

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

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, ডিসেম্বর ২৩, ২০২০

Government of the People's Republic of Bangladesh
Ministry of Agriculture

NOTIFICATION

Dated: 20 December, 2020

S.R.O. No. 337-Law/2020.—In exercise of the powers conferred by section 29 of the Bangladesh Sugarcrop Institute Act, 2019 (Act No. XVII of 2019), the Government is pleased to publish the following English text of the Act to be called the Authentic English Text of the Act:—

Bangladesh Sugarcrop Research Institute Act, 2019

Act No. XVII of 2019

An Act to repeal and, in response to the needs of time, to re-enact the Bangladesh Sugarcane Research Institute Act, 1996 by considering the provisions thereof

Whereas it is necessary to establish the Institute for the purpose of carrying out research activities for increasing the production of sugarcrop and developing the modern and high yielding varieties thereof, and for matters incidental thereto; and

(১৪১১৭)

মূল্য : টাকা ১৬.০০

Whereas it is expedient and necessary to repeal and, in response to the needs of time, to re-enact the Bangladesh Sugarcane Research Institute Act, 1996 (Act No. XI of 1996) by considering the provisions thereof;

Therefore, it is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Bangladesh Sugarcrop Research Institute Act, 2019.

(2) It shall come into force at once.

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

- (a) “**Institute**” means the Bangladesh Sugarcrop Research Institute established under section 3;
- (b) “**Council**” means the Bangladesh Agricultural Research Council established under section 3 of the Bangladesh Agricultural Research Council Act, 2012 (Act No. XIII of 2012);
- (c) “**Chairman**” means the Chairman of the Board;
- (d) “**regulations**” means regulations made under this Act;
- (e) “**rules**” means rules made under this Act;
- (f) “**Board**” means the Board constituted under section 8;
- (g) “**Director General**” means the Director General of the Institute; and
- (h) “**sugarcrop**” means sugarcane, sugarbeet, palmyra palm, date palm, golpata, stevia and other sugar or sweetener crops or trees.

3. **Establishment of the Institute.**—(1) As soon as may be after the commencement of this Act, there shall be established an Institute to be called the Bangladesh Sugarcrop Research Institute for carrying out the purposes of 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 immoveable, and may by the said name sue and be sued.

4. Office and centres of the Institute.—(1) The Head Office of the Institute shall be at Ishurdi in the District of Pabna.

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

5. Functions of the Institute.—For carrying out the purposes of this Act, the functions of the Institute shall be as follows, namely:—

- (1) to undertake research programme on various areas related to the productivity enhancement of sugar, brown sugar (gur) and syrup producing carbohydrate enriched crops or trees and to develop its improved and high yielding varieties in collaboration with national and international institutes and organizations;
- (2) to develop technologies and techniques in order to produce sugar, brown sugar (gur), syrup and honey;
- (3) to undertake research on utilization techniques of sugar, brown sugar (gur) and syrup producing carbohydrate enriched crops or trees and their by-products;
- (4) to conduct research on sugarcrop based farming, establishment and management of farm, and find out their economic benefits;
- (5) to establish germplasm bank through collection of different sugarcrop germplasms, and conservation, evaluation and maintenance of sugarcrop germplasms;

- (6) to prevent insect-pests through the application of biotechnological tools in sugarcrop research, and to develop drought, salinity, water-logging, cold, heat and other stress tolerant sugarcrop varieties and production technologies;
- (7) to establish laboratories and libraries on sugarcrop and related matters;
- (8) to demonstrate new varieties and technologies developed by the Institute, and select areas and undertake scheme for training farmers on those varieties and production technologies;
- (9) to train-up public and private employees, farmers and local and foreign researchers on advanced production technologies of sweetener crops;
- (10) to exchange view on problems of sweetener crops identified by different experts of various research institutes and centres, and to arrange seminar, symposium and workshops to create opportunity for relevant persons to be familiar with the recent inventions related to sweetener crops;
- (11) to undertake research on sugarcrop in addressing risk caused by climate change;
- (12) to ensure the Intellectual Property Rights (IPR) of the technologies and plant varieties developed by the Institute;
- (13) to conduct research on the production technology of any crop suitable to be used as intercrop with sugarcrop;
- (14) to produce and supply sufficient amount of breeder seeds for rapid dissemination of different sugarcrop varieties invented by the Institute;
- (15) to create opportunities and facilities for Post-Graduate, Ph.D. and Post-Doc. research on sugarcrop;

- (16) to assist any person or organisation engaged in research on the field of sugarcrop development;
- (17) to apply Information and Communication Technology (ICT) on research and extension education of sugarcrop;
- (18) to publish periodicals, reports and other related information based on the findings and recommendations of the Institute, including sugarcrop research monograph, bulletin and crop calendar;
- (19) to assist the Government on sweetener crops policy formulation, and to advise the Government, local authority or any institute regarding any matter related to sweetener crops;
- (20) to perform such other functions as may be assigned to it, from time to time, according to the directions given by the Government; and
- (21) for carrying out the purposes of this Act, to perform such other functions as may be required.

