

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



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, ডিসেম্বর ১, ২০২০

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

NOTIFICATION

Dated: 26 November, 2020

S.R.O No. 323-Law/2020.—In exercise of the powers conferred by section 29 of the Bangladesh Agricultural Research Council Act, 2012, the Government is pleased to publish the following English text of the Act to be called the Authentic English Text of the Act :

Bangladesh Agricultural Research Council Act, 2012

Act No. XIII of 2012

An Act to repeal and, with modification, re-enact the Act related to the Bangladesh Agricultural Research Council

WHEREAS it is expedient and necessary to repeal and, with modification, re-enact the Bangladesh Agricultural Research Council Act, 1996 (Act No.VII of 1996) related to the Bangladesh Agricultural Research Council;

THEREFORE, it is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Bangladesh Agricultural Research Council Act, 2012.

(2) It shall come into force at once.

(১৩০৬৫)
মূল্য : টাকা ২৪.০০

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

- (1) “Institute” means an Institute mentioned in the Schedule;
- (2) “employee” means an employee of the Council and also includes an officer of the Council;
- (3) “Council” means the Bangladesh Agricultural Research Council established under section 3;
- (4) “Co-Chairman” means the Co-Chairman of the Governing Body;
- (5) “agriculture” includes the following activities, namely:—
 - (a) production and harvesting of all kinds of crops and plants with fruits, and preservation, initial processing and use thereof and other activities related thereto;
 - (b) development and conservation of forestry resources and all activities related thereto;
 - (c) animal husbandry, breeding and development of livestock and all activities related thereto;
 - (d) cultivation, breeding, and development of fish, crustaceans and other aquatic species declared as human food, by notification in the official Gazette, by the Government, and all activities related thereto;
- (6) “Governing Body” means the Governing Body of the Council constituted under section 6;

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- (7) “Chairman” means the Chairman of the Governing Body;
 - (8) “National Agricultural Research System (NARS) or System” means a combined form of the Council and the Institutes mentioned in Schedules ‘A’ and ‘B’;
 - (9) “Schedule” means any Schedule of this Act;
 - (10) “Member-Director” means a Member-Director mentioned in section 14(2);
 - (11) “Executive Chairman” means the Executive Chairman appointed under section 13;
 - (12) “prescribed” means prescribed by rules or regulations made under this Act;
 - (13) “Executive Board” means the Executive Board constituted under section 11;
 - (14) “regulations” means regulations made under this Act;
 - (15) “rules” means rules made under this Act;
 - (16) “research grant” means the sum of the money granted only on research sub-head and research support of the budget allocated to the Institutes mentioned in Schedules ‘A’ and ‘B’;
 - (17) “Secretariat” means the Secretariat mentioned in section 14 (1);
 - (18) “associate organisation” means any organisation or agency recognized by the Council as an associate organisation for carrying out the purposes of this Act.

3. **Establishment of the Council.**—(1) As soon as may be after the commencement of this Act, there shall be established a Council to be called the Bangladesh Agricultural Research Council, for carrying out the purposes of this Act.

(2) The Council 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. **Office of the Council.**—The Head Office of the Council shall be located at Dhaka and it may, if necessary, with the prior approval of the Government, establish its branch offices at any place in Bangladesh.

5. **Direction and administration of the Council.**—(1) There shall be an Executive Board of the Council and subject to the provisions of sub-section (2), the direction and administration of the Council shall vest in such Executive Board which may exercise all such powers and perform all such functions as may be exercised and performed by the Council.

(2) The Executive Board shall, in exercising its powers and in performing its functions, be responsible to the Governing Body and shall comply with such instruction, order and direction as may be given, from time to time, to it by the Governing Body.

6. **Governing Body.**—There shall be a Governing Body of the Council consisting of the following members, namely:—

- (a) Minister-in-Charge of the Ministry of Agriculture, who shall also be its Chairman;
- (b) Minister-in-Charge of the Ministry of Fisheries and Livestock, who shall also be its Co-Chairman;
- (c) Minister-in-Charge of the Ministry of Environment and Forests, who shall also be its Co-Chairman;

