

THE BANGLADESH AGRICULTURAL RESEARCH INSTITUTE ORDINANCE, 1976

(ORDINANCE NO. LXII OF 1976).

[4th August, 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 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

- Short title** 1. This Ordinance may be called the Bangladesh Agricultural Research Institute Ordinance, 1976.
- Definitions** 2. 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 ¹[Management] of the Institute;
- (iii) “Chairman” means the Chairman of the Board;
- ²[(iv) “Council” means □□□□□□□□ □□□□ □□□□□□
□□□□□□□□ □□□□□□□□□□□□ □□ □□□□□□□□ □□□□
□□□□□□ □□□□□□□□□□ □□□□ (□□□□ □□□□ □ □□ □□□□);
- (iv a) “Director-General” means the Director-General of the Institute;]
- (v) “Fund” means the Fund of the Institute;

(vi) "Institute" means the Bangladesh Agricultural Research Institute; and

(vii) "prescribed" means prescribed by rules or regulations made under this Ordinance.

Establishment and incorporation

3. (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.

Head office, etc

4. (1) The Head Office of the Institute shall be located at Joydevpur in the district of ³[Gazipur].

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

Management

5. 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 ⁴[Management] which may exercise all powers and do all acts and things that may be exercised or done by the Institute.

Certain directions etc of Council to be given effect to

⁵[6. Notwithstanding anything contained in this Ordinance, the Institute, or any of its functionaries shall, in relation to the affairs of the Institute, ensure that-

(a) any direction issued by the Council under or in pursuance of the provisions of section 8 or 14 of □□□□□□□□ □□□□ □□□□□□
□□□□□□□□ □□□, □□□□□ (□□□□ □□□□ □ □□ □□□) is complied with;

(b) any recommendation made or advice given by the said Council under or in pursuance of the said provisions is given effect to:

Provided that where, in the opinion of the Institute, it is not possible to give effect to such recommendation or advice or any part thereof,-

(i) the Institute shall, within seven days communicate its opinion with reasons therefor to the Council; and

(ii) the Council may, after consideration of such opinion, modify or revoke its earlier recommendation or advice, or may issue fresh recommendation or advice on the same subject:

Provided further that the recommendation or advice so modified or issued afresh, as the case may be, shall be deemed to be a direction under clause (a) and shall be complied with accordingly.

Constitution of the Board

6A. (1) The Board shall consist of the following members, namely :-

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

(b) two eminent scientists, one in any social science and the other in the field pertaining to the speciality of the Institute, from outside the Institute, to be nominated by the Ministry or Division dealing with agriculture;

(c) a representative of the Council, to be nominated by it;

(d) a representative of the Department of Agricultural Extension, not below the rank of Director, to be nominated by the Ministry or Division dealing with agriculture;

(e) the Directors of the Institute, ex-officio;

(f) two senior scientists of the Institute, to be nominated by the Ministry or Division dealing with agriculture;

(g) two representatives, one from among the farmers and the other from among the Non-Government Organisations (NGO's) performing functions similar to those of the Institute, to be nominated by the Ministry or Division dealing with agriculture; and

(h) two representatives, one from the Ministry or Division dealing with agriculture and the other from the Finance Division of the Ministry dealing

with finance, not below the rank of Deputy Secretary, to be nominated by the respective Ministry or Division.

(2) The Director-in-charge of Administration of the Institute shall act as the Secretary of the Board.

**Tenure of
membership,
resignation etc**

6B. (1) The members specified in clause (h) of section 6A (1) shall hold office for a period of three years from the date of their nomination:

Provided that such members may resign their membership in writing addressed to the Chairman.

(2) A person shall cease to be a member, if he-

(a) dies; or

(b) being a member specified in clause (h) of section 6A (1)-

(i) resigns his membership under the proviso to sub-section (1) of this section ; or

(ii) his tenure expires under sub-section (1) of this section ; or

(iii) remains absent, without permission of the Chairman, from three consecutive meetings of the Board; or

(c) is declared by a competent Court to be of unsound mind; or

(d) is an undischarged insolvent; or

(e) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than three months or to a fine not less than five thousand taka and unless a period of

two years has elapsed since his release or realisation of the fine, as the case may be, a person so sentenced shall not be eligible to be a member.]

Functions of the Institute

7. 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, monograms, 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, symposium 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.

Meeting of the Board

8. (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, ⁶[a member elected for the purpose by the members present], 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 ⁷[or the member presiding over the meeting] 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.

Director-General

⁸[9. (1) There shall be a Director-General of the Institute who shall be appointed by the Government on such terms and conditions as the Government may determine.

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

Powers and functions of the ⁹[Director-General]

10. (1) The ¹⁰[Director-General] 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 ¹¹[Director-General] shall, in particular, have power to-

¹²[* * *]

(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.

**Power to borrow,
etc**

11. 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.

Budget

12. 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.

**Fund of the
Institute**

13. 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.

Committees of the Institute

14. (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 ¹³[Director-General] 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.

Appointment of Advisers, Directors, officers etc

¹⁴[14A. For the efficient performance of the functions of the Institute-

(a) the Government may appoint such number of Directors and on such terms and conditions as it may determine from time to time;

(b) the Board may appoint such advisers, officers and other employees and on such terms and conditions as it determine from time to time.]

Public servant, etc

15. (1) The ¹⁵[Director-General, Advisers, Directors and other officers 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).

Merger of research

16. 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

components of the Directorate of Agricultural (Research and Education) into the Institute

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.

Power to make rules

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

Power to make regulations

18. (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 under this section shall be published in the official Gazette and shall come into force on such publication.

¹ The word "Management" was substituted for the word "Governors" by section 2 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

² Clauses (iv) and (iv a) were substituted for clause (iv) by section 2 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

³ The word "Gazipur" was substituted for the word "Dacca" by section 3 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

⁴ The word "Management" was substituted for the word "Governors" by section 4 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

⁵ Section 6, 6A and 6B were substituted for section 6 by section 5 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

⁶ The words “a member elected for the purpose by the members present ” were substituted for the words “the Vice-Chairman” by section 6 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

⁷ The words “or the member presiding over the meeting” were inserted by section 6 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

⁸ Section 9 was substituted by section 7 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

⁹ The word “Management” was substituted for the word “Governors” by section 2 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

¹⁰ The word “Director-General” was substituted for the word “Director” by section 8 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

¹¹ The word “Director-General” was substituted for the word “Director” by section 8 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

¹² Clauses (a) and (b) were omitted by section 8 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

¹³ The word “Director-General” was substituted for the word “Director” by section 9 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

¹⁴ Section 14A was inserted by section 10 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)

¹⁵ The words and commas “Director-General, Advisers, Directors and other officers and employees” were substituted for the words and commas “Director, Officers, Advisers and other staff and employees” by section 11 of the Bangladesh Agricultural Research Institute (Amendment) Act, 1996 (Act No. XIV of 1996)