

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



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, জুন ১০, ২০২১

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

NOTIFICATION

Dated : 3 June, 2021

S.R.O. No. 184-Law/2021.—In exercise of the powers conferred by section 27 of the Barind Multipurpose Development Authority Act, 2018 (Act No. XXXVI of 2018), the Government is pleased to publish the following English Text of the Act to be called the Authentic English Text of the Act :—

Barind Multipurpose Development Authority Act, 2018

Act No. XXXVI of 2018

An Act to provide for the establishment of an Authority for overall development of Barind Area and making plan for the matters connected therewith and implementation thereof and for performing other functions ancillary thereto

WHEREAS it is expedient and necessary to provide for the establishment of an Authority for overall development of Barind Area and making plan for the matters connected therewith and implementation thereof and for performing other functions ancillary thereto;

(৮৮১৩)

মূল্য : টাকা ১২.০০

THEREFORE, it is hereby enacted as follows :—

1. **Short title, application and commencement.**—(1) This Act may be called the Barind Multipurpose Development Authority Act, 2018.

(2) It shall be applicable to Barind Area.

(3) It shall come into force at once.

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

(1) **“Advisory Council”** means the Advisory Council constituted under section 8;

(2) **“Authority”** means the Barind Multipurpose Development Authority established under section 3;

(3) **“Chairman”** means the Chairman of the Authority;

(4) **“Executive Director”** means the Executive Director of the Authority;

(5) **“Governing Board”** means the Governing Board constituted under section 10;

(6) **“regulations”** means regulations made under this Act;

(7) **“Barind Area”** means all the districts of Rajshahi and Rangpur Divisions and the Barind Area declared under section 5;

(8) **“rules”** means rules made under this Act.

3. **Establishment of the Authority.**—(1) As soon as may be after the commencement of this Act, an Authority to be called the Barind Multipurpose Development Authority shall be established for carrying out the purpose of this Act.

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

4. **Office of the Authority.**—(1) The Head Office of the Authority shall be at Rajshahi.

(2) The Authority may, with the prior approval of the Government, establish its branch office at any place in Barind Area.

5. **Declaration of Barind Area.**—For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, declare any area as Barind Area.

6. **General direction and administration.**—The General direction and administration of the Authority shall vest in the Governing Board, and the Governing Board may also exercise such powers and perform such functions as may be exercised and performed by the Authority.

7. **Duties and functions of the Authority.**—For carrying out the purposes of this Act, the duties and functions of the Authority shall be as follows, namely :—

- (1) to ensure development and proper utilization of surface and under ground water resources for irrigation;
- (2) to mechanize the agriculture, produce and supply of seeds and make crops diversification;
- (3) to maintain environmental balance by afforestation and conservation thereof;
- (4) to construct and maintain connecting roads in a limited form for marketing of agricultural products;
- (5) to establish irrigation equipments and supply pure drinking water at the local areas;
- (6) to enter into contracts, with the prior approval of the Government;
- (7) to conduct research and impart training;
- (8) to perform such other duties as may be determine by the Government.

8. Constitution of the advisory Council and its duties.—(1) There shall be an advisory Council of the Authority and it shall consist of the following Members, namely :—

- (a) Minister, Ministry of Agriculture, who shall also be the Chairman of the Advisory Council;
- (b) Minister of State or Deputy Minister, Ministry of Agriculture, if any, who shall also be the Vice-Chairman of the Advisory Council;
- (c) all Members of Parliament of Barind Area;
- (d) Secretary, Ministry of Agriculture;
- (e) Secretary, Finance Division;
- (f) Secretary, Ministry of Water Resources;
- (g) Secretary, Ministry of Environment and Forest;
- (h) Secretary, Power Division;
- (i) Secretary, Ministry of Fisheries and Livestock;
- (j) Chairman, Bangladesh Agricultural Development Corporation;
- (k) Chairman, Barind Multipurpose Development Authority;
- (l) Executive Chairman, Bangladesh Agricultural Research Council;
- (m) Divisional Commissioner, Rajshahi;
- (n) Divisional Commissioner, Rangpur;
- (o) Director General, Department of Environment;
- (p) Director General, Rural Development Academy, Bogura;
- (q) Director General, Department of Agricultural Extension;
- (r) one Professor of related subject, University of Rajshahi;
- (s) Executive Director, who shall also be its Member-Secretary.

