

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদযাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, অক্টোবর ২৭, ২০২০

Government of the People's Republic of Bangladesh

Ministry of Agriculture

NOTIFICATION

Dated : 20 October, 2020

S. R. O. No. 276-Law/2020.—In exercise of the powers conferred by section 25 of the Bangladesh Institute of Nuclear Agricultural Research (BINA) Act, 2017 the Government is pleased to publish the following English text of the Act to be called the Authentic English Text of the Act:

Bangladesh Institute of Nuclear Agricultural Research (BINA) Act, 2017

Act No. XI of 2017

An Act to repeal and re-enact the Bangladesh Institute of Nuclear Agriculture Ordinance, 1984 by updating the provisions thereof

WHEREAS, all the Ordinances promulgated by Martial Law Proclamation between the period from 24th March, 1982 to 11th November, 1986 have ceased to have effect due to omission of paragraph 19 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011) and the Constitution (Seventh Amendment) Act, 1986 (Act No. I of 1986) validating the Martial Law being declared void in the judgment pronounced by the Appellate Division of the Supreme Court of Bangladesh declaring the Martial Law unconstitutional in civil petition for Leave to Appeal No. 48/2011; and

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WHEREAS, some of those Ordinances are kept in force by the Act No. VII of 2013; and

WHEREAS, the Government has decided to make new laws in Bangla by way of necessary amendment and modification of such Ordinances after reviewing the necessity and relevancy of such Ordinances and soliciting opinions thereon from all stake holders and relevant Ministries or Divisions; and

WHEREAS, in the light of the above-mentioned decision of the Government, it is necessary and expedient to repeal and re-enact the Bangladesh Institute of Nuclear Agricultural Ordinance, 1984, (Ordinance No. II of 1984) by updating the provisions thereof;

THEREFORE, it is hereby enacted as follows, namely :—

1. Short title and commencement.—(1) This Act may be called the Bangladesh Institute of Nuclear Agricultural Research (BINA) Act, 2017.

(2) It shall come into force at once.

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

- (1) **“Institute”** means the Bangladesh Institute of Nuclear Agriculture established under section 3;
- (2) **“Advisory Council”** means the Advisory Council constituted under sub-section (2) of section 7;
- (3) **“Council”** means the Bangladesh Agricultural Research Council established by the Bangladesh Agricultural Research Council Act, 2012 (Act No. XIII of 2012);
- (4) **“Chairman”** means the Chairman of the Board of Management;
- (5) **“regulations”** means regulations made under this Act;
- (6) **“rules”** means rules made under this Act;
- (7) **“Board of Management”** means the Board of Management constituted under sub-section (2) of section 9;
- (8) **“Director -General”** means the Director-General of the Institute;
- (9) **“President”** means the President of the Advisory Council.

3. **Establishment of the Institute.**—(1) The Bangladesh Institute of Nuclear Agriculture established under the Bangladesh Institute of Nuclear Agriculture Ordinance, 1984, (Ordinance No. II of 1984), shall continue to be in force as if it had been established under this Act.

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

4. **Office of the Institute, etc.**—(1) The Head Office of the Institute shall be in Mymensingh.

(2) The Institute may, with the prior approval of the Government, establish its branch offices at any place in Bangladesh.

5. **Objectives and functions of the Institute.**—(1) The Objectives of the Institute shall be as follows, namely :—

- (a) to ensure a sustainable and productive agricultural system through research adopting nuclear techniques and modern technology by developing the climate and environmentally resilient new varieties of crops;
- (b) to ensure modern management of soil and water;
- (c) to improve quality and quantity of crops and increase the productivity through development of appropriate technology and to develop the methods for control of diseases and insects and management thereof.