6. Management of the Institute.—The management and administration of the Institute shall vest in a Board, and the Board may exercise all such powers and perform all such functions as may be exercised and performed by the Institute.

7. Compliance with the directions given by the Council.—(1) Notwithstanding anything contained in any other provision of this Act, the Institute shall comply with the directions, recommendation or advice given by the Council:

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

(2) Upon consideration of the opinion received from the Institute under the proviso of sub-section (1), the Council may amend or rescind the directions, recommendation or advice given by it, or may issue fresh directions, recommendation or advice on the matter.

8. **Constitution of the Board.**—(1) The Board of the Institute shall consist of the following members, namely:—

- (a) the Director General, who shall also be its Chairman;
- (b) an employee, not below the rank of Deputy Secretary, to be nominated by the Finance Division;
- (c) an employee, not below the rank of Deputy Secretary, to be nominated by the Ministry of Agriculture;
- (d) an employee, not below the rank of Deputy Secretary, to be nominated by the Ministry of Industry;
- (e) an employee, not below the rank of Director, to be nominated by the Council;
- (f) an employee, not below the rank of Director of the Department of Agricultural Extension, to be nominated by the Ministry of Agriculture;
- (g) an employee, not below the rank of Director of the Bangladesh Sugar and Food Industries Corporation, to be nominated by the Ministry of Industry;
- (h) a scientist, not below the rank of Chief Scientific Officer of Bangladesh Council for Science and Industrial Research (BCSIR), to be nominated by the Ministry of Science and Technology;
- (i) Directors of the Institute, ex officio;
- (j) two senior scientists working in the Institute, to be nominated by the Ministry of Agriculture;
- (k) an eminent scientist, outside of the Institute, to be nominated by the Ministry of Agriculture;

- (l) a male farmer and a female farmer engaged in sugarcrop cultivation related activities, to be nominated by the Institute;
- (m) the head of the administration division of the Institute, who shall also be its Member-Secretary.

(2) The members nominated under clauses (k) and (l) of subsection (1) shall hold office for a period of 3 (three) years from the date of their nomination:

Provided that the nominating authority may, at any time before the expiry of the term, without showing cause, terminate the member nominated by it, or the member so nominated may resign his office by writing under his hand addressed to the nominating authority.

9. Functions of the Board.—The functions of the Board shall be as follows, namely:—

- (a) to determine the subject-matter of research;
- (b) to supervise the functions of the Institute and give directions;
- (c) to give decisions on the policy matter of the Institute;
- (d) to approve the proposed policies and work-plans of the Institute;
- (e) to approve proposal for receiving grants-in-aid from the Government or from any other sources with the prior approval of the Government;
- (f) to approve proposal for borrowing;
- (g) to approve proposed budget for the approval of the Government;
- (h) to approve proposal for awarding fellowship;
- (i) to approve proposal for financial assistance for higher education or research in abroad; and
- (j) to approve project.

10. **Meeting of the Board.**—(1) Subject to the other provisions of this section, the Board may determine the procedure of its meeting.

(2) The Board shall hold its meeting at least 3 (three) times in every year, and the date, time and place of the meeting shall be determined by the Chairman.

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

(4) The Chairman shall preside over all meetings of the Board, but in his absence, a member nominated by the members present in a meeting may preside over the meeting.

(5) To constitute a quorum at the meeting of the Board, the presence of at least half of the total members of the Board shall be required, but no quorum shall be required in case of an adjourned meeting.

(6) Each member present at the meeting of the Board shall have one vote and the decision of a meeting shall be taken by the majority of votes, but in the event of equality of votes, the person presiding shall have a casting vote.

(7) No act or proceeding of the 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.

11. **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 of the Institute and he shall—

- (a) exercise the powers and perform the functions assigned to him by the Board;
- (b) be responsible for implementing all decisions of the Board; and
- (c) discharge the duties assigned to him, from time to time, by the Government.

(4) If a vacancy occurs in the office of the Director General or if the Director General is unable to discharge the functions of his office on account of absence, illness or any other cause, the member appointed by the Government shall discharge the functions of the Director General until a newly appointed Director General enters upon his office or the Director General resumes the functions of his office.

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

13. Appointment of the employees.—(1) The Institute may, subject to the organogram approved by the Government, appoint such number of employees as it considers necessary for the efficient performance of its functions.

(2) The appointment of the employees and the terms and conditions of their service shall be prescribed by regulations.

14. **Fund.**—The Institute shall have a fund to which money shall be credited from the following sources, namely:—

- (a) grants and grants-in-aid made by the Government;
- (b) loans taken with the prior approval of the Government;
- (c) grants-in-aid made by any local authority;
- (d) grants-in-aid received from any local and foreign agency, with the prior approval of the Government;
- (e) proceeds from the Institute's own sources; and
- (f) money received from any other legal sources.

(2) The money of the fund shall be deposited in an account maintained in the name of the Institute with any of the Scheduled Banks, and the fund may be operated and the expenses incurred by the Institute may be met out of the fund, in the manner prescribed by rules.

