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The following Act passed in the National Assembly has been approved by The Hon'ble President on 10 November 2013 and hereby published for public knowledge: -----

Act No 57 of 2013

This Act was passed for the re-enactment of the repealed **Rural Electrification Board Ordinance, 1977 (Ordinance No: L I of 1977)**.

Whereas it is expedient and necessary to establish a Rural Electrification Board and formulate rules and regulations in this regard by re-enactment of the repealed Rural Electrification Board Ordinance 1977 (Ordinance No LI of 1977) with the objective to continue effective use of electricity and effective management of rural electrification programme so as to ensure uninterrupted supply of electricity in the rural areas and few other areas for agricultural revolution, for the development of cottage and other industries and rural economy, that is agriculture, industry, education, health, culture and infrastructure;

Hence, the following Act is being promulgated: ----

Chapter - I
Preliminary

1. Short title and commencement: --

- 1) This act will be referred to as Rural Electrification Board Act, 2013.
- 2) It will be effective as soon as possible.

2.. Definition: -- Unless there is anything repugnant in the subject or context, then in this act—

- 1) "Chairman" means Chairman of the board;

2) "Prescribed" means prescribed by the rules and regulations made under this act;

3) "Rural area" means such an area not included under municipal or city corporation area and for this purpose, any other area such as a municipality or an area within a municipality and a city corporation or an area within a city corporation will be included in it, as the Government may specify, time to time, by notification in the official gazette specify in this behalf;

4) "Regulation" means regulations formulated under this Act;

5) "Rules" means rules formulated under this Act;

6) "Electricity Act" means Electricity Act, 1910 (Act No. IX of 1910);

7) "Board" means Bangladesh Rural Electrification Board established under section 3;

8) "Land" means land as defined under State Acquisition and tenancy Act, 1950 (E.B. Act No. XXVIII of 1950);

9) "Member" means a member of the Board and includes the Chairman as well;

10) "Samity" means a Palli Bidyut Samity formed under this Act and registered with the Board;

11) "Government" means electricity departments of Ministry of Electricity, Fuel and Mineral Resources.

Chapter - II

Establishment of Board and its Functions, etc.

3. Establishment of the Board and its Functions: ----

1) There will be a Board named Palli Electrification Board for fulfilling the objectives of this Act.

2) The Board shall be a statutory body having perpetual succession and a common seal, with power, subject to the provisions of the rules and regulation formulated under this Act, to acquire, hold and dispose of property, both movable and immovable, and file lawsuit in the name of the Board and can be sued as well in the same name.

4. Office of the Board:-- The head office of the Board shall be at Dhaka and the Board may establish its branch offices at any other place in Bangladesh for effectively carrying out its programmes and, if necessary, may shift a particular branch office or may close it.

5. Composition of the Board: --- (1) The Board shall consist of the following 12 (twelve) members, namely: -

a) A Chairman appointed by the government, who will be the President of the Board as well;

b) The following officials appointed by the government shall be whole time members of the Board, namely: -

1) Member (Planning & Development);

2) Member (Distribution & Management);

3) Member (Samity management);

4) Member (Finance);

5) Member (Administration); and

c) The following persons shall be the part-time members of the Board, namely: ---

1) An official, minimum at the level of Director, from the Bangladesh Power Development Board;

2) An official, minimum at the level of Director, from the Bangladesh Agriculture Development Corporation;

3) An official, minimum at the level of Director, from the Bangladesh Small and Cottage Industry Corporation;

4) An official, minimum of Director level, from the Bangladesh Rural Development Board;

5) An official, minimum at the level of Director, from the Power Grid Company of Bangladesh; and

6) one Chartered Accountant nominated by the Institute of Chartered Accountant of Bangladesh (ICAB).

(2) Government shall appoint a member (samity management) from among officials with minimum 20 years of service in the Board and having experience of administrative work and a member (planning & development) and a member (distribution & management) from among the electrical or mechanical or civil engineers.