(2) Notwithstanding anything contained in clauses (a) and (b) of sub-section (1), in absence of any Minister, the Minister of State shall be the Chairman and the Deputy Minister shall be the Vice-Chairman and, in absence of any Minister and Minister of State, the Deputy Minister shall be the Chairman.

(3) Advisory Council shall review the activities of the Authority and provide guidance and Advice to the Governing Board.

9. **Meetings of the Advisory Council.**—(1) The advisory Council may determine the procedure of its meeting.

(2) The Advisory Council shall hold its meetings at least once in a year and the date, time and place of the meetings shall be determined by the Chairman of the Advisory Council.

10. **Governing Board.**—(1) The Authority shall have a Governing Board consisting of the following members, namely :—

- (a) the Chairman, who shall also be the Chairman of the Governing Board;
- (b) one representative, to be nominated by the Cabinet Division, not below the rank of its Deputy Secretary;
- (c) one representative, to be nominated by the Water Resources Ministry, not below the rank of its Deputy Secretary;
- (d) one representative, to be nominated by the Ministry of Fisheries and Livestock, not below the rank of its Deputy Secretary;
- (e) one representative, to be nominated by the Ministry of Agriculture, not below the rank of its Deputy Secretary;
- (f) one Deputy Commissioner of Rajshahi Division and one Deputy Commissioner of Rangpur Division to be nominated respectively by the Divisional Commissioners of Rajshahi Division and Rangpur Division;
- (g) one Police Super of Rajshahi Division and one Police Super of Rangpur Division, to be nominated respectively by the Deputy Inspector Generals (DIG) of Rajshahi Range and Rangpur Range;
- (h) the senior most Engineer, Barind Multipurpose Development Authority;
- (i) three representatives experienced in related work, to be nominated by the Government, of whom one shall be a woman;
- (j) Executive Director, who shall also be its Member-Secretary.

(2) The members nominated under clauses (i) of sub-section (1) shall hold office for a period of 2 (two) years from the date of their nomination:

Provided that the Government may, at any time, discharge any nominated member from his office without assigning any reason and any of the nominated members may also resign his office by writing under his hand addressed to the Government.

11. Duties and functions of the Governing Board.—For carrying out the purposes of this Act, the duties and functions of the Governing Board shall be as follows, namely :—

- (1) to conduct manage and supervise the functions of the Authority;
- (2) to implement the decisions and suggestions of the Advisory Council; and
- (3) to discharge such other duties as may be directed by the Government.

12. Meetings of the Governing Board.—(1) Subject to the other provisions of this section, the Governing Board may determine the procedure of its meetings.

(2) The Governing Board shall hold its meetings at least once in every 3 (three) months and the date, time and place of the meetings shall be determined by the Chairman.

(3) To constitute a quorum at a meeting of the Governing Board, the presence of not less than one-third of the total members shall be required, but in the case of an adjourned meeting, no such quorum shall be required.

(4) At a meeting of an Governing Board each member shall have one vote and decisions of the meeting shall be taken by a majority of votes of the members, but in the event of equality of votes, the Chairman of the Governing Board shall have a casting vote.

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

13. Chairman.—(1) The Authority shall have a Chairman.

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

(3) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, any person appointed by the Government shall discharge the functions of the Chairman until a newly appointed Chairman takes over the charge or the Chairman resumes the functions of his office.

14. Executive Director.—(1) The Authority shall have an Executive Director.

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

(3) The Executive Director shall be the Chief Executive of the Authority and he shall—

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

15. Secretary.—The Authority shall have a Secretary to be appointed by the Government from among the persons having the rank of Deputy Secretary of the Government or equivalent status.