(2) For carrying out the purposes of this Act, the Institute shall perform the following functions, namely :—

- (a) to conduct research on agronomy, crop physiology and soil-plant;
- (b) to arrange demonstration trials or test of new varieties of crops, and observe their management practices, and conduct socio-economic research;

- (c) to breed and produce qualitative seeds and distribute for demonstration and expansion thereof;
- (d) to publish agricultural booklets, monograms, bulletins and other information related to crop research;
- (e) to train research and extension officers, the employees of non-governmental organisations and farmers on improved technology in crops production;
- (f) to provide post-graduate research facilities;
- (g) to organise seminars, symposia and workshops on problems related to agriculture, agricultural research and uses of technology;
- (h) to undertake research programmes in collaboration with other national and international agencies and organisations;
- (i) to organise academic degrees and specialised training in home and abroad;
- (j) to perform such other functions as may be assigned to it, subject to the directions given, from time to time, by the Government.
- (k) to perform any other function.

6. To comply with the directions given by the Council.—(1) Notwithstanding anything contained in other provisions of this Act, the Institute shall comply with the directions, recommendations or advice given by the Council under section 9 or section 16 of the Bangladesh Agricultural Research Council Act, 2012 (Act No. XIII of 2012):

Provided that if it appears to the Institute that it is not possible to comply with such recommendations or advice, the Institute shall, without any delay, communicate its opinion with reasons thereof to the Council.

(2) The Council may, after consideration of the opinion received under the proviso of sub-section (1) from the Institute, amend or rescind its recommendations or advice, or may make fresh recommendations or advice on the matters.

7. Advisory Council and its constitution.—(1) There shall be an Advisory Council of the Institute to formulate research policy, determine research areas, observe and monitor thereof.

(2) For carrying out the purposes of this Act, the Advisory Council shall consist of the following members, namely:—

- (1) Minister-in-charge of the Ministry of Agriculture, who shall also be its President;
- (2) Secretary, Ministry of Agriculture, who shall also be its Vice-President;
- (3) Executive Chairman, Bangladesh Agricultural Research Council;
- (4) Chairman, Bangladesh Atomic Energy Commission;
- (5) Chairman, Bangladesh Agricultural Development Corporation;
- (6) a representative, not below the rank of a Joint Secretary, to be nominated by the Finance Division;
- (7) a representative, not below the rank of a Joint Secretary, to be nominated by the Ministry of Public Administration;
- (8) the chief of the related Division of the Planning Commission;
- (9) Vice-Chancellor, Bangladesh Agricultural University, Mymensingh or Dean of the Faculty of Agriculture of the University, to be nominated by that University;
- (10) Director-General, Department of Agricultural Extension;
- (11) Director-General, Bangladesh Agricultural Research Institute;
- (12) Director-General, Bangladesh Rice Research Institute;
- (13) Director-General, Bangladesh Jute Research Institute;
- (14) one eminent scientist, who is experienced in nuclear agricultural research, to be nominated by the Government;
- (15) two representatives, to be nominated by the Government who are engaged in the work related to agriculture, one of whom an experienced farmer and the other a representative of a non-government organisation; and
- (16) Director-General, who shall also be its Member-Secretary.

(3) The members nominated by the Government under sub-section (2) shall hold office for a term of 3 (three) years from the date of their nomination:

Provided that the Government may, at any time, before the expiry of that term, terminate any member so nominated from his membership, without showing any cause, and any member so nominated may resign his membership by writing under his hand addressed to the Government.

8. Meeting of the Advisory Council.—(1) The Advisory Council shall hold its meetings at least once in every year and the date, time and place of the meetings, shall be determined by the President.

(2) The meetings of the Advisory Council shall be convened by a written notice signed by the Member-Secretary with the consent of the President.

(3) The President shall preside over the meetings of the Advisory Council, but in his absence the Vice-President may preside over the meetings.

(4) To constitute a quorum at a meeting of the Advisory Council, the presence of at least one-third of the total members shall be required, but in case of an adjourned meeting no quorum shall be required.

(5) In a meeting every member of the Advisory Council shall have one vote and the decision shall be taken in the meeting by the majority of votes, but in the event of equality of votes, the President of the meeting shall have a second or casting vote.

