

**THE HOUSING AND BUILDING RESEARCH
INSTITUTE ORDINANCE, 1977**

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**THE HOUSING AND BUILDING RESEARCH
INSTITUTE ORDINANCE, 1977**

ORDINANCE NO. XLIX OF 1977

[19th October, 1977]

**An Ordinance to provide for the establishment of a
Housing and Building Research Institute.**

WHEREAS it is expedient to provide for the establishment of a Housing and Building Research Institute and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. This Ordinance may be called the Housing and Building Research Institute Ordinance, 1977. Short title

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

- (a) "Chairman" means the Chairman of the Council;
- (b) "Committee" means the Executive Committee of the Council;
- (c) "Council" means the Governing Council of the Institute;
- (d) "Director" means the Director of the Institute;
- (e) "Institute" means the Housing and Building Research Institute established by this Ordinance;
- (f) "Prescribed" means prescribed by rules or regulations made under this Ordinance.

3. (1) On the commencement of this Ordinance, there shall be established an Institute to be called the Housing and Building Research Institute for carrying out the purposes of this Ordinance. Establishment
of the Institute

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

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

Head office, etc. **4.** (1) The head office of the Institute shall be located at Dhaka.

(2) The Institute may establish branches at such places as the Council may decide.

Management **5.** The general direction and superintendence of the affairs and business of the Institute shall vest in a Governing Council which may exercise all powers and do all acts and things which may be exercised or done by the Institute.

Constitution of the Council **6.** (1) The Council shall consist of the following members, namely:-

- (a) the Minister in charge of the Ministry of Public Works and Urban Development, *ex-officio*, who shall also be its Chairman;
- (b) the Secretary, Ministry of Public Works and Urban Development, *ex-officio*, who shall also be its Vice-Chairman;
- (c) one person to represent the Planning Commission to be nominated by that Commission;
- (d) one person to represent the Ministry of Finance to be nominated by that Ministry;
- (e) the Chief Engineer, Public Works Department, *ex-officio*;
- (f) the Chief Engineer, Housing and Settlement Directorate, *ex-officio*;
- (g) the Chief Architect, Directorate of Architecture, *ex-officio*;
- (h) the Director, Urban Development Directorate, *ex-officio*;
- (i) two persons to represent the Bangladesh University of Engineering and Technology to be nominated by that University, of whom one shall be from the Civil Engineering Department and the other from the Architecture and Physical Planning Department;

- (j) one person to represent the University of Dhaka to be nominated by that University;
- (k) one person to represent the Institution of Engineers, Bangladesh (not below the rank of Fellow) to be nominated by that Institution;
- (l) one person to represent the manufacturers of building materials to be nominated by the Chamber of Commerce and Industries, Dhaka;
- (m) two persons to be nominated by the Government from among officers of the Institute;
- (n) one person to represent the practising consulting engineers in building design to be nominated by the Government;
- (o) one person to represent the building construction firms to be nominated by the Government; and
- (p) the Director of the Institute, *ex-officio*, who shall also be its Secretary.

(2) The nominated members shall hold office for a term of two years.

(3) If any casual vacancy occurs in the office of a nominated member, a new member shall be nominated by the authority concerned to fill such vacancy.

7. The functions of the Institute shall be-

Functions of the
Institute

- (a) to promote technical and scientific studies and research on various problems of building construction and building materials industries and of human settlement as a whole;
- (b) to study the availability, development and utilisation of indigenous building materials;
- (c) to promote new and better uses of commonly used building materials;
- (d) to encourage adoption of quality control measures in building construction;
- (e) to initiate actions for the improvement of the technology, method of planning and designing of building construction and maintenance works in the housing sector;

- (f) to develop inexpensive and new materials and technology for building construction through pilot projects;
- (g) to initiate research programme and case-studies in the field of housing and building research in co-operation with the National Council for Science and Technology and other research institutes and universities;
- (h) to evaluate its research activities and to initiate actions for adoption of research results;
- (i) to institute fellowships and scholarships for the purpose of encouraging research and technical and scientific studies in the field of housing and building construction;
- (j) to train research personnel and technicians for the purpose of carrying out its research activities;
- (k) to provide for consultation and advisory services in the field of housing and building research;
- (l) to disseminate latest knowledge on the problems of housing and building construction;
- (m) to publish regularly research reports, research bulletins, technical reports and other reports on the work done by it; and
- (n) to do such other acts and things as may be necessary or convenient to be done in connection with, or incidental or conducive to, the performance of the aforesaid functions.

Meetings of
the Council

8. (1) Meetings of the Council shall be convened by the Secretary of the Council, in consultation with the Chairman, at least twice in a year.

(2) At least ten days' notice shall be given for convening a meeting of the Council and such notice shall specify the agenda of the meeting and the date on which, and the time and place at which, the meeting shall be held.

(3) Emergency meetings of the Council may be convened on twenty-four hours' notice.

(4) Six members shall constitute a quorum at a meeting of the Council.

(5) The Chairman and, in his absence, the Vice-Chairman shall preside over the meetings of the Council.

(6) All matters at a meeting of the Council shall be decided by the votes of the majority of the members present and voting.

(7) At a meeting of the Council each member shall have one vote and in the event of equality of votes the person presiding shall have a second or casting vote.