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- (d) two Members of the Parliament, to be nominated by the Speaker of the Parliament;
 - (e) Member concerning the agricultural affairs of the Planning Commission;
 - (f) Secretary, Ministry of Agriculture;
 - (g) Secretary, Ministry of Fisheries and Livestock;
 - (h) Secretary, Ministry of Environment and Forest;
 - (i) Vice-Chancellor, Bangladesh Agricultural University;
 - (j) Executive Chairman;
 - (k) Chairman, Bangladesh Agricultural Development Corporation;
 - (l) Director General, the Department of Agricultural Extension;
 - (m) one representative, not below the rank of a Joint Secretary, to be nominated by the Finance Division of the Ministry of Finance;
 - (n) one representative, not below the rank of a Joint Secretary, to be nominated by the Ministry of Public Administration;
 - (o) Chiefs of the Institutes of National Agricultural Research System (NARS) mentioned in Schedule 'A';
 - (p) Director General, Department of Livestock Services;
 - (q) Director General, Department of Fisheries;

- (r) Chief Conservator, Forest Department;
- (s) three scientists to be nominated by the Government who are not in the service of any Council or Institute and recognized as eminent researchers in the fields of science related to food grains, cash crops, fisheries, animal husbandry, veterinary, forestry, environment, natural resources, social science or in any other field of science related thereto;
- (t) one farmer representative, to be nominated by the Government;
- (u) one representative of the business community of agro-products, to be nominated by the Government;
- (v) one representative of any Non-Government Organization (NGO) involved in agricultural research and agricultural development;
- (w) Member-Director (Administration and Finance), who shall also be its Member-Secretary.

7. Tenure of membership.—(1) Subject to the provisions of section 8, the nominated members of the Governing Body mentioned in section 6 shall hold office for a period of three years from the date of their nomination.

(2) Any nominated member mentioned in sub-section (1) may resign his office by writing under his hand addressed to the Chairman.

(3) Notwithstanding the provisions of sub-sections (1) and (2), the nominating authority may at any time cancel its nomination and give a fresh nomination to any eligible person or officer.

8. **Termination of membership.**—Any member of the Governing Body shall cease to be a member, if—

- (a) in the case of a Member of Parliament nominated under section 6 (d), the seat of the Member is vacated under article 67 of the Constitution;
- (b) the tenure of his office expires under section 7(1);
- (c) he resigns his office under section 7(2);
- (d) he is absent from three consecutive meetings of the Governing Body without the permission of the Chairman;
- (e) he dies;
- (f) he is declared by a competent court to be of unsound mind;
- (g) he is an undischarged insolvent;
- (h) he has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term not less than three months or to a fine not less than five thousand taka.

9. **Objectives and functions of the Council.**—(1) The objectives of the Council are conducting research on agricultural affairs in consideration with the national need through the Institutes and associate organisations, and coordinating, planning, monitoring and evaluating of the agricultural research programmes undertaken by them.

(2) For carrying out the purposes of sub section (1), the Council shall perform the following functions, namely:—

- (a) to identify and prioritise the topics of agricultural research under the National Agricultural Research System in the light of national policy on agricultural research, and give advice to the Government on action to be taken for using foreign assistance in the field of agricultural research;

- (b) to formulate such essential agricultural research plans as would provide the institutes appropriate dimensions in their research programmes;
- (c) to take effective measures to solve the problems prevailing in the agricultural sector;
- (d) under the National Agricultural Research System—
 - (i) to review and recommend Annual Research Programmes (ARP) and projects of all Institutes, and to review all research programmes and budget thereof and make Institute-wise allocation of ‘research grant’, under research grant sub-head of the budget sanctioned to the institutes in the form of research grant by the Government;
 - (ii) to operate the administrative functions and related budget allocation and control activities of the Institutes included under Schedule “B” by respective Ministry/Division;
 - (iii) to coordinate all research activities of the agriculture sector and conduct the activities related to budget allocation and control thereof.

Provided that the Government shall, by gazette notification, issue rules on allocation of research grant and operation thereof to avoid duplication of research programmes maintaining the distinctiveness, individuality and independence of research of all the Institutes under the National Agricultural Research System, and such research grant shall be operated as per the rules;

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- (e) to examine, evaluate and approve the budget of such research proposals and its executing process to be carried out by any Institute or associate organisations on the basis of assistance given by the Council either in the form of contract or in any other mode;
- (f) for ensuring the standard of research—
- (i) to monitor the progress of targeted research programmes and on going activities of every Institute;
- (ii) to organise occasional review, from time to time, of the targeted research programmes and accomplishments of each Institute by internal panel of experts;
- (iii) to arrange for review of the targeted research programmes and accomplishments of each Institute by external panel of experts in every five years;
- (g) to make recommendations to the Government for establishing and operating new research institution, research centre, research station, library, information centre, museum, herbarium, germ-plasm and plant introduction centre;
- (h) in order to give a reasonable and practical shape to the National Agricultural Research System, to give advice to the Government or the relevant Institutes, as the case may be, in respect of determining the number, location and scope of the Institutes under system, and the research station or research centre, laboratory, library, information centre, museum, herbarium, germ-plasm and plant introduction centre and other establishments set up thereunder;

