

Bangladesh Agricultural Research Institute (Bari) Act, 2017

(Act No. 12 of 2017)

[May 18, 2017]

An Act to repeal and re-enact the Bangladesh Agricultural Research Institute Ordinance, 1976

Whereas the Constitution (Fifteenth Amendment) Act, 2011 (Act No. 14 of 2011) repealed Articles 3A and 18 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh relating to the approval and support of ordinances issued by military orders between 15 August 1975 and 9 April 1979; And in Civil Petition for Leave to Appeal No. 1044-1045/2009, the Appellate Division of the Supreme Court declared the Constitution (Fifth Amendment) Act, 1979 (Act No. 1 of 1979) validating martial law to be unconstitutional, thereby rendering the said Ordinances void. ; And

Whereas some of the said Ordinances are kept in force by Act No. 6 of 2013; And

Since after reviewing the necessity and relevance of the said ordinances, the government has taken a decision to enact new laws in Bengal by making necessary amendments and modifications to the ordinances considered necessary after taking the views of all the stakeholders and all the concerned ministries and departments; And

Whereas, in the light of the above-mentioned decision of the Government, it is expedient and necessary to repeal and re-enact the Bangladesh Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976);

Therefore, it is hereby enacted as follows:-

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| Short title and introduction | 1. (1) This Act shall be known as the Bangladesh Agricultural Research Institute (BARI) Act, 2017 .
(2) It shall take effect immediately. |
| definition | 2. Unless there is anything contrary to the subject or context, in this Act—
(1) "Institute" means the Bangladesh Agricultural Research Institute (Bari) established under section 3;
(2) "Council" means the Bangladesh Agricultural Research Council established by the Bangladesh Agricultural Research Council Act, 2012 (Act |

No. 13 of 2012);

(3) "regulations" means regulations made under this Act;

(4) "rules" means rules made under this Act;

(5) "Board" means the Board constituted under section 7;

(6) "Director-General" means the Director-General of the Finance Institute;

(7) "President" means the President of the Finance Board.

**Establishment
of Institute**

3. (1) The Bangladesh Agricultural Research Institute established under the Bangladesh Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976) shall continue as if it had been established under this Act.

(2) The Institute shall be a statutory body and shall have permanent existence and a common seal and shall, subject to the provisions of this Act, have power to acquire, hold and transfer property, both movable and immovable, and the Institute may institute suits in its own name and A case will also be filed against it in that name.

**Office and
Center of
the Institute**

4. (1) The Head Office of the Institute shall be at Joydevpur in Gazipur District.

(2) The Institute may, with the prior approval of the Government, establish its regional center and sub-centres at any place in Bangladesh.

**Functions
of the
Institute**

5. In carrying out the objectives of this Act the functions of the Institute shall be as follows, namely:-

(a) formulation and implementation of policies relating to agricultural development and production;

(b) formulation of the action plan of the Institute;

(c) conducting research and development activities of various grain crops, safflower crops, oilseed crops, flowers, fruits, pulses, vegetables, spices, etc. crops, innovation of new varieties and scientific management, undertaking stable and productive agricultural research through quality technology;

(d) establishment of laboratories, farms and infrastructure with modern facilities for research;

(e) creation of facilities for collection and storage of germ plasm;

(f) providing training to researchers and extension workers in improved technologies and techniques of crop production;

(g) providing necessary technology and information and providing training to the farmers for carrying out agricultural work efficiently;

(h) assessing the impact of climate change on agricultural production and undertaking and implementing research activities related thereto;

- (j) conducting research on agricultural mechanization, nutrition, supply and value chain development, socio-economic development;
- (j) Development of crop varieties and other technologies to prevent diseases and insects and to tolerate various adverse environments including drought, salinity, waterlogging and heat through the application of biotechnology in agriculture;
- (k) confirmation of intellectual property of technology and plant varieties developed by the Institute;
- (l) development through screening of various crop varieties and technologies used by farmers locally;
- (d) breeding and production of quality high yielding seeds, distribution for exhibition and extension;
- (d) publication of agricultural pamphlets, monograms, bulletins, crop catalogs and other information relating to research;
- (n) Facilitation of postgraduate studies;
- (p) undertaking research programs in collaboration with national and international bodies and organizations;
- (th) To create opportunities to get acquainted with agricultural research and recent developments and to organize seminars, symposiums and workshops on the said issues with the participation of experts from domestic and foreign institutions;
- (d) undertaking projects;
- (d) perform such other duties as may be assigned to him by the Government, subject to directions from time to time; And
- (n) any other function as may be necessary.