(8) No act or proceeding of the Council shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of, the Council.

9. (1) There shall be an Executive Committee consisting of the following members, namely:-

Executive
Committee

- (a) the Director, *ex-officio*;
- (b) four members to be nominated by the Chairman from among officers of the Institute who are doing research work or are qualified to do such work.

(2) A nominated member of the Committee shall hold office for a period of three years.

(3) The meetings of the Committee shall be convened by the Director at such time and place as he may specify and shall be presided over by him.

(4) The Committee shall-

- (a) initiate proposals and prepare programmes relating to the functions of the Institute for consideration and approval of the Council;
- (b) be responsible for the implementation of all proposals and programmes approved by the Council;
- (c) deal with such other matters relating to research and technical and scientific studies in the field of housing and building construction as may be referred to it by the Council;
- (d) assist the Council in the discharge of its functions; and
- (e) exercise such other powers and perform such other functions as may be prescribed or as may be assigned to it by the Council from time to time.

10. (1) There shall be a Director of the Institute who shall be appointed by the Government for a period of five years on such terms and conditions as the Government may determine.

Director of the
Institute

(2) When any temporary vacancy in the office of the Director occurs by reason of leave, illness or other cause, the Council shall make such arrangement for carrying out the functions of his office as it may deem fit.

(3) The Director shall be the whole-time chief executive officer of the Institute.

(4) The Director shall be responsible to ensure that the provisions of this Ordinance and the rules and regulations made thereunder are observed.

(5) In an emergency arising out of the business of the Institute and requiring, in the opinion of the Director, immediate action, the Director may take such action as he may deem necessary and shall report to the Council for approval of the action so taken as early as possible.

(6) The Director may, subject to such conditions as may be prescribed, delegate any of his powers to any officer or employee of the Institute.

(7) The Director shall exercise such other powers as may be prescribed or as may be assigned to him, from time to time, by the Council.

Appointment of officers, etc.

11. The Institute may appoint such officers and other employees as it considers necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

Committees

12. The Council may, from time to time, appoint such committees as may be necessary to discharge such functions as may be assigned to them by the Council or to assist the Director in the performance of his functions.

Fund of the Institute

13. (1) The Institute shall have its own fund which shall be utilised by it to meet charges in connection with its functions under this Ordinance.

(2) The fund of the Institute shall consist of-

- (a) grants made by the Government;
- (b) grants made by the local authorities;
- (c) grants and aids received from aid-giving agencies;

- (d) donations and endowments;
- (e) fees received by the Institute; and
- (f) all other sums received by the Institute.

(3) All money in the fund of the Institute shall be deposited with any bank approved by the Council.

14. The Council shall, by such date before the commencement of every financial year as the Government may direct, submit to the Government for approval a budget, in such form as the Government may specify, for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year. Budget

15. The Institute shall maintain its accounts in such manner and form as the Government may direct. Accounts

16. (1) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of Bangladesh (hereinafter referred to as the Auditor-General) in such manner as he deems fit. Audit

(2) For the purpose of audit under sub-section (1) the Auditor-General or any person authorised by him in this behalf shall have access to all books, accounts, securities, stores and other properties of the Institute and may examine the members of the Council or any officer or employee of the Institute.

(3) The Auditor-General shall submit his audit report to the Government and shall forward a copy thereof to the Institute.

17. (1) The Institute shall furnish to the Government such reports and statements on expenditure and on the progress of approved research programmes as the Government may, from time to time, require. Reports, etc.

(2) As soon as may be after the end of every financial year the Institute shall submit to the Government an annual report on the conduct of its affairs for that year.

18. The members of the Council and the officers and employees of the Institute shall, while acting or purporting to act in pursuance of the provisions of this Ordinance or any rule Public servants

or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Penal Code (XLV of 1860).

Indemnity

19. No suit, prosecution or other legal proceeding shall lie against any member of the Council or any officer or employee of the Institute for anything which is in good faith done or intended to be done under this Ordinance or any rule or regulation made thereunder.

Power to make rules

20. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

Powers to make regulations

21. (1) The Council may, with the prior approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

(2) All regulations made under this section shall be published in the *official Gazette* and shall come into force on such publication.

Abolition of Housing and Building Research Centre

22. Notwithstanding anything contained in any other law for the time being in force or in any rules or regulations, on the commencement of this Ordinance, the Housing and Building Research Centre at Dar-us-Salam, Mirpur, Dacca, hereinafter referred to as the said Centre, shall stand abolished and upon such abolition-

- (a) all assets, including lands and buildings, workshops, machinery, apparatus and materials of the said Centre shall stand transferred to, and vest in, the Institute;
- (b) all debts, liabilities and obligations of the said Centre subsisting immediately before such abolition shall be the debts, liabilities and obligations of the Institute;
- (c) all officers and other employees of the said Centre shall, notwithstanding anything contained in their terms and conditions of service, stand transferred to

the Institute and shall hold office or service in the Institute on the same terms and conditions as were enjoyed by them immediately before such transfer and shall continue to do so until the terms and conditions are duly altered by the Institute or the Government:

Provided that an officer or employee of the said Centre may, within such time as may be specified by the Institute, exercise his option not to continue in the service of the Institute.