- (i) to monitor the transfer of agricultural technology at the field level and take timely steps or, where applicable, give advice to the concerned authority or the Institute, as the case may be, to remove the bottlenecks in the dissemination of research findings and technology of the Institutes and associate organisations and their application and use at field level;
- (j) to determine the terms and conditions of employment of the officers and employees, subject to the provisions of this Act;
- (k) to undertake necessary measures for higher studies and training in agricultural research and technology for officers and employees of the Council, Institute and associate organisations, as the case may be;
- (l) to determine, within the purview of the government policy, the need for representation of the Council and the Institutes in national and international conferences, seminars and workshops, and take necessary steps in this regard;
- (m) to maintain contact with international agricultural research Institutes or other agricultural research organisations of other countries to ensure the effectiveness and utility of their innovations and equipments in Bangladesh agriculture through rapid testing, adaptation and use;
- (n) to carry out ex-post evaluation of all research projects and other activities of the Institutes and the associate organisations, as the case may be, and give them necessary advice;

- (o) to establish endowment fund, trust fund etc. with the approval of the Governing Body in order to undertake the research activities by any organisational or personal initiative;
- (p) to administer endowment fund, trust fund through appropriate organisation under National Agricultural Research System according to the regulations made by the Council and, in order to disseminate the developed technology commercially, to undertake profit-making programme through the said Fund;
- (q) to play a supportive role in coordinating the activities of extension departments for strengthening research-extension-farmer-market linkages;
- (r) to give, with the approval of the Governing Body, cash money or any award to any scientist of the National Agricultural Research System in recognition to any of his innovative or research oriented activity which requires special merit in order to encourage agricultural research on the basis of specific policy :

Provided that in case of giving such award, incentive scheme shall have to be made with the approval of the Government;

- (s) to do such other act as may be necessary and incidental to accomplish the above mentioned functions and for the purposes of other provisions of this Act.

10. Meetings of the Governing Body.—(1) Subject to other provisions of this section, the Governing Body may determine the procedure of its meeting.

(2) The meetings of the Governing Body shall be held at such places and times as may be determined by its Chairman :

Provided that at least one meeting of the Governing body shall be held in every 3 (three) months :

Provided further that in case of emergency, a meeting may be convened at short notice.

(3) The Chairman shall preside over all meetings of the Governing Body and in his absence, the Co-chairman, and in the absence of both of them; any member nominated by the members present in the meeting from among them shall preside over the meeting.

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

(5) Every member of the Governing Body shall have one vote and the decision of the meeting shall be taken by a majority of votes but in the event of equality of votes, the person presiding shall have a second or casting vote.

(6) The Governing Body may invite any person who is able to make specific contribution to any topic of the agenda of its meeting and such person may participate in the discussion but shall have no right to vote in the meeting.

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

11. **Executive Board.**—(1) There shall be an Executive Board of the Council which shall be consisted of the following members, namely:—

- (a) Executive Chairman, who shall also be its Chairman;
- (b) Member-Directors;
- (c) Chief Executives of the Institutes, by whatever name they may be called;
- (d) Chief Executive of the Agricultural Research Foundation, by whatever name he may be called;
- (e) Member-Director (Administration and Finance), who shall also be its Secretary.

(2) Subject to the provisions of section 5, the Executive Board shall exercise all such powers and perform all such functions as may be exercised or performed by the Council.

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

(2) The meetings of the Executive Board shall be held at such places and times as may be determined by the Executive Chairman:

Provided that at least one meeting of the Executive Board shall be held in every two months.

(3) The Executive Chairman shall preside over all meetings of the Executive Board and, in his absence, any member nominated by the members present in the meeting from among them shall preside over the meeting.

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

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

(6) The Executive Board may invite any person who is able to make contribution to any topic of the agenda of its meeting, and such person may participate in the discussion but shall have no right to vote in the meeting.

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

13. Executive Chairman.—(1) There shall be an Executive Chairman of the Council.

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

(3) The Executive Chairman shall be the Chief Executive of the Council, and he shall, subject to the provisions of this Act, rules and regulations, exercise his powers and perform his duties.

