

**THE BANGLADESH INSTITUTE OF NUCLEAR
AGRICULTURE ORDINANCE, 1984**

CONTENTS

SECTIONS

1. Short title
 2. Definitions
 3. Establishment of the Institute
 4. Head office, etc.
 5. Management
 6. Certain directions etc., of Council to be given effect to
 - 6A. Constitution of the Board
 - 6B. Tenure of membership, resignation, etc.
 7. Functions of the Institute
 8. Meetings of the Board
 9. Director-General
 10. Appointment of Directors, officers etc.
 11. Power to borrow, etc.
 12. Budget
 13. Fund of the Institute
 14. Audit and accounts
 15. Submission of reports, etc.
 16. Committees of the Institute
 17. Power to make rules
 18. Power to make regulations
 19. Savings
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**¹THE BANGLADESH INSTITUTE OF NUCLEAR
AGRICULTURE ORDINANCE, 1984**

ORDINANCE NO. II OF 1984

[5th January, 1984]

**An Ordinance to provide for the establishment of the
Bangladesh Institute of Nuclear Agriculture**

WHEREAS it is expedient to provide for the establishment of the Bangladesh Institute of Nuclear Agriculture and for matters connected therewith and incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, 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 Bangladesh Institute of Nuclear Agriculture Ordinance, 1984. Short title

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

- (a) "Board" means the Board of the Institute;
- (b) "Chairman" means the Chairman of the Board;
- ²[(c) "Council" means বাংলাদেশ কৃষি গবেষণা কাউন্সিল established by বাংলাদেশ কৃষি গবেষণা কাউন্সিল আইন, ১৯৯৬ (১৯৯৬ সনের ৭ নং আইন);
- (cc) "Director-General" means the Director-General of the Institute;]
- (d) "Institute" means the Bangladesh Institute of Nuclear Agriculture established under this Ordinance;
- (e) "member" means a member of the Board;
- (f) "prescribed" means prescribed by rules or regulations made under this Ordinance;

¹ The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন)।

² Clauses (c) and (cc) were substituted for former clause (c) by section 2 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

(g) “regulations” means regulations made under this Ordinance; and

(h) “rules” means rules made under this Ordinance.

Establishment
of the Institute

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the *official Gazette*, establish an Institute to be called the Bangladesh Institute of Nuclear Agriculture for carrying out the purposes of this Ordinance.

(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 Mymensingh.

(2) The Institute may establish offices at such other places as it may think fit.

Management

5. (1) Subject to the rules and regulations made under this Ordinance, the general direction, administration and supervision of the affairs of the Institute shall vest in a Board which may exercise all powers and do all acts and things that may be exercised or done by the Institute.

(2) The Board in discharging its functions shall be guided on questions of policy by such instructions as may be given to it by the Government from time to time.

Certain
directions etc.,
of Council to be
given effect to

¹[**6.** Notwithstanding anything contained in this Act, the Institute, or any of its functionaries shall, in relation to the affairs of the Institute, ensure that-

(a) any direction issued by the Council under or in pursuance of the provisions of section 8 or 14 of বাংলাদেশ কৃষি গবেষণা কাউন্সিল আইন, ১৯৯৬ (১৯৯৬ সনের ৭ নং আইন) is complied with;

¹ Articles 6, 6A, and 6B were substituted for previous section 6 by section 3 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

- (b) any recommendation or determination made or advice given by the Council under or in pursuance of the provisions referred to in clause (a), as far as practicable, is given effect to:

Provided that where, in the opinion of the Institute, it is not possible to give effect to such recommendation or advice or any part thereof,-

- (i) the Institute shall, without delay, communicate its opinion with reasons therefore to the Council; and
- (ii) the Council may, after consideration of such opinion, modify or revoke its earlier recommendation or advice, or may issue fresh recommendation or advice on the same subject:

Provided further that the recommendation or advice so modified or issued afresh, as the case may be, shall be deemed to be a direction under clause (a) and shall be complied with accordingly.

