

Bangladesh Wheat and Maize Research Institute Act, 2017

(Act No. 22 of 2017)

[November 22, 2017]

An Act to establish the Bangladesh Wheat and Maize Research Institute for the purpose of conducting research and training activities on increasing the production of wheat and maize and related matters.

Whereas it is expedient and necessary to establish a Bangladesh Wheat and Maize Research Institute and to make provision for related matters to increase the production of wheat and maize and conduct research and training activities;

Therefore it is hereby enacted as follows:-

- Short title and introduction**
- (1) This Act shall be known as the Bangladesh Wheat and Maize Research Institute Act, 2017 .
 - (2) It shall take effect immediately.
- definition**
- Unless there is anything contrary to the subject or context, in this Act—
 - "Institute" means the Bangladesh Wheat and Maize Research Institute established under section 3;
 - "Council" means the Bangladesh Agricultural Research Council established under section 3 of the Bangladesh Agricultural Research Council Act, 2012 (Act No. 13 of 2012);
 - "Chairman" means the Chairman of the Finance Board;
 - "regulations" means regulations made under this Act;
 - "rules" means rules made under this Act;
 - "Board" means the Board constituted under section 7; And
 - "Director-General" means the Director-General of the Finance Institute.
- Establishment of Institute**
- (1) After the commencement of this Act the Government shall, by notification in the Official Gazette, establish an institute to be called the Bangladesh Wheat and Maize Research Institute.
 - (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 will be at Nashipur of Sadar Upazila of Dinajpur 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. For 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 the development and production of wheat and maize;
 - (b) formulation of the action plan of the Institute;
 - (c) carrying out basic and applied research activities and developing technologies related to the development and production of wheat and maize;
 - (d) establishment of laboratories, farms and infrastructure with modern facilities for research;
 - (e) creation of facilities for collection and storage of germ plasm;
 - (f) provide necessary information and training to farmers for efficient production of wheat and maize;
 - (g) assessing the impact of climate change on wheat and maize production and undertaking and implementing research activities related thereto;
 - (h) confirmation of intellectual property of technology and plant varieties developed by the Institute;
 - (j) breeding and distribution of quality high yielding wheat and maize seeds for production, demonstration and extension;
 - (j) publication of pamphlets, monograms, bulletins and other information relating to wheat and maize;
 - (k) providing facilities for post-graduate research;
 - (l) undertaking research programs in collaboration with national and international bodies and organizations;
 - (d) To create opportunities to get acquainted with wheat and maize research and recent developments and to organize seminars, symposia and workshops with the participation of experts from domestic and foreign institutions on the said subject problems;
 - (d) undertaking projects;
 - (n) perform such other duties as may be assigned to him by the Government, subject to directions from time to time; And
 - (c) perform any other functions 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 the direction, recommendation or advice given by the Council:

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

(2) Taking into consideration the opinion received from the Institute under the terms of sub-section (1), the Council may amend or cancel any direction, recommendation or advice given by it or make any new recommendation or advice in the said matter.

Board composition

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

(a) the Director General, who shall also be the Chairman of the Board;

(b) a representative of the rank of Deputy Secretary below, nominated by the Finance Department;

(c) a representative of the rank of Deputy Secretary below, nominated by the Ministry of Agriculture;

(d) a representative of the rank of director nominated by the Council;

(e) two senior scientists working in the Institute;

(f) a director of the Bangladesh Atomic Agricultural Research Institute;

(g) a senior scientist experienced in agricultural research nominated by the Government;

(h) Office Head of Cotton Development Board and Seed Farm near the Institute;

(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 (g) 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, relieve any member so nominated from membership and such member shall

also resign by written notice addressed to the Government or, as the case may be, the Institute. can

**Functions
of the Board**

8. The functions of the Board shall be as follows, 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 award of fellowships;
 - (i) 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 twice a year and the date, time and place of the meeting shall be fixed by the Chairman.
- (2) The Member-Secretary of the Board shall, with the concurrence of the Chairman, convene a meeting of the Board by notice in writing.
- (3) The presence of at least 50 (fifty) percent of the total number of members shall be required for the quorum of the meeting of the Board, but no quorum shall be required in case of 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 based on 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) All monies of the fund shall be deposited in a scheduled bank in the name of the institute and the fund shall be administered 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).