14. Secretariat etc.—(1) In exercising of powers and discharging functions of the Council under this Act, there shall be a Secretariat of the Council to assist the Governing Body and the Executive Board, and it shall be divided into such number of Wings as may be necessary, and any such Wing may have more than one Unit or Branch.

(2) The head of every Wing shall be designated as a Member-Director, and they shall be appointed by the Government on such terms and conditions as may be determined by it.

(3) The Executive Board may, by an order, determine the functions of every Wing:

Provided that the Executive Chairman shall determine the functions of every Wing until the functions are so determined.

15. **Officers and employees of the Secretariat etc.**—(1) The Secretariat shall have such number of officers and employees as may be necessary, and the appointment and terms and conditions of service of such officers and employees shall be determined by regulations, subject to the provisions of section 16.

(2) Subject to the provisions of this Act, rules and regulations, all the officers and employees, including the Member-Directors of the Secretariat shall perform their duties under the overall control and supervision of the Executive Chairman.

16. **Manpower of the National Agricultural Research System (NARS).**—Notwithstanding anything contrary contained in any other law for the time being in force—

- (a) the Council shall constitute a promotion or selection committee for promotion or appointment, in any other manner, to the post of the Chief Scientific Officer or to other posts of equivalent pay scale of the Council and the Institutes mentioned in Schedule 'A', and no person shall be appointed to such posts without the recommendation of the committee:

Provided that in the case of making recommendation, the committee shall follow such standard as may be determined by the Executive Board;

- (b) in the case of promotion to any post below the posts referred to in clause (a), the Executive Board shall determine and modify a balance procedure for bringing about uniformity in the standard of requisite qualifications of the officers holding the relevant posts, and the Institutes specified in Schedule 'A' including the Council shall follow the procedure;
- (c) for implementing the provisions of clauses (a) and (b), the Council shall—
 - (i) cause to make or, as the case may be, amend the regulations applicable to the officers of its own; and
 - (ii) direct any Institute to take necessary measures for making or, as the case may be, amending the regulations applicable to the officers of such Institute;
- (d) until the concerned regulations are amended according to the provisions of clauses (a), (b) and (c), the Executive Board may, by administrative order, give necessary directions to give effect to the provisions of such clauses and all the authorities concerned shall follow the directions;
- (e) for bringing about uniformity and, if possible, making consistency in other terms and conditions of service of all officers and employees working in the Institutes mentioned in Schedule 'A', the Council may make necessary recommendations to the concerned Institute or, as the case may be, to the Government.

17. **Fund.**—(1) There shall be a Fund of the Council and the following sums shall be credited to it, namely :—

- (a) grants made by the Government;
- (b) grants received with the prior approval of the Government, from any foreign Government, organisation or international organisation;
- (c) income from any research initiative;
- (d) grants made by any local authority;
- (e) grants received from any private organisation or person;
- (f) money received from any other source.

(2) The money of the Fund shall be deposited in the name of the Council with any Scheduled Bank approved by the Governing Body, and money may be withdrawn from the Fund in such manner as may be determined by the Executive Board.

(3) The necessary expenses of the Council shall be borne from the Fund.

(4) The Council shall, with the approval of the Governing Body, formulate necessary policy regarding money received from the sources mentioned in clauses (b), (c), (d), (e) and (f) of sub-section (1) and the expenses or allocation thereof and shall finalize it with the approval of the Government.

18. **Budget.**—The Council shall, by such date in each year as may be prescribed by the Government, submit an annual budget statement for the next financial year to the Government showing the sums which are likely to be required from the Government during that financial year.

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

(2) The Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General, shall audit the accounts of the Council every year and submit a copy of audit report to the Government and the Council.

(3) If any objection is raised in the audit report mentioned in sub-section (2), the Council shall take immediate action to resolve it.

(4) For the purpose of audit of accounts under sub-section (2), the Auditor General or any person authorized by him shall have access to all records, documents, cash or money deposited in bank, securities, stores and other property of the Council, and may examine the Chairman or any member of the Governing Body or the Executive Board, or any officer or employee of the Council or any other person concerned.

20. **Annual Report.**—The Council shall, by the 30th November after the end of every financial year, submit an report with a summery of the information related to the research projects taken, the functions performed and overall affairs of the Council of that financial year.

21. **Committees.**—The Council may, subject to such limitations and conditions as may be determined by it, constitute one or more Committees consisting of any member of the Governing Body or the Executive Board or officers of the Council to assist it in exercising of any power or discharging of any functions of it under this Act, and it may, if necessary, also include any other person to the Committee.