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

- (a) the Director-General, *ex-officio*, who shall also be the Chairman of the Board;
- (b) a representative of the Bangladesh Atomic Energy Commission, not below the rank of Director, to be nominated by that Commission;
- (c) the Dean of the Faculty of Agriculture, Bangladesh Agricultural University, Mymensingh, *ex-officio*;
- (d) a representative of the Council, to be nominated by it;
- (e) a representative of the Department of Agricultural Extension, not below the rank of Director, to be nominated by the Ministry or Division dealing with agriculture;
- (f) the Directors of the Institute, *ex-officio*;
- (g) two senior scientists of the Institute, to be nominated by the Ministry or Division dealing with agriculture;

- (h) two representatives, one from among the progressive farmers, and the other from amongst the Non-Government Organisations (NGO's) performing functions similar to those of the Institute, to be nominated by the Ministry or Division dealing with agriculture;
- (i) two representatives, one from the Ministry or Division dealing with agriculture and the other from the Finance Division of the Ministry dealing with finance, not below the rank of Deputy Secretary, to be nominated by that Ministry or Division.

(2) The Director-in-charge of Administration of the Institute shall act as the Secretary of the Board.

Tenure of membership, resignation, etc.

6B. (1) The members specified in clause (h) of section 6A(1) shall hold office for a period of three years from the date of their nomination:

Provided that such members may resign their membership in writing addressed to the Chairman.

(2) A person shall cease to be a member, if he-

- (a) dies; or
- (b) being a member specified in clause (h) of section 6A(1)-
 - (i) resigns his membership under the provision to sub-section (1) of this section; or
 - (ii) his tenure expires under sub-section (1) of this section; or
 - (iii) remains absent, without permission of the Chairman, from three consecutive meetings of the Board; or
- (c) is declared by a competent Court to be of unsound mind; or
- (d) is an undischarged insolvent; or

- (e) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than three months or to a fine not less than five thousand Taka and unless a period of two years has elapsed since his release or realisation of the fine, as the case may be, a person so sentenced shall not be eligible to be a member.]

7. The functions of the Institute shall be to-

**Functions of the
Institute**

- (a) undertake research adopting nuclear techniques for the purpose of ensuring a stable and productive agriculture through evolution of new varieties of crops, scientific management of land and water, development of appropriate technology to improve quality and quantity of crops, and development of methods for control of disease and insect and management of pest;
- (b) undertake agronomic and soil-plant studies;
- (c) carry out demonstration tests or trial-runs of new varieties of crops and their management practices;
- (d) publish annual reports relating to the activities of the Institute;
- (e) publish agricultural manuals, monograms, bulletins and other literature relating to crop research;
- (f) train research and extension officers in the improved technology of crop production;
- (g) provide post-graduate research facilities;
- (h) organise seminars, symposia and workshops on selected problems relating to agriculture and agricultural research and technology;
- (i) undertake research programmes in collaboration with other national and international agencies and organisations;
- (j) enter into bilateral agreements with foreign institutions for academic degrees, specialised training, scientific visits and exchange programmes; and
- (k) perform such other functions as may be necessary for the purposes of this Ordinance.

Meetings of the Board

8. (1) The meetings of the Board shall be convened by the Secretary of the Board, in consultation with the Chairman, at least once every quarter of a year.

(2) All meetings of the Board shall be presided over by ¹[a member elected for the purpose by the members present] and, in his absence, by the Vice-Chairman.

(3) To constitute a quorum at a meeting of the Board not less than six members shall be present.

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

(5) At a meeting of the Board, each member shall have one vote, and in the event of equality of votes, the Chairman ²[or the member presiding over the meeting] shall have a second or casting vote.

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

³[Director-General]

9. (1) There shall be a ⁴[Director-General] of the Institute who shall be appointed by the Government for such period and on such terms and conditions as the Government may determine.