(3) The necessary expenses of the institute shall be met from the fund in the manner prescribed by the rules.

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	<p>15. (1) The Institute shall maintain its accounts and prepare an annual statement of accounts in the manner prescribed by the Government.</p> <p>(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.</p> <p>(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.</p> <p>(4) In addition to the audit under sub-section (2), the accounts of the Institute shall be audited by a chartered accountant as defined 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.</p> <p>(5) The Institute shall, as soon as possible, take steps to remedy any errors or irregularities identified in the audit report.</p>
Report	<p>16. (1) Within 4 (four) months after the end of every financial year, the Institute shall submit to the Government an annual report 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 it in discharging 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. For carrying out the purposes of this Act, the Institute may, with the prior approval of the Government, enter into contracts.</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 a globally recognized international institution and requires financial assistance in that regard, the institute may provide all or part thereof with the prior approval of the Government.</p>

(3) For the purposes of sub-section (1), the Institute may, with the prior approval of the Government, enter into agreements for the provision of training assistance with States or institutions advanced in wheat and maize research.

Recruitment of researchers or technicians

21. (1) The institute may, with the prior approval of the Government, appoint researchers or technicians to solve any problems arising in relation to wheat and maize or to develop any technology or technique for increasing their production.

(2) The Institute may, for the purposes of sub-section (1), recruit researchers or technicians through open competition.

(3) If researchers or technicians are not available under sub-section (2), the Institute may, with the prior approval of the Government, appoint foreign researchers or technicians for the purposes of sub-section (1).

Grant of fellowship

22. The Institute may award fellowships to persons who have obtained degrees with success and merit in various subjects of Agricultural Science from any University recognized by the Government to train them as skilled scientists, researchers and technicians in subjects related to the objectives of the Institute.

delegation of power

23. The Board may, if necessary, delegate any of its powers, by order in writing and subject to such conditions as may be prescribed, to any of its members, employees or any committee.

public servant

24 All members of the Board, 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 as defined in section 21 of the Penal Code, 1860 (Act No. XLV of 1860).

Power to make rules

25. To carry out the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.

Power to make regulations

26. 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.

Abolition of Wheat Research Center and Maize Branch of

27. (1) With the establishment of the Institute under this Act, the Bangladesh Agricultural Research Institute established under the Bangladesh Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976), hereinafter referred to as the Bangladesh Agricultural Research Institute, its Wheat Research Center and Plant Breeding Division of Maize

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Agricultural
Research
Institute, etc**

Branch, hereinafter referred to as the Defunct Wheat Research Center and Maize Branch, shall be abolished.

(2) All activities of the defunct Wheat Research Center and Maize Branch and all research centres, regional centres, sub-centres, research projects and establishments of the Wheat Research Center of the Bangladesh Agricultural Research Institute shall be transferred to and vested in the Institute.

(3) All liabilities and obligations assumed by the Bangladesh Agricultural Research Institute for the defunct Wheat Research Center and Maize Branch shall be the liability and obligation of the Institute.

(4) Any suit or legal proceeding filed by or against the Bangladesh Agricultural Research Institute in any matter arising out of the activities transferred to the Institute under sub-section (2) shall be deemed to be a suit or legal proceeding filed by or against the Institute.

(5) The employees working in the defunct Wheat Research Center and Maize Branch shall be employees of the Institute and shall be employed on the same terms and conditions under which they were employed until changed by the Institute.

**Publication
of
translated
texts in
English**

28. (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.