22. **Delegation of power.**—The Council may, by order in writing, delegate any of its powers under this Act or the rules or regulations made thereunder to any member of the Governing Body or the Executive Board, or to any officer or a Committee.

23. **Amendment of Schedule.**—The Government may, by notification in the official Gazette, amend the Schedule, from time to time.

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 Council may, with the prior approval of the Government, by notification in the official Gazette, make regulations, not inconsistent with this Act or rules.

26. **Members of the Governing Body or the Executive Board, officers or employees to be public servant.**—All members of the Governing Body and the Executive Board and all officers and employees of the Council and any person authorized to discharge functions on behalf of the Council shall be deemed to be public servants within the meaning of section 21 of the Penal Code (Act XLV of 1860).

27. **Protection of action taken in good faith.**—If any person is affected or likely to be affected by anything done in good faith under this Act, rules or regulations made thereunder, then for this reason, no suit or prosecution or other legal proceedings shall lie against the Government, the Council or any person discharging such functions.

28. **Certain Acts not to be applicable.**—The relevant provisions of the Factories Act, 1965; (E.P. Act IV of 1965), the Shops and Establishments Act, 1965 (E.P. Act VII of 1965), the Employment of Labour (Standing Order) Act, 1965 (E.P. Act VIII of 1965) or the Industrial Relations Ordinance, 1969 (Ord. XXIII of 1969) repealed by the Bangladesh Labour Act, 2006 (Act No. XLII of 2006) which are included in the Bangladesh Labour Act, 2006 shall not be applicable to the Council or the functions carried out by it.

29. **Publication of Authentic English Text.**—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an English text of this Act which shall be called to be the Authentic English Text of this Act.

(2) In event of any conflict between the Bangla and the English texts, the Bangla text shall prevail.

30. **Repeal and Savings.**—(1) The Bangladesh Agricultural Research Council Act, 1996 (Act No. VII of 1996), hereinafter referred to as the said Act, is here by repealed.

(2) Upon such repeal of the said Act—

- (a) the Bangladesh Agricultural Research Council established under it, hereinafter referred to as the repealed Council, shall be repealed;
- (b) all assets, right, power, authority, benefits, fund, cash and money deposited in Bank, and all movable and immovable properties including securities of the repealed Council, and all rights and interests of the repealed Council arising out of such property shall be transferred to, and vest in, the Council;

- (c) all debts, obligations and liabilities and contracts entered into by or with the repealed Council shall be deemed to be the debts, obligations and liabilities of, and enter into by or with, the Council;
- (d) any suit or other legal proceedings instituted by or against the repealed Council shall be deemed to have been instituted by or against the Council;
- (e) notwithstanding anything contained in any contract, deed or terms and condition of service, all the officers and employees of the repealed Council shall be the officers and employees of the Council, and shall remain in service on the same terms and condition as were applicable to them immediately before the commencement of this Act until the conditions of their services are modified under this Act;
- (f) the Secretariat established under the repealed Council and its Wings, Units or Branches shall be deemed to be the Secretariat established under the Council and its Wings, Units or Branches, and their functions shall remain in force and effective as before.

(3) Notwithstanding such repeal of the said Act, the rules or regulations made, any notification issued, any order or direction given, any matter approved, any recommendation made, all plans developed or functions initiated, all budget approved and all acts done under the said Act shall, if remain in force immediately before such repeal, be deemed to be made, issued, given, approved, made, developed, initiated and done under such provisions of this Act, subject to not inconsistent with the provisions of this Act, and shall remain in force until expiry or being repealed or amended under this Act.

Schedule**A**

- (1) Bangladesh Rice Research Institute (BRRI)
- (2) Bangladesh Jute Research Institute (BJRI)
- (3) Bangladesh Agricultural Research Institute (BARI)
- (4) Bangladesh Institute of Nuclear Agriculture (BINA)
- (5) Bangladesh Sugarcane Research Institute (BSRI)

Schedule**B**

- (1) Bangladesh Livestock Research Institute (BLRI)
- (2) Bangladesh Fisheries Research Institute (BFRI)
- (3) Bangladesh Tea Research Institute (BTRI)
- (4) Bangladesh Forest Research Institute (BFRI)
- (5) Soil Research and Development Institute (SRDI)

- (6) Bangladesh Sericulture Research and Training Institute (BSRTI)
- (7) Bangladesh Cotton Development Board (BCDB)

By order of the President

Md. Mesbahul Islam
Secretary.