

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



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, মার্চ ১৫, ২০২১

Government of the People's Republic of Bangladesh

Ministry of Agriculture

NOTIFICATION

Dated 09 March, 2021 AD. 24 Falgun, 1427 BD.

S.R.O. No. 62-Law/2021.—In exercise of the powers conferred by section 25 of the Bangladesh Agricultural Research Institute (BARI) 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 :

The Bangladesh Agricultural Research Institute (BARI) Act, 2017

Act No. XII of 2017

An Act to repeal and re-enact the Bangladesh Agricultural Research Institute Ordinance, 1976 in a time befitting manner

WHEREAS all the Ordinances promulgated by Martial Law Proclamation between the period from 15th August, 1975 to 9th April, 1979 have ceased to have effect due to omission of paragraph 3A and 18 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 (Fifth Amendment) Act, 1979 (Act No. I of 1979) 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. 1044-1045/2009; and

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

WHEREAS the Government has decided to make new laws in Bangla by way of necessary amendment and modification of such Ordinances as may be considered necessary 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 Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976) in a time befitting manner;

THEREFORE, it is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Bangladesh Agricultural Research Institute (BARI) 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 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. XIII 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 Institute;
- (7) “**President**” means the President of the Board.

3. **Establishment of the Institute.**—(1) The Bangladesh Agricultural Research Institute established under the Bangladesh Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976) 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 movable and immovable, and shall by the said name sue and be sued.

4. The Office and Centers of the Institute.—(1) The Head Office of the Institute shall be at Joydebpur in the District of Gazipur.

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

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

- (a) to formulate and implement policies related to agricultural development and production;
- (b) to formulate the work plan of the Institute;
- (c) to conduct research and development activities on various granular crops, linseed crops, oilseed crops, flowers, fruits, pulses, vegetables, spices, etc., develop new varieties and to undertake initiatives for stable and productive agricultural research through scientific management and standard technology;
- (d) to establish laboratories, farms and infrastructures with modern facilities for research;
- (e) to create facilities for collection and storage of germ plasm;
- (f) to train researchers and extension officers, on advanced technology and techniques of crop production;
- (g) to provide necessary technology and information and training to farmers for performing agricultural work efficiently;
- (h) to assess the impact of climate change on agricultural production and undertake the research activities relating thereto and implement thereof;
- (i) to conduct research on agricultural mechanisation, nutrition, supply and value chain development as well as socio-economic development;
- (j) to prevent diseases and insects through application of biotechnology in agriculture and develop new varieties of crops which are resilient to drought, salinity, water logging and heat including different adverse environments and develop other technologies;

- (k) to ensure the intellectual property of the technology and plant varieties developed by the Institute;
- (l) to develop different varieties of crops and technologies used locally by farmers through scrutiny;
- (m) to breed and produce qualitative high yielding seeds, distribute for demonstration and expansion thereof;
- (n) to publish agricultural booklets, monograms, bulletins, crop calendars and other information about research;
- (o) to facilitate postgraduate research;
- (p) to undertake research programmes in collaboration with national and international institutions and organisations;
- (q) to organise seminar, symposium and workshop with the participation of experts from local and foreign institutions on the issue of creating opportunities to become acquainted with agricultural research and recent developements;
- (r) to undertake project;
- (s) to discharge such other duties as may be assigned to it by the Government, from time to time, subject to the directions given by it; and
- (t) to perform any other functions as may be required.

6. To comply with the directions given by the Council.—(1) Notwithstanding anything contained in any other provisions of this Act, the Institute shall comply with the directions, recommendations or advice given by the Council :

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 considering the opinion received from the Institute under the proviso to sub-section (1), amend or revoke its recommendations or advice, or make fresh recommendations or give advice on the issue.

