

[Published in the Bangladesh Gazette, Extraordinary, dated the 4th August 1976.]

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION

Dacca, the 4th August, 1976.

No. 757-Pub.—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 2nd August, 1976, is hereby published for general information :—

**BANGLADESH AGRICULTURAL RESEARCH INSTITUTE
ORDINANCE, 1976.**

Ordinance No. LXII of 1976

AN

ORDINANCE

to provide for the establishment of the Bangladesh Agricultural Research Institute.

WHEREAS it is expedient to provide for the establishment of an Agricultural Research Institute for carrying out research for improved agriculture through scientific management of land and water, evolution of improved varieties of various agricultural products and development of pest management practices of such products and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 30th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title.—This Ordinance may be called the Bangladesh Agricultural Research Institute Ordinance, 1976.

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

(i) "assets" include all rights, powers, authorities and privileges, all property, movable and immovable, including cash balances, bank deposits, reserve fund, investments and all other rights and interests in, or arising out of, such property and all books of accounts, registers, records and all other documents of whatever nature relating thereto;

(ii) "Board" means the Board of Governors of the Institute;

(iii) "Chairman" means the Chairman of the Board;

(iv) "Director" means the Director of the Institute;

(v) "Fund" means the Fund of the Institute;

Price—20 Paisa

- (vi) "Institute" means the Bangladesh Agricultural Research Institute; and
- (vii) "prescribed" means prescribed by rules or regulations made under this Ordinance.

3. **Establishment and incorporation.**—(1) As soon as may be after the commencement of this Ordinance, the Government shall establish an Institute to be called the Bangladesh Agricultural Research Institute for carrying out the purpose of this Ordinance.

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

4. **Head office, etc.**—(1) The Head Office of the Institute shall be located at Joydevpur in the district of Dacca.

(2) The Institute may establish offices at such other places as the Board may think fit.

5. **Management.**—Subject to the rules and regulations made under this Ordinance, the general direction, administration and supervision of the affairs of the Institute shall vest in a Board of Governors which may exercise all powers and do all acts and things that may be exercised or done by the Institute.

6. **Constitution of the Board.**—The Board shall consist of the following members, namely:—

- (a) the Minister and, if there be no Minister, the Advisor to the President, in charge of the Ministry of Agriculture, who shall also be the Chairman of the Board;
- (b) the Secretary, Ministry of Agriculture, *ex-officio*, who shall also be the Vice-Chairman of the Board;
- (c) the Secretary, Ministry of Finance, *ex-officio*;
- (d) the Executive Vice-Chairman, Agricultural Research Council, *ex-officio*;
- (e) the Vice-Chancellor, Bangladesh Agricultural University, Mymensingh, *ex-officio*;
- (f) the Chief of Agriculture Division, Planning Commission, *ex-officio*;
- (g) the Chairman, Bangladesh Agricultural Development Corporation, *ex-officio*;
- (h) the Director, Agriculture (Extension and Management), *ex-officio*;
- (i) the Director, Bangladesh Rice Research Institute, *ex-officio*;
- (j) the Director, Central Extension Resources Development Institute, *ex-officio*;
- (k) two persons from amongst the scientists engaged in research activities in the Institute to be nominated by the Government;
- (l) two persons to represent the public to be nominated by the Government;
- (m) the Director of the Institute, who shall be the Member-Secretary.

7. **Functions of the Institute.**—The functions of the Institute shall be to—

- (a) approve the course of study in broad outlines;
- (b) undertake research to ensure a stable and productive agriculture through scientific management of land and water, evolution of new varieties of various agricultural products and development of appropriate technology and pest management methods;
- (c) provide the farmers with the information necessary for carrying out their farming business efficiently;
- (d) set up research centres, sub-stations, project areas and farms in different regions of the country for carrying out research on various problems of agriculture;
- (e) carry out demonstration tests or trial-runs of new varieties of crops and their management practices;
- (f) publish annual reports, agricultural manuals, monographs, bulletins and other literatures relating to crop research and the activities of the Institute;
- (g) train research and extension officers in the improved technology of crop production;
- (h) provide post-graduate research facilities;
- (i) organise seminars, symposia and workshop on selected problems which may afford specialists from different research Institutes and stations opportunity to exchange ideas and be acquainted with the recent advancements in agriculture;
- (j) perform such other functions as may be necessary for the purposes of this Ordinance.

8. **Meeting of the Board.**—(1) The meetings of the Board shall be convened by the Secretary of the Board, in consultation with the Chairman, at least once in every quarter of a year but may also be convened as frequently as may be necessary.

(2) At least fourteen days' notice shall be given for convening a meeting of the Board and such notice shall specify the date on which, and the time and place at which, the meeting shall be held, but emergency meetings may be convened on twenty-four hours' notice.