(3) Chairman and other whole-time members shall discharge their responsibilities bestowed upon them under the terms and conditions prescribed by the government.

6. Functions of the Board:-- To fulfill the objectives of this Act, Board may undertake various steps to accomplish the following programmes and to that end, take up all activities regarding formulation of necessary projects, implementation, management, maintenance and evaluation, namely:-

- a) to determine the principles regarding electricity generation, transmission, transformation and distribution system and its materialization in rural areas and other areas specified by the government;
- b) to participate in business activities, including manufacture, repair, maintenance and construction of infrastructure and sign MOUs and enter into any contract with other organization with government or private partnership and formulate policies in this regard;
- c) to establish institutions, branches, infrastructure etc. to conduct training, research and evaluation programmes and to formulate policies regarding the same;
- d) to prescribe lending or re-lending terms for the samitis (associations) and other groups borrowing funds from the Board and prescribe regulations for valuation of project cost and administering credit;
- e) to determine, with the approval of the government, the criteria for rural electrification and associated works to ensure optimum use of resources and maximum socio-economic benefits;
- f) to provide funds as advance for the execution of approved schemes, operation and management of works and services to any samiti or other group on prescribed conditions and extend loans to the samiti for the purpose of obtaining electric connection and equip its members for productive utilization of power;
- g) to conduct surveys and feasibility studies and prepare schemes for establishment of electrical systems in rural areas for the sake of utilization of electrical power for socio-economic benefits to the community;
- h) to submit reports and schemes to the government for approval and to execute the approved schemes;
- i) to hand over the completed schemes for operation and management to any samiti or other group on terms and conditions determined by the Board;
- j) to receive funds, grants, assets, wealth, establishment as loans, donations and grants from the government and other bodies and individuals for creating funds for the purpose of carrying out its business;

- k) to organize the prospective consumers of electricity into formal and informal groups, such as palli bidyut samitis, electric and other co-operatives, bidyut samitis, associations and companies for the purpose of execution and management of schemes and providing related services and, if necessary, merge a number of samitis into a single samiti or divide a samiti into several samitis;
- l) to formulate rules and regulations, by-laws and directives, etc. for the samitis for registration with the Board and determining the methods of their management, development, co-ordination, revenue-generation and other functioning;
- m) to take measures for effective use of electricity to foster rural development with special emphasis on use of electric power for economic pursuits, such as development of agriculture and establishment of rural industries and other industries and assisting the disadvantaged sections of the community for augmenting their income and standard of living;
- n) to take over, with the prior approval of the government, the Bangladesh Power Development Board and electric systems along with related assets and liabilities of other organizations and arrange for their renovation, development and supervision;
- o) to organize effective programme for preparation, execution, operation, and management of rural electrification programmes and works related with it;
- p) to determine and monitor the standards of works, equipment, operation, maintenance, procurement and warehousing, personnel and fiscal administration and other aspects of management and frame the policy to estimate the cost of auditing, and make policy for loan administration to be followed by the Board as well as by the samitis, other groups and branches registered by it;
- q) to co-operate with the agencies of the government, interested non-government bodies as well as local administration and local authorities in rural development works and to take initiative for promotion of setting up of rural industries, boosting irrigation and drainage and augmenting commercial and domestic use of electricity;
- r) to write off the amount of unrealized outstanding dues, considered justified by Board following the prevailing rules and regulation and the value of stolen or lost or diminished assets for execution of the programmes of the Board and its effective operation;
- s) to take steps within the purview of related act for controlling illegal use of electricity, disconnecting electricity of the default consumers and against the theft or destruction of electric wire, poles and other equipment; and

- t) to accomplish other functions, deemed necessary by Board, within the jurisdiction of this Act with prior approval from the government.

7. Entitlement to be Licensee: -- The Board shall, to fulfil the objectives of Electricity Act, be deemed as a licensee and shall have all the powers of a licensee under that Act:

Provided that nothing in sections 3 to 11, sub-sections (2) and (3) of section 21 and sections 22, 23 and 27 or in clauses I to XII of the schedule of the said Act relating to the duties and obligations of a licensee shall apply to the Board.