(2) The ⁵[Director-General] shall be a full-time officer and the chief executive of the Institute.

¹ The words “a member elected for the purpose by the members present” were substituted for the words “the Chairman” by section 4 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

² The words “or the member presiding over the meeting” were inserted by section 4 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

³ The word “Director-General” was substituted for the word “Director” by section 5 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

⁴ The word “Director-General” was substituted for the word “Director” by section 5 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

⁵ The word “Director-General” was substituted for the word “Director” by section 5 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

(3) The ¹[Director-General] shall exercise such powers, and perform such functions, as may be prescribed or assigned to him by the Board.

²[10. For the efficient performance of the functions of the Institute-

Appointment of Directors, officers etc.

- (a) the Government may appoint such number of Directors and on such terms and conditions as it may determine from time to time;
- (b) the Board may appoint such officers and other employees and on such terms and conditions as it may determine from time to time.]

11. The Institute may, for carrying out its functions, borrow money, if necessary, with the approval of the Government.

Power to borrow, etc.

12. The Board 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

13. (1) The Institute shall have its own Fund which shall consist of-

Fund of the Institute

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) grants made by the local authorities; and
- (d) grants and aid received, with the approval of the Government, from any aid giving agency.

(2) All moneys of the Institute shall be kept in a scheduled bank.

¹ The word "Director-General" was substituted for the word "Director" by section 5 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

² Article 10 was substituted by section 6 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

Audit and
accounts

14. (1) The Board shall maintain its accounts in such manner as the Government may specify.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of Bangladesh (hereinafter in this section referred to as the Auditor-General), in such manner as he deems fit.

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

(4) The Auditor-General shall, as soon as possible after completion of the audit, send to the Board his audit report and the Board shall forward it, with its comments thereon, to the Government.

(5) The Board shall take steps forthwith to remedy any defects or irregularities pointed out in the audit report.

Submission of
reports, etc.

15. (1) The Board shall submit to the Government, as ¹[soon] as possible after the end of every financial year, a report on the conduct of its affairs for that year.

(2) The Board shall submit to the Government at such time and at such interval as the Government may specify-

- (a) such returns, accounts, statements, estimates and statistics as may be required by the Government;
- (b) information and comments asked for by the Government on any specific subject;
- (c) copies of documents required by the Government for examination or any other purpose.

¹ The word “soon” was substituted for the word “soom” by section 7 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

16. The Board may, from time to time, appoint such committees as may be necessary to discharge such functions as may be assigned to them by the Board or to assist the ¹[Director-General] in the performance of his functions. Committees of the Institute

17. The Government may, by notification in the *official Gazette*, make rules for carrying out the purpose of this Ordinance. Power to make rules

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

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

19. Notwithstanding anything contained in any other law for the time being in force or in any contract or instrument, on the establishment of the Institute,- Savings

- (a) the Institute of Nuclear Agriculture, hereinafter referred to as the dissolved Institute, shall stand dissolved;
- (b) all assets, rights, powers, authorities and privileges, all property, movable and immovable, cash and bank balances, funds, investments and all other rights and interests in, or arising out of, such property of the dissolved Institute shall stand transferred to and vest in the Institute;
- (c) all debts, liabilities and obligations of the dissolved Institute shall be the debts, liabilities and obligations of the Institute;
- (d) all officers, consultants, advisers and other employees of the dissolved Institute shall become officers, consultants, advisers and employees of the Institute and shall hold

¹ The words "Director-General" was substituted for the word "Director" by section 8 of the Bangladesh Institute of Nuclear Agriculture (Amendment) Act, 1996 (Act No. IV of 1996).

office or service in the Institute on the same terms and conditions as were enjoyed by them immediately before such establishment and shall continue to do so until their remuneration or terms and conditions are duly altered by the Institute;

- (e) all suits and other legal proceedings instituted by or against the dissolved Institute before such establishment shall be deemed to be suits and proceedings by or against the Institute and shall be proceeded or otherwise dealt with accordingly.
