namely:—

- (a) grants and loan received from the Government;
- (b) income from investment of money, royalties and properties of the institution; and
- (c) all other incomes of the Institution.

(2) All moneys of the fund shall be kept by the Institution in any Scheduled Bank in the name of the Institution and the fund shall be operated in such manner as may be prescribed by rules:

Provided that for the purpose of this sub-section, until rules are made, the fund may be operated in such manner as may be determined by the Council.

Explanation.—For the purpose of this section, “Scheduled Bank” means a Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (P.O. 127 of 1972).

(3) All necessary expenditure of the Institution may be met out of the fund in accordance with the government rules and regulations:

Provided that the surplus money of the fund, if any, after making provision of necessary sum for any project to be implemented with the fund, in the beginning of the year, shall be deposited in the government treasury.

42. **Budget.**—The Institution shall, by such date in each year as may be fixed by the Government, submit to the Government an annual budget statement for the next financial year showing the sums which are likely to be required for the Institution from the Government during that financial year.

43. **Accounts and audit.**—(1) The Institution shall keep its account in such manner as the Government may determine in consultation with the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General.

(2) The accounts of the Institution shall be audited in such manner as the Auditor-General deems fit.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorised by him in this behalf shall have access to all records, documents, cash, securities, stores and other property of the Institution, and may examine any member, the Director General or any employee of the Institution.

(4) The Auditor-General shall submit his audit-report to the Government and shall send a copy thereof to the Institution.

44. **Annual Report.**—(1) The Institution shall furnish to the Government an annual report on the conducts of its affairs every year by 31 January of the next year.

(2) The Government may, at any time if it deems necessary, require the Institution to furnish any report, statement or return on any matter of its affairs, and the Institution shall be bound to furnish it to the Government.

45. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Government may, by notification in the official Gazette, subject to being consistent with the provisions of this Act, remove such difficulty.

46. **Public Servant.**—The Director General and the employees of the Institution, including the inspectors appointed or authorised or the employees empowered under this Act, shall be deemed to be the public servant as defined in section 21 of the Penal Code.

47. **Failure of public servant to perform duty.**—(1) If any public servant, assisting to prevent offences under this Act, fails to perform his duty knowingly or contravenes any provision thereof, he shall be liable for such failure or contravention.

(2) If any public servant is liable for any failure or contravention under sub-section (1), he shall be accused of offence regarding discipline and conduct in accordance with the rules and regulations applicable for public servants and for this reason departmental disciplinary action shall be taken against him.

48. **Amendment to Schedule.**—The Government may, in consultation with the Institution, by notification in the official Gazette, amend the Schedule of this Act.

49. **Power to make rules.**—For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules not inconsistent with this Act.

50. **Power to make regulations.**—For carrying out the purposes of this Act, the Institution may, by notification in the official Gazette, and with the prior approval of the Government, make regulations not inconsistent with this Act and rules made thereunder.

51. **Repeal and savings.**—(1) The Bangladesh Standards and Testing Institution Ordinance, 1985 (Ord. No. XXXVII of 1985), hereinafter referred to as the repealed Ordinance, is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1)—

- (a) any act done, action taken or proceeding initiated under the repealed Ordinance shall be deemed to have been done, taken or initiated under this Act;
- (b) any case filed or action taken or any act or proceeding initiated under the repealed Ordinance shall, if pending, be disposed of in accordance with the provisions of the repealed Ordinance as if this Act had not been commenced;
- (c) any contract, document or instrument made by the Bangladesh Standards and Testing Institution established under the repealed Ordinance, hereinafter referred to as the said Institution, shall continue as if it had been made by the Institution under this Act;
- (d) all debts, liabilities and legal obligations of the Institution established under the repealed Ordinance shall be deemed to be the debts, liabilities and legal obligations of the Institution;
- (e) all employees of the Institution under the repealed Ordinance shall, notwithstanding anything contained in any contract or the terms and conditions of the service, remain in the service and, as the case may be, continue their service of the Institution on the same terms and conditions as were applicable to them before the commencement of this Act until such terms and conditions are altered or amended;

- (f) all assets, rights, powers, authorities and privileges, fees, all property, movable and immovable, authorised capital, funds, cash, bank balances and security and all accounts and books of accounts, register, records and all other documents of the Institution established under the repealed Ordinance shall, upon the commencement of this Act, stand transferred to the Institution and the Institution shall be entitled thereto; and
- (g) the functions of the office or branch, including the Dhaka branch, established or founded under the repealed Ordinance, in whatever name and wherever it may be established or founded, shall, until the office or branch of the institution is established or founded or, as the case may be, dissolved under this Act, remain in force and continue, as if they were established or founded under this Act.

(3) Notwithstanding such repeal under sub-section (1), any regulation made, notification issued, and any order, direction, permission given, recommendation made, all schemes and programmes developed, and all statements of accounts and annual report approved, if remaining in force immediately before such repeal shall, subject to being consistent with this Act, be deemed to have been made, issued, given, developed and approved under the corresponding provisions of this Act, and shall remain in force until expired or repealed or amended under this Act.

52. 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.

Schedule**(See section 8)****Part-1**

1. Ministry of Industries.
2. Ministry of Agriculture.
3. Ministry of Fisheries and Livestock.
4. Ministry of Commerce.
5. Finance Division.
6. Ministry of Posts, Telecommunications and Information Technology.
7. Ministry of Health and Family Welfare.
8. Ministry of Power, Energy and Mineral Resources.
9. Legislative and Parliamentary Affairs Division.
10. Ministry of Information.
11. Ministry of Textiles and Jute.
12. Ministry of Home Affairs.

Part-2

1. Bangladesh Food Safety Authority.
2. Directorate of National Consumer Rights Protection.
3. Federation of Bangladesh Chambers of Commerce and Industries (FBCCI).
4. Dhaka Chamber of Commerce and Industries (DCCI).
5. Chottogram Chamber of Commerce and Industries (CCCI).
6. Metropolitan Chamber of Commerce and Industries (MCCI).
7. Consumer Association of Bangladesh (CAB).
8. Bangladesh Chamber of Industries (BCI).
9. Bangladesh Shop Owners Association (Bangladesh Dokan Malik Samiti).

Part-3

1. Bangladesh Council of Scientific and Industrial Research (BCSIR).
2. Bangladesh University of Engineering and Technology (BUET).
3. Bangladesh Atomic Energy Commission (BAEC).
4. Export Promotion Bureau (EPB).
5. Bangladesh Agricultural Research Council (BARC).

By order of the President

মুহঃ জাকির হোসেন
যুগ্মসচিব (লে.অ.)।