Chapter – III

Meeting of The Board, etc

8. Functions of the Chairman and other members: -- 1) The Chairman shall be the executive of the Board and shall conduct the administration of the Board according to this Act and rules and regulations made under this Act.

- 2) The Chairman and other members shall exercise such powers and perform such functions as may be prescribed or as may be assigned to them by the Board from time to time.

9. Meetings of the Board: --

- 1) The Board may conduct the business of its meetings subject to the rules of this section.

- 2) The Board shall convene its meetings at least four (4) times in a year and the meetings of the Board shall be held in such places and times as prescribed by The Chairman.

- 3) The meetings of the Board shall be convened by written notice, signed by the Secretary of the Board of Directors with the prior approval of the Chairman.

- 4) To constitute a quorum of a meeting of the Board, the presence of not less than 5 (five) members including 2 (two) whole-time members will be required. In case of an adjourned meeting, no quorum is needed.

- 5) All members present at the meeting of the Board shall enjoy a vote and all the decisions shall be taken by majority votes and in the case of equal division of casted votes, the person presiding shall have a second or casting vote.

- 6) All meetings of the Board shall be presided over by the Chairman or, in his absence, by a whole-time member authorized by the Chairman.
- 7) Any work or activity undertaken by the Board will not be invalid for the only reason that a position of a member is lying vacant or the Board is not properly constituted, and this matter cannot be raised in any court of law.

Chapter – IV

Agreement, Reporting, Borrowing, etc.

10. Making Agreements: --

i) The Board and any samiti with power bestowed upon by the Board may enter into an agreement with any person or any institution with the objective to perform its function;

Provided, it shall have to take prior approval from the government to enter into an agreement with any foreign government or international organization.

ii) The Chairman or any whole-time member or official with the power delegated by him or any official of the samiti with the power delegated by the Board may enter into such agreement.

11. Reports: --

1) The Board shall submit a report to the government not more than 30 (thirty) days after the end of the previous year, on the decisions taken and works executed during that year.

2) The following matters shall have to be included in that report under sub-section (1), namely: --

(a) return, account statement, estimates and statistics as required by the government;

(b) steps taken by the Board and its opinion and recommendations for the redressal of the irregularities, errors and mistakes mentioned in the audit report made under this Act;

(c) information and comments, if any, asked for by the government on specific subjects;

(d) information and copies of the documents as may be required by the government for examination or any other purpose.

3) if necessary, the government may call for a statement and written report on any programme or issue of the Board at any time and Board shall be obligated to send the same to the government.

12. Borrowing Power: -- The Board may, with the prior approval of the government, borrow money from any bank, financial institution and any national or foreign authorized sources for carrying out the objectives of this Act.

Chapter – V

Setting up Structures, Distribution of electricity, etc.

13. Provisions regarding power supply: -- Notwithstanding any other law in force for the time being, the Board--

(a) may, on such terms and conditions as may be determined by the government, take over or acquire any electric power distribution system and operate it or hand it over to any samiti for its operation;

(b) any other electric power distribution company, government or non-government, will not be allowed to install or extend the electrical wire or other structures and will not confer consumer connection in the areas under the jurisdiction of the Board or samiti, as specified by the government;

(c) may receive supply of electricity from any power generating organization, government or non-government, at such rates and on such terms and conditions as determined by the government;

(d) may receive supply of electricity from the Bangladesh Power Development Board and any power generating organization run by any person or entity at such rates and on such terms and conditions as determined by the Government.

14. Operation etc. of some electricity systems:-- Notwithstanding anything contained in this Act or in any other law in force for the time being, where any rural area is included in a municipality or city corporation or in any other authority after the establishment therein of electricity generation, transmission, or distribution systems by the Board, the systems so established shall continue to be operated, maintained and managed by the Board, as if the area had not been included in the municipality or city corporation or any other authority.