16. Appointment of employees, etc.—The Authority may, subject to the organogram approved by the Government, appoint such number of employees as it may consider necessary for efficient performance of functions of the Authority and the terms and conditions of their service shall be prescribed by regulations.

17. Fund.—(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) own income of the Authority;
- (d) grants made by any local authority;
- (e) grants received from any local or foreign development partner, with the prior approval of the Government; and
- (f) money received from any other legal source.

(2) All moneys of the fund shall be kept in the name of the Authority in any Scheduled Bank and such fund shall be operated in such manner as may be prescribed by rules, but the fund may be operated in accordance with the rules of the Government until such rules and regulations are made.

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 money of the fund may be invested in such sectors as may be approved by the Government.

18. Budget.—The Authority 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 receipts and expenditure and mentioning the sums which are likely to be required from the Government for that financial year.

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

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

(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 bank balances, securities, stores and other properties and may examine any member of the Governing Board or any employee of the Authority.

(4) Notwithstanding the audit under sub-section (2), the accounts of the Authority shall also be audited by any Chartered Accountant as defined under Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (President's Order No. 2 of 1973) and, in this behalf, the Authority may appoint one or more Chartered Accountants.

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

20. Report.—(1) The Authority shall, within 3 (three) months after the end of every financial year, submit to the Government an annual report on the conduct of its affairs for the said year.

(2) The Government may, if necessary, require from the Authority any report and statement on any of its affairs and the Authority shall be bound to submit it to the Government.

21. Delegation of power.—The Governing Board may, if necessary, by an order in writing and subject to such conditions as may be prescribed, delegate any of its powers to the Chairman, the Executive Director or any other employee of the Authority.

22. Committee.—The Authority may form one or more committees to assist it in performing its duties and determine the duties and functions of those committees.

23. Power to take loans.—For carrying out the purposes of this Act, the Authority may, with the prior approval of the Government, take loans.

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

25. Power to make regulations.—For carrying out the purposes of this Act, the Authority may, with the prior approval of the Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act or rules.

26. Repeal and savings.—(1) The resolution No. PMU (irrigation)-project-21(4)/90/15, dated 1 Magh, 1398 BE/15 January, 1992 AD, hereinafter referred to as the said resolution, are hereby repealed.

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- (2) Notwithstanding such repeal under sub-section (1),
- (a) any act done, action taken or budget-estimate, scheme or project prepared under the said resolution shall be deemed to have been done, taken or prepared under this Act; and
 - (b) any rule made or order, notice or notification issued under the said resolution shall, subject to being consistent with the provisions of this Act, be deemed to have been made or issued under this Act.
- (3) Upon the repeal of the said resolution, the Barind Multipurpose Development Authority constituted under the said resolution shall stand dissolved, and—
- (a) all assets, rights, powers, authorities, privileges and all properties, movable and immovable, cash and bank balances, all interests and rights, all books of accounts, registers, records and all other documents of the dissolved Authority shall be deemed to be the assets, rights, powers, authorities, privileges and properties, movable and immovable, cash and bank balances, interests and rights, book of accounts, registers, records and documents of the Authority established under section 3;
 - (b) all debts, liabilities and obligations of the dissolved authority and all agreements made by, on behalf of or with it, shall be deemed to be the debts, liabilities and obligations of the Authority established under section 3 and the agreements made by, on behalf of or with it;
 - (c) all suits or other legal proceedings instituted by or against the dissolved Authority shall be deemed to have been instituted by or against the Authority established under section 3;
 - (d) all officers and employees of the dissolved authority shall be deemed to be the employees of the Authority established under section 3 and shall remain in the service of the Authority on the same terms and conditions as were applicable to them immediately before the commencement of this Act and shall continue to do so until these conditions are altered by the Authority established under section 3.

27. 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 the original Bangla 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

মোঃ মেসবাহুল ইসলাম
সিনিয়র সচিব।