Explanation.—For carrying out the purposes of this section, “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).

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

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

(2) The Comptroller and Auditor-General of Bangladesh shall audit the accounts of the Institute every year and send a copy of the audit report to the Government and the Institute.

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

(4) Notwithstanding the audit conducted under sub-section (2), the accounts of the Institute may also be audited by any Chartered Accountant as defined under Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973) and, for this purpose, the Institute may appoint one or more such Chartered Accountants.

(5) The Institute shall, as soon as possible, take steps to redress the defects or irregularities, if any, identified in the audit report.

17. Report.—(1) The Institute shall, within next 4 (four) months from the expiry of each financial year, submit to the Government an annual report on the conduct of its affairs for that year.

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

18. Committee.—The Institute may, by general or special Order, form one or more committees in order to provide assistance in discharging its duties.

19. Power to borrow.—For carrying out the purposes of this Act, the Institute may, with the prior approval of the Government, borrow money, and shall be bound to repay the same.

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. **Foreign training and higher education.**—(1) The Institute may, subject to the approval of the Board, arrange necessary foreign training and higher education for its scientists in accordance with the existing rules and regulations.

(2) If any scientist is nominated for training or research by an internationally recognised institution, and if financial assistance is required for the purpose, the Institute may, with the prior approval of the Government, provide the assistance in full or in part.

22. **Appointment of advisors, consultants, researchers or technologists.**—The Institute, if not capable with its own manpower, may, with the prior approval of the Government, appoint advisors, consultants, researchers or technologists through open competition in order to resolve any problem emerged in relation to sugarcrop, or to develop any technology or technique for increasing the production of sugarcrop.

23. **Awarding Fellowship.**—The Institute may, with the prior approval of the Government, award fellowships to the individuals who have obtained degrees with distinction in different fields of agricultural science from any university recognised by the Government, so as to build them up as skilled scientists, researchers, and technologists in any matter related to the purposes of the Institute.

24. **Delegation of powers.**—The Board may, if necessary, by an order in writing and subject to such conditions as may be prescribed, delegate any of its powers to any member, employee or any committee thereof.

25. **Public servant.**—All the members of the Board, all employees, advisors, consultants, researchers and technologists of the Institute, and any person authorised 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 (Act No. XLV of 1860).

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

27. **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.

28. **Repeal and savings.**—(1) The Bangladesh Sugarcane Research Institute Act, 1996 (Act No. XI of 1996), hereinafter referred to as the said Act, is hereby repealed.

(2) Notwithstanding such repeal of the Act,—

- (a) anything done or any action taken, any notice issued, any budget, scheme or project made under the said Act shall be deemed to have been done, taken, issued or made under this Act; and
- (b) any rules or regulations made, or any order, notice or notification issued under the said Act, until made or issued afresh under this Act or, as the case may be, repealed, shall subsist, continue and remain in force, *mutatis mutandis*, as before subject to being consistent with this Act, as if it had been made or issued under this Act.

(3) Upon repeal of the said Act, the Bangladesh Sugarcane Research Institute established thereunder shall stand dissolved, and—

- (a) all assets, rights, powers, authorities, privileges and properties, moveable and immoveable, cash and bank-deposits, other claims or rights, all books of accounts, registers, records and other documents of the dissolved Institute shall be deemed respectively to be the assets, rights, powers, authorities, privileges, properties, moveable and immoveable, cash and bank-deposits, claims or rights, books of accounts, registers, records and documents of the Institute;

- (b) all debts, liabilities and obligations of, and all contracts made by, on behalf of, or with, the dissolved Institute shall be deemed respectively to be the debts, liabilities and obligations of, and the contracts made by, on behalf of, or with, the Institute;
- (c) all suits or legal proceedings initiated by or against the dissolved Institute shall be deemed to have been initiated by or against the Institute;
- (d) the activities of the Management Board and the Committee of the dissolved Institute, if not dissolved before expiry of the existing term, shall continue as the Board and the Committee of the Institute as if they were constituted under this Act;
- (e) unless the Director General and the Directors of the dissolved Institute are relieved of their duties before the expiry of their existing term, they shall continue in their respective positions as the Director General and Directors of the Institute as if they were appointed under this Act;
- (f) the Head Office or the Branch Offices of the dissolved Institute, by whatever name they are established or in whatever places they are situated, shall, unless abolished, subsist, remain in force and continue to operate in the same place and by the same name as the Head Office or Branch Offices of the Institute as if they were established under this Act; and
- (g) all officers and employees of the dissolved Institute shall be deemed to be the officers and employees of the Institute and shall remain in service under the Institute on the same terms and conditions as were applicable to them immediately before the commencement of this Act, and shall continue as such until the terms and conditions of their service are duly altered according to the provisions of this Act.

29. **Publication of 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 event of conflict between the Bangla and the English text, the Bangla text shall prevail.

By order of the President
MD. MESBAHUL ISLAM
Secretary.