15. Power of Entry: --

1) The Chairman or any other member or any official or employee of the Board or samiti and/or any person or organization authorized by the Chairman may, to fulfil the objectives of this Act, enter into any land, house or premises to perform the following duties, namely:--

(a) make any inspection, survey, examination, valuation or enquiry;

(b) dig or fill a hole;

(c) determine boundaries and install electric lines or undertaking construction;

(d) mark such boundaries, lines or installations by placing marks or cutting trenches;
or

(e) undertake any other activities whenever it necessary to fulfil the objectives of this Act.

2) may enter at any time, after sunrise and before sunset, in any place, houses or compounds by serving at least twenty-four hours' notice respectively to its occupier or owner to execute the works, mentioned in sub-section (1) and conduct any work for fulfilling the objectives of this Act.

16. Power to construct underground, over-ground and overhead structures:-- The Board or samiti may place wires ,poles, brackets, apparatus, equipment and other structures underground, over-ground and overhead structures for transmission, distribution and management of electricity as well as for proper execution of its schemes under this Act.

17. Acquisition of land for the Board or samiti etc.: -- Any land required by the Board for carrying out its functions under this Act shall be deemed to be needed for public interest and such land may be requisitioned or acquired under the provision of Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982).

Chapter – VI

Fund and Accounts-Audit

18. Fund: -- 1) The Board shall have its own fund to be known as Rural Electrification Board Fund for carrying out its function and money received from the following sources will be deposited in this fund, namely: --

(a) grants made by the Government;

(b) loans obtained from the Government;

(c) grants made by the local authority;

(d) grants and loans obtained from any foreign source with prior approval and sanction of the Government;

(e) sale- proceeds of electricity; and

(f) sums received from other sources approved by the Board.

2) The fund of the Board shall be deposited in any schedule bank in the name of the Board and money can be drawn from that fund following the provisions specified by the rules.

3) The Board will be entitled to spend money from this fund to meet the expenses in connection with its functions under this Act, including the payment of salaries, allowances and other remunerations of the Chairman, members, officers and other employees of the Board;
with the condition that to spend money from this fund the policies of the Government and concerned rules and regulations shall have to be followed.

4) The Board shall bear all its necessary expenses from the fund of the Board.

5) The Board shall be entitled to invest in any sector from its fund with the approval of the Government.

Interpretation: "Schedule Bank" means "Schedule Bank" as defined in Article 2(J) of Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).

19. Budget:-- The Board shall, by such date as the Government may direct, submit to the Government for approval of a budget report for each financial year mentioning its estimated income and expenditure and the sum of money that may be required from the Government during that financial year.

20. Accounts and audit: --

1) The Board shall maintain its accounts in such a manner as the Government may specify and its accounts will be audited by the samiti or an organization as specified in section 6 (k) of this Act in such manner as specified by the Board.

2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as Auditor-General, in such manner as he deems fit.

3) In addition to the audit as per sub-section (2), the accounts of the Board shall be audited every year by a Chartered Accountant as defined by the Chartered Accountants Order, 1973 (P.O. No. 2 of 1973) and for this purpose the Board shall appoint a Chartered Accountant.

4) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorized by for this purpose can scrutinize all records, books, documents, cash, securities, stores and other properties of the Board and may examine the Chairman or any member, officer or employee of the Board.

5) the Auditor-General shall, as soon as possible after completion of the audit, send the audit report to the Board and the Board shall forward it, with its comments thereon, within a period of not more than 3(three) months to the Government.

6) The Board shall take immediate steps to rectify the defects and irregularities pointed out in the audit report.

7) All auditing activities of the samitis, associations or companies formed under and registered with the Board shall be entrusted on the Board.

21. Proposal for tariff etc.: --

1) The Board shall submit the tariff-proposal to the Bangladesh Energy Regulatory Commission or to the appropriate authority, from time to time, to sell electricity to the members of the samitis.