(6) No act or proceeding of the Advisory Council shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Advisory Council.

9. The Board of Management and its Constitution.—(1) There shall be a Board of Management for performing the administrative, financial matters and daily activities of the Institute.

(2) The Board of Management shall consist of the following members, namely :—

- (1) the Director-General, who shall also be its Chairman;
- (2) a representative, not below the rank of a Director, to be nominated by the Bangladesh Atomic Energy Commission;

- (3) a representative, not below the rank of a Deputy Secretary, to be nominated by the Ministry of Agriculture;
- (4) a representative, not below the rank of a Deputy Secretary, to be nominated by the Finance Division;
- (5) Dean of the Faculty of Agriculture, Bangladesh Agricultural University, Mymensingh;
- (6) a representative, not below the rank of a Member Director, to be nominated by the Council;
- (7) a representative of the Department of Agriculture Extension, not below the rank of a Director, to be nominated by the Ministry of Agriculture;
- (8) two senior scientists of the Institute, to be nominated by the Government;
- (9) two representatives, to be nominated by the Government engaged in the work related to agriculture, one of whom an experienced farmer and the other a representative of a non-government organisation;
- (10) the Directors of the Institute, among them one shall act as the Member-Secretary of the Management Board.

(3) The members nominated by the Government under sub-section (2) shall hold office for a term of 3 (three) years from the date of their nomination:

Provided that the Government may, at any time, before the expiry of that term, terminate any member so nominated from his membership, without showing any cause, and any member nominated may resign his membership by writing under his hand addressed to the Government.

10. Function of the Board of Management.—The Board of Management shall perform the following functions, namely :—

- (a) to review the research activities of the Institute and to make direction related to research;
- (b) to approve annual budget of the Institute;

- (c) to recruit the employees of the Institute and to approve the list of seniority and promotion of them;
- (d) to approve policy according to Government rules and regulations;
- (e) to review the functions of the Institute and to take decision regarding those matters;
- (f) to approve the establishment of branch-offices of the Institute;
- (g) to perform such other functions as may be assigned to it, from time to time, subject to the directions given by the Government.

11. **Meetings of the Board of Management.**—(1) The Board of Management shall hold its meetings in every 3 (three) months and the date, time and place shall be determined by the Chairman.

(2) The meetings of the Board of Management shall be convened by a written notice signed by the Member-Secretary with the consent of the Chairman.

(3) The Chairman shall preside over the meetings of the Board of Management, but in his absence, a member selected by other members present may preside over the meetings.

(4) To constitute a quorum at a meetings of the Board of Management, the presence of at least half of the total members of it shall be required.

(5) At a meeting of the Board of Management, each member shall have one vote, and the decision shall be taken by the majority of votes, but in the event of equality of votes, the Chairman of the meeting shall have a second or casting vote.

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

12. **Director-General.**—(1) There shall be a Director-General of the Institute.

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

(3) The Director-General shall be the Chief Executive and full-time officer of the Institute.

(4) The Director-General shall exercise such powers, and perform such functions, as may be determined or assigned to him by the Board or by the Government.

13. **Director.**—The Institute shall have such number of Directors as may be required for the efficient performance of its functions, and they shall be appointed, and the terms and conditions of their service shall be determined, by the Government.

14. **Appointment of employees.**—The Institute may appoint such number of employees, as it considers necessary for the efficient performance of its functions and the terms and conditions of their service shall be prescribed by regulations.

15. **Fund.**—(1) The Institute shall have a Fund and the money received from the following sources shall be credited to it, namely :—

- (a) grants and grants-in-aid made by the Government;
- (b) loan taken from the Government;
- (c) income accrued from patent and research service;
- (d) grants-in-aids receive, with the prior approval of the Government, from any local or foreign development agency;
- (e) grants-in-aid made by any local authority;
- (f) own income or money received from any other legal source.