Follow the instructions given by the Council

6. (1) Notwithstanding anything contained in any other provision of this Act, the Institute shall carry out any direction, recommendation or advice given by the Council:

Provided that if it appears to the Institute that it is not possible to implement any such recommendation or advice, the Institute shall, without delay, communicate its opinion to the Council, stating the reasons therefor.

(2) The Council may amend or cancel any recommendation or suggestion made by it or make any new recommendation or suggestion in the said matter after considering the opinion received from the Institute under the terms of sub-section (1).

Board composition

7. (1) The Board of the Institute shall consist of the following members, namely:-

- (a) the Director General, who shall also be its Chairman;

- (b) a representative of the rank of Deputy Secretary below, nominated by the Finance Department;
- (c) a representative of not less than the rank of Deputy Secretary nominated by the Ministry of Agriculture;
- (d) a representative not less than the rank of Director nominated by the Department of Agricultural Extension;
- (e) a representative of the Seed Certification Agency nominated by the Ministry of Agriculture;
- (f) a representative of not less than director rank nominated by the Soil Resource Development Institute;
- (g) one of its representatives nominated by the Council;
- (h) two senior scientists experienced in agricultural research nominated by the Government;
- (j) two representatives engaged in agricultural work nominated by the Institute, one of whom shall be an experienced farmer and the other shall be a representative of a non-governmental organization; And
- (j) The Directors of the Institute, among whom the one who is engaged in the administration of the Institute shall also be the Member-Secretary of the Board.

(2) Members nominated under clauses (h) and (j) of sub-section (1) shall hold membership for a period of 3 (three) years from the date of their nomination:

Provided that the Government or, as the case may be, the Institute may at any time before the expiry of the said period, without assigning any reason, discharge any member so nominated from membership and any nominated member resigns by written notice addressed to the Government or, as the case may be, the Institute. can do

Functions of the Board

8. The functions of the Board shall be as under, namely:-
- (a) provide supervision and direction to the functions of the Institute;
 - (b) passing decisions on policy matters of the Institute;
 - (c) approve the proposed policies and action plans of the Institute;
 - (d) requests for grants from the Government or from any other source;
 - (e) approval of loan proposals;
 - (f) approving the proposed budget for the approval of the Government;
 - (g) determining the content of research;
 - (h) approve proposals for financial assistance for higher education or research abroad; And
 - (j) Project approval.

Board meeting

9. (1) The Board shall meet at least thrice every year and the date, time and place of the meeting shall be fixed by the President.

(2) The Member-Secretary of the Board shall, with the consent of the President, convene a meeting of the Board by notice in writing.

(3) A quorum for a meeting of the Board shall require the presence of at least half of its total number of members, but no quorum shall be required in the case of an adjourned meeting.

(4) Each member present at the meeting of the Board shall have one vote and the decision shall be taken at the meeting on the basis of the majority of votes, but in case of equality of votes cast, the President may cast a second or deciding vote.

(5) The action or proceedings of the Board shall not be invalid and no question shall be raised in this regard merely because there is a vacancy in any member's post or a defect in the constitution of the Board.

Director General

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

(2) The Director General shall be appointed by the Government and the term and conditions of his service shall be determined by the Government.

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

(a) exercise and perform the powers conferred by the Board;

(b) be responsible for the implementation of all decisions of the Board;

(c) perform the duties assigned to him, from time to time, by the Government.

(4) If the post of Director-General becomes vacant or if he is unable to perform his duties due to absence, sickness or any other reason, any person appointed by the Government shall perform the duties of Director-General until the newly appointed Director-General takes over the vacant post or until he is again fit to perform his duties. .

director

11. There shall be such number of Directors as may be necessary for the efficient performance of the functions of the Institute and they shall be appointed by the Government and their terms and conditions of service shall be fixed by the Government.

Recruitment of employees

12. (1) The Institute may, subject to the organizational structure approved by the Government, employ such number of employees as may be necessary for the proper discharge of its duties.

(2) The terms and conditions of employment and employment of employees shall be prescribed by regulations.