2) At the time of making the tariff-proposal under sub-section (1), the Board shall consider that the tariff-rates would enable the samitis and other branches at least to recover the cost of financing, operation, maintenance and depreciation of assets.

22. Recovery of dues: -- Any sum due to the Board or the samitis from any person or organization under this Act will be recoverable as a public demand following the rule of the Public Demands Recovery Act,1913 (Ben Act No. III of 1913).

Chapter – VII

Appointment, Power etc.

23. Appointment of Advisor and Consultant:-- The Board may appoint any person or organization as advisor or consultant for executing any specific function to fulfil the objectives of this Act and this appointment and the terms and conditions of their functions shall be determined by the regulations of the Board.

24. Appointment of Officers and Employees: --

1) The Board may appoint required number of officers and other employees, considered necessary for proper execution of its functions according to the organizational structure, approved by the Government and the terms and conditions of their services will be determined by the rules.

2) The Board may appoint officers and other employees on deputation from other organizations and may also depute its own officers and employees to other organizations.

25. Public servant:-- The Chairman, whole-time members and officers and employees of the Board as well as officers and employees of the samitis will be considered as public servant as the meaning of the term “public servant” is expressed in section 21 of The Penal Code,1860 (Act No. XLV of 1860).

26. Delegation of Power:-- The Board, by notification in the official gazette, subject to the power, limit and conditions mentioned in that notification, may delegate to the Chairman or any other member or officer of the Board or any officer of samiti, the power to execute any responsibility and perform any duty of the Board under this Act or rules and regulations made under this Act.

Chapter – VIII **Miscellaneous**

27. Power to issue directions:-- The Government may, from time to time, issue explanatory directions to the Board to take such measures as it considers necessary for fulfilling the objectives of this Act and for the removal of the impediments in implementing any rule of this Act; and the Board shall comply with all such directions.

28. Power to make rules: -- The Government may, by notification in the official gazette, make rules for fulfilling the objectives of this Act.

29. Power to make regulations:-- The Board may, with the prior approval of the Government and by notification in the official gazette, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for fulfilling the objectives of this Act.

30. Necessary and essential services: -- The services in the Board, samiti or in any other organization or company, formed to fulfill the objectives of this Act, shall be treated as necessary and essential services.

31. Board etc. not to be construed as shop, commercial establishment, factory, industry etc.: -- Notwithstanding anything contained in any other law for the time being in force, the Board or a samiti, following the Labour Act of 2006 (Act No.42 of 2006) or any other organization or company, as defined in section 6 (k) of this Act, shall not be construed as “shop”, “commercial establishment”, “factory”, “industry”, “commercial institution”, or “industrial institution”.

32. Winding up:-- No provision of law relating to the winding up of an autonomous body shall apply to the Board and the Board shall not be wound up except by the order of the Government and in such manner as the Government may direct.

33. Repeal and custody: --

1) With the promulgation of this Act, the Rural Electrification Board Ordinance, 1977 (Ordinance No. LI of 1977), hereinafter referred to as the said act, will be repealed.

2) Notwithstanding the annulment of the said act—

- a) All activities or steps taken under the said act, subject to being consistent with this Act, shall be considered as activities or steps taken under this Act;
- b) All rules, all orders given, all notifications issued or notices served under the said act, unless and until not repealed or revised and subject to being consistent with the rules of this Act, shall remain operative and shall be treated as given, issued or served under this Act; and
- c) Any revenue or fees or any other dues, imposed under the aforesaid ordinance, if unrealized just before the introduction of this Act, shall be realized according to the said act and in case of outstanding issues, if any, shall be settled in accordance with the said act, in such a manner as if it has not been repealed.

34. Publication of English version, etc.: --

- 1) As and when this Act shall become effective, Government, by notification in the official gazette, shall publish an Authentic English Text translating the original Bengali text.
- 2) The Bengali text shall prevail in case of any discrepancy between Bengali and English text.