(3) The Chairman, and in his absence, the Vice-Chairman, shall preside over the meetings.

(4) Three members shall constitute a quorum at a meeting of the Board.

(5) All matters at a meeting shall be decided by the votes of the majority of the members present and voting.

(6) At a meeting of the Board each member shall have one vote, and in the event of equality of votes, the Chairman shall have a second or casting vote.

(7) No act or proceeding of the Board shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of, the Board.

9. **Director.**—(1) There shall be a Director of the Board who shall be appointed by the Government for such period and on such terms and conditions as the Government may, on the advice of the Board, prescribe.

(2) The Director shall be a whole time officer and the chief executive of the Institute.

(3) Before assuming office, the Director shall divest himself of the office of Director, if any, held by him in any other corporation, company or concern otherwise than on behalf of the Institute.

10. **Powers and functions of the Director.**—(1) The Director shall exercise and perform such powers and functions as may be determined by the Board.

(2) Without prejudice to the generality of the foregoing provision, the Director shall, in particular, have power to—

- (a) select and appoint administrative, instructional, research and other staff and employees and, subject to the approval of the Board, to determine the terms and conditions of their service;
- (b) determine research and other programmes of the Institute;
- (c) prepare annual budget for the approval of the Board;
- (d) arrange for audit of the accounts of the Institute by the Comptroller and Auditor-General of Bangladesh;
- (e) acquire, subject to the budget provisions of the Institute, by purchase or otherwise, properties, movable and immovable, for the maintenance of the Institute;
- (f) construct or alter any building for, or of, the Institute; and
- (g) open, with the approval of the Board, a deposit account with any bank and operate the same as per decisions of the Board from time to time.

11. **Power to borrow, etc.**—The Institute may, for carrying out its functions under this Ordinance,—

- (a) borrow, with the approval by the Government, such money from such source and to such extent as it may consider necessary;
- (b) ask for, and receive grants-in-aid from the Government and, with the approval of the Government, any other agencies.

12. **Budget.**—The Board shall, by such date before the commencement of every financial year as the Government may direct, submit, in such manner and form as may be prescribed, to the Government, for making necessary provision in its budget, a statement of the estimated receipts and expenditure pertaining to the discharge of its functions under this Ordinance in respect of that year.

13. **Fund of the Institute.**—The Institute shall have its own Fund which shall consist of—

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) grants made by local authorities; and
- (d) grants and aid received from aid giving agencies.

14. **Committees of the Institute.**—(1) The Board may, from time to time, appoint such committees as may be necessary to discharge such functions as may be assigned to them by the Board or to assist the Director in the performance of his functions.

(2) Each such committee shall be headed by a Chairman and shall comprise such other members as the Board may direct.

(3) The Chairman and other members of a committee shall hold office for such period as the Board may determine.

15. **Public servant, etc.**—(1) The Director, officers, advisors and other staff and employees of the Institute shall, while acting or purporting to act in pursuance of any provision of this Ordinance or rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Penal Code (Act XLV of 1860).

(2) The Institute shall not be deemed to be a "shop" or "commercial establishment" or "industry" for the purpose of the Shops and Establishments Act, 1965 (E.P. Act VII of 1965), the Factories Act, 1965 (E.P. Act IV of 1965), or the Industrial Relations Ordinance, 1969 (XXIII of 1969).

16. **Merger of research components of the Directorate of Agricultural (Research and Education) into the Institute.**—Notwithstanding anything contained in any other law for the time being in force or in any contract or in any other instrument, on the establishment of the Institute under section 3 of this Ordinance—

(a) all assets of the research divisions, experimental stations and sub-stations and research projects institutes of the Directorate of Agriculture (Research and Education), hereinafter referred to as the research components of the said Directorate, shall stand transferred to, and vest in, the Institute;

(b) all debts, liabilities and obligations of the research components of the said Directorate subsisting immediately before the commencement of this Ordinance shall, unless the Government otherwise directs, be the debts, liabilities and obligations of the Institute;

(c) the services of such officers, advisors, consultants and other staff and employees of the research components of the said Directorate as the Government may, by notification in the official Gazette, direct, be placed at the disposal of the Institute and such officers, advisors, consultants and other staff and employees shall, unless otherwise directed by the Government, hold office on the same terms and conditions as were applicable to them immediately before the commencement of this Ordinance.

17. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Dacca!

The 2nd August, 1967

ABUSADAT MOHAMMAD SAYEM

President.

A. K. TALUKDAR
Deputy Secretary.

18. Power to make regulations.—(1) The Institute may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.
- (2) All regulations made under this section shall be published in the official Gazette and shall come into force on such publication.