- funds**
13. (1) The Institute shall have a fund to which money shall be deposited from the following sources, namely:-
- (a) Grants made by Government;
 - (b) loans taken;
 - (c) income from research rights and services;
 - (d) grants received from any domestic or foreign development aid organization with the prior approval of the Government;
 - (e) grants made by any local authority; or
 - (f) Money received from any other lawful source.
- (2) The amount of the fund shall be deposited in any scheduled bank in the name of the institute and the funds shall be managed and the necessary expenses of the institute shall be met in the manner prescribed by the rules.
- Explanation.- "Scheduled Bank" shall mean a Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (President's Order No.127 of 1972).
- Budget**
14. Every year, the Institute shall submit to the Government the annual budget statement of the following financial year with possible income and expenditure within a specified period and it shall also mention the amount of money required by the Institute from the Government in that year.
- Accounting and auditing**
15. (1) The Institute shall maintain its accounts and prepare an annual statement of accounts in the manner prescribed by the Government.
- (2) The Auditor-General and Comptroller of Bangladesh shall audit the accounts of the Institute every year and shall send a copy of the audit report to the Government and the Institute and the Institute shall forward its comments or objections, if any, to the Government.
- (3) For the purpose of auditing the accounts under sub-section (2), the Auditor General and Comptroller of Bangladesh or any person authorized by him for the purpose may inspect all records, documents, cash or bank deposits, securities, stocks and other property of the Institute. Can see and question any member of the board or any employee of the institute.
- (4) In addition to the audit under sub-section (2), the accounts of the Institute shall be audited by a Chartered Accountant as prescribed in Article 2(1) (b) of the Bangladesh Chartered Accountants Order, 1973 (President's Order No. 2 of 1973) and for this purpose The Institute may appoint one or more Chartered Accountants.
- (5) The Institute shall, as soon as possible, take steps to remedy any errors or irregularities identified in the audit report.

Report	<p>16. (1) Within 3 (three) months after the end of every financial year, the Institute shall submit an annual report to the Government on the activities carried out for that year.</p> <p>(2) The Government may, if necessary, call for reports and statements from the Institute at any time on any subject of the Institute and the Institute shall be bound to supply the same to the Government.</p>
Committee	<p>17. The Institute may constitute one or more Committees to assist in the discharge of its duties.</p>
Borrowing capacity	<p>18. For carrying out the purposes of this Act the Institute may, with the prior approval of the Government, borrow and be liable to repay the same.</p>
Execution of contract	<p>19. The Institute may, with the prior approval of the Government, enter into contracts for carrying out the purposes of this Act.</p>
Foreign training and higher education	<p>20. (1) The institute may arrange necessary foreign training and higher education for its scientists in accordance with the prevailing regulations.</p> <p>(2) If a scientist is nominated for training or research by an international organization of global recognition and requires financial assistance in that regard, the institute may, with the prior approval of the Government, provide all or part thereof.</p>
public servant	<p>21. All employees of the Institute and any other person authorized to do any work on behalf of the Institute shall be deemed to be Public Servants within the meaning of section 21 of the Penal Code, 1860 (Act No. XLV of 1860).</p>
Power to make rules	<p>22. To carry out the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.</p>
Power to make regulations	<p>23. 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 such regulations as are not inconsistent with this Act or the Rules.</p>
Revocation and Custody	<p>24 (1) The Bangladesh Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976), hereinafter referred to as the said Ordinance, is hereby repealed.</p> <p>(2) With the repeal of the said Ordinance, the Institute established under the said Ordinance -</p> <p>(a) all research centres, regional centres, sub-centres, establishments, rights, powers, authorities, movable and immovable property, cash and bank deposits and securities, funds, investments, all claims, accounts, registers,</p>

records and Other documents shall be handed over and deposited with the Institute;

(b) all debts, liabilities, obligations assumed and all contracts entered into by, on behalf of or with it shall be deemed to be debts, liabilities, obligations and contracts entered into by, on behalf of or with the Institute respectively;

(c) any suit or legal proceeding instituted by or against the Institute shall be deemed to be a suit or legal proceeding instituted against or by the Institute;

(d) All employees shall be deemed to be employees of the Institute and shall be employed on the terms and conditions on which they were employed immediately before the commencement of this Act, until such time as their terms of service are varied by the Institute.

(3) Notwithstanding the repeal under sub-section (1), any act done or any measure adopted under the said Ordinance, any rule or regulation made, any order issued, circular or notification, any notice given, budget estimate prepared, scheme or scheme shall be deemed to have been made, accepted, made, issued, given or prepared under this Act.

**Publication
of
translated
texts in
English**

25. (1) After the commencement of this Act, the Government shall, by notification in the Official Gazette, publish an authentic English text of the original Bengali text of this Act.

(2) In case of conflict between the Bengali and English texts, the Bengali text shall prevail.