(2) All the money of the Fund shall be deposited in a Scheduled Bank in the name of the Institute and the Fund shall be operated in such manner as may be prescribed by rules;

Explanation.—“Scheduled Bank” means the Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (President’s Order No. 127 of 1972).

(3) The Necessary expenditure of the Institute may be borne from the Fund in accordance with the policy and rules and regulations of the Government.

16. **Budget.**—The Institute shall, by such date in each year as may be specified by the Government, submit an annual budget statement to the Government for the next financial year showing the estimated receipt and expenditure, and mentioning the sums which are likely to be required from the Government during that financial year.

17. **Audit and Accounts.**—(1) The Institute shall maintain its accounts in such manner as may be determined by the Government and prepare an annual statement of accounts.

(2) The Comptroller and Auditor-General of Bangladesh shall audit the accounts of the Institute every year and shall send a copy of audit report to the Government and the Institute and the Institute shall, forward it with comments or objections, if any, to the Government.

(3) For the purpose of audit of accounts under sub-section (2), the Comptroller and Auditor-General of Bangladesh or any person authorized by him in this behalf, shall have access to all records, documents, cash or money deposited in Bank, securities, stores and other properties of the Institute and may examine any member of the Board or any employee of the Institute.

(4) Notwithstanding the audit under sub-section (2), the accounts of the Institute shall have to be audited by a Chartered Accountant as defined under 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 redress any defects or irregularities identified in the audit report.

18. **Report.**—(1) The Institute shall, within next 3 (three months) from the expiry of each financial year, submit to the Government as annual report on the conduct of its affairs for that year.

(2) The Government may, at any time, if necessary, require the Institute to furnish any report and statement on any matter of the Institute and the Institute shall be bound to furnish it to the Government.

19. **Committee.**—The Institute may, constitute one or more committees to provide assistance in discharging its functions.

20. **To enter into contract.**—For carrying out the purposes of this Act, the Institute may, with the prior approval of the Government, enter into a contract.

21. **Public servant.**—All employees of the Institute and any person authorized to perform any act on behalf of the Institute shall be deemed to be a public servant within the meaning of section 21 of the Penal Code, 1860 (Act No. XLV of 1860).

22. **Power to make rules.**—For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

23. **Power to make regulations.**—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 regulations not inconsistent with this Act or rules.

24. **Repeal and savings.**—(1) The Bangladesh Institute of Nuclear Agriculture Ordinance, 1984 (Ordinance No. II of 1984) hereinafter referred to as the said Ordinance, is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1), any act done or any measure taken, any rules and regulations made, any order, notice or notification issued, any notice given, any budget estimates, schemes or projects prepared under the said Ordinance shall be deemed to have been done, taken, made, issued, given or prepared under this Act.

(3) Upon such repeal of the said Ordinance—

- (a) all assets, rights, powers, authorities, privileges and all moveable and immoveable properties, cash and money deposited in bank, all other claims and rights, all books of accounts, registers, records and other documents of the Institute established under the said Ordinance shall be transferred to, and vested in, the Institute;
- (b) all debts, liabilities and obligations and all contracts entered into by, or on its behalf of, or with the Institute established under the said Ordinance, shall be deemed respectively to be the debts, liabilities and obligations of, and contracts enter into by, on its behalf of, or with the Institute;

- (c) all suits and legal proceedings initiated by or against the Institute established under the said Ordinance shall be deemed to have been initiated by or against the Institute;
- (d) all employees of the Institute established under the said Ordinance, shall be deemed to be the employees of the Institute and shall remain in service on the same terms and conditions as were applicable to them immediately before the commencement of this Act, until the terms and conditions of their service are altered by the Institute.

25. **Publication of an Authentic English Text.**—(1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English Text of this Act.

(2) In the even of conflict between the Bangla and the English Text, the Bangla Text shall prevail.

By order of the President

MD. NASIRUZZAMAN

Secretary.