7. 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 President;
- (b) a representative, not below the rank of a Deputy Secretary, to be nominated by the Finance Division;
- (c) a representative, not below the rank of a Deputy Secretary, to be nominated by the Ministry of Agriculture;
- (d) a representative, not below the rank of a Director, to be nominated by the Department of Agricultural Extension;
- (e) a representative of the Seed Certification Agency, to be nominated by the Ministry of Agriculture;
- (f) a representative, not below the rank of a Director, to be nominated by the Soil Resources Development Institute;
- (g) a representative, to be nominated by the Council;
- (h) two eminent experienced scientists engaged in agricultural research, to be nominated by the Government;
- (i) two representatives, to be nominated by the Institute who are involved in agriculture related works, one of whom an experienced farmer and the other a representative of a non-government organisation; and
- (j) the Directors of the Institute, among whom the Director-in-charge of Administration of the Institute shall also be the Member Secretary of the Board.

(2) The members nominated under clauses (h) and (i) of sub-section (1) shall hold office 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, terminate any member so nominated from his membership before the expiry of such period, without showing any cause, and any such member may resign his membership by writing under his hand addressed to the Government or, as the case may be, the Institute.

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

- (a) to supervise the activities of the Institute and give directions;
- (b) to make policy decision of the Institute;
- (c) to approve the proposed policies and work plans of the Institute;
- (d) to make a request for grants from the government or any other sources;
- (e) to approve proposal for borrowing loan;
- (f) to approve proposed budget for the approval of the Government;
- (g) to determine the subject matter of the research;
- (h) to approve proposal for financial assistance for higher education or research abroad; and
- (i) to approve projects.

9. Meetings of the Board.—(1) The Board shall hold its meetings at least 3 (three) times in each year and the dates, times and places of the meetings shall be determined by the President.

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

(3) To constitute a quorum at a meeting of the Board, the presence of at least 50 (fifty) percent of total members of the Board shall be required, but no quorum shall be required in the case of an adjourned meeting.

(4) At a meeting of the Board, each member present shall have one vote and, the decision of a meeting shall be taken by a majority of votes, but in the case of equality of votes, the person presiding shall have a second or casting vote.

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

10. 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 such powers and perform such functions as may be given by the Board;
- (b) be responsible for implementing all decisions of the Board;
- (c) perform such other functions as may be assigned to him, from time to time, by the Government.

(4) If any 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.

11. **Directors.**—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.

12. **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.

13. **Funds.**—(1) The Institute shall have a fund to which money shall be credited from the following sources, namely:—

- (a) grants made by the Government;
- (b) loans taken;
- (c) income from research patent and services;
- (d) grants received from any local or foreign development agency, with the prior approval of the Government;
- (e) grants made by a local authority; or
- (f) money received from any other legal sources.

(2) All the money of the fund shall be deposited in any Scheduled Bank in the name of the Institute and the fund shall be operated, and the necessary expenditure of the Institute shall be borne from the fund, 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).

14. **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 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.

15. **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 in each year and send a copy of the 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 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 and 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 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, if any, identified in the audit report.

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

(2) The Government may, if necessary, require the Institute to submit 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.

17. **Committees.**— The Institute may form one or more committees to assist in discharging its duties.

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

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

20. **Foreign training and higher education.**—(1) The Institute may take measures to provide 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 a globally recognised international institution and if financial assistance is required for the purpose, the Institute may, with the prior approval of the Government, provide the same in full or in part.

21. **Public servant.**—All members of the Board, all employees of the Institute and any person authorised to do any work on behalf of the Institute shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (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 Agricultural Research Institute Ordinance, 1976 (Ordinance No. LXII of 1976), hereinafter referred to as the said Ordinance, is hereby repealed.

(2) Upon such repeal of the said Ordinance—

- (a) all research centres, regional centres, sub-centres, establishments, rights, power, authorities, movable and immovable properties, cash and money and securities deposited in the bank, funds, investments, claims, account books, 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, undertakings 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, undertakings of, and contracts entered into by, on its behalf of, or with it;
- (c) all suits or legal proceedings initiated by or against the Institute established under the said Ordinance shall be deemed to be the suits or legal proceedings 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.

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

25. **Publication of an Authentic English Text.**—(1) After the commencement of this Act, the Government shall, 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
Senior Secretary.