

**THE FISHERIES RESEARCH INSTITUTE
ORDINANCE, 1984**

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***THE FISHERIES RESEARCH INSTITUTE
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ORDINANCE NO. XLV OF 1984

[14th July, 1984]

**An Ordinance to provide for the establishment of a
Fisheries Research Institute. ***

WHEREAS it is expedient to provide for the establishment of a Fisheries Research Institute and for matters connected therewith;

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. (1) This Ordinance may be called the Fisheries Research Institute Ordinance, 1984. Short title ¹[and commencement]

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

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

(a) “Board” means the Board of Governors of the Institute;

(b) “Chairman” means the Chairman of the Board;

²[(bb) “Council” means বাংলাদেশ কৃষি গবেষণা কাউন্সিল established by বাংলাদেশ কৃষি গবেষণা কাউন্সিল আইন, ১৯৯৬ (১৯৯৬ সনের ৭ নং আইন);]

(c) “Institute” means the Fisheries Research Institute established under section 3;

* 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 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), ধারা ৪।

* Throughout this Ordinance the word “Director-General” was substituted for the word “Director” by section 6 of the Bangladesh Fisheries Research Institute (Amendment) Act, 1996 (Act No. X of 1996).

¹ The words “and commencement” were added by section 2 of the Bangladesh Fisheries Research Institute (Amendment) Act, 1996 (Act No. X of 1996).

² Clause (bb) was inserted by section 3 of the Bangladesh Fisheries Research Institute (Amendment) Act, 1996 (Act No. X of 1996).

(d) “Member” means a member of the Board; and

(e) “prescribed” means prescribed by rules or regulations made under this Ordinance.

Establishment
of the Institute

3. (1) There shall be an Institute to be called the Fisheries Research Institute 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 to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

General
direction

4. 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 of Governors which may exercise all powers and do all acts and things that may be exercised or done by the Institute.

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

¹[**5.** Notwithstanding anything contained in this Ordinance, 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; and

(b) any recommendation or determination made, or advice given, by the Council under or in pursuance of the said provisions 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:

¹ Sections 5, 5A and 5B were substituted for former section 5 by section 4 of the Bangladesh Fisheries Research Institute (Amendment) Act, 1996 (Act No. X of 1996).

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.

5A. (1) The Board shall consist of the following members, Board
namely:-

- (a) Minister-in-charge of the Ministry or Division dealing with fisheries and livestock, who shall also be the Chairman of the Board, *ex-officio*;
- (b) Two Members of Parliament nominated by the Speaker;
- (c) Secretary of the Ministry or Division dealing with fisheries and livestock Division, who shall also be the Vice-Chairman of the Board, *ex-officio*;
- (d) Secretary of the Finance Division of the Ministry dealing with finance, *ex-officio*;
- (e) The Chief Executive of the Council, *ex-officio*;
- (f) Vice-Chancellor, Bangladesh Agricultural University, *ex-officio*;
- (g) Member (Agriculture), Planning Commission, *ex-officio*;
- (h) Director-General, Department of Fisheries, *ex-officio*;
- (i) two persons to be nominated by the Government from among persons engaged in research activities in the Institute;
- (j) two persons to be nominated by the Government from among persons having interest in fisheries development; and
- (k) Director-General of the Institute, who shall also be the Secretary of the Board.

5B. (1) The members specified in clause (i) of section 5A shall hold office for a period of three years from the date of their nomination: Tenure of membership, resignation, etc.

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 (i) of section 5A-
 - (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.]

Functions of the
Institute

6. The functions of the Institute shall be-

- (a) to carry out and co-ordinate fisheries research in Bangladesh;
- (b) to assist in development of more efficient and economic methods for fish production, management, processing and marketing; and
- (c) to do such other acts or things as may be considered necessary for carrying out the purposes of this Ordinance.

Meetings of the
Board

7. (1) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed:

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Board, not less than five members shall be present.

(3) All meetings of the Board shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and, in the absence of both, by a member authorised in writing by the Chairman.

(4) 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.

8. (1) There shall be a Director-General of the Institute who shall be appointed by the Government for such period and on such terms and conditions as may be determined by it.

Director-General

(2) The Director-General shall be a whole time officer and the Chief executive of the Institute.

(3) Subject to the provisions of this Ordinance, the Director-General shall be responsible for the efficient management of the affairs and business of the Institute and for the proper execution of the decisions of the Board.

(4) The Director-General shall perform such other functions as may be assigned to him by the Board or as may be prescribed.

(5) If a 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 Government shall make such arrangement for discharging the functions of the Director-General as it may consider expedient.

9. Subject to the approval of the Government, the Institute may appoint such officers and other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

Appointment of officers, etc.

10. The Board may appoint such committees as it may consider necessary to assist it in the performance of its functions.

Committees

Delegation of powers

11. The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or the Director or by such other member or by such officer of the Institute as may be so specified:

Provided that no power to make regulations under section 19 shall be delegated under this section.

Funds of the Institute

12. (1) The funds of the Institute shall comprise –

- (a) grants made by the Government;
- (b) grants from the local authorities;
- (c) loans obtained from the Government or, with the prior approval of the Government, from the local authorities;
- (d) sale proceeds and royalties accruing from the property owned by the Institute;
- (e) receipts from any other source.

(2) The funds of the Institute shall be kept in a nationalised commercial bank or in such other scheduled bank as the Government may determine.

Budget of the Institute

13. The Institute shall, by such date in each year as may be specified by the Government, submit to the Government for approval a budget for each financial year showing the estimated receipts and expenditures and the sums which are likely to be required from the Government during that financial year.

Audit and Accounts

14. (1) The Institute shall maintain its accounts in such manner and form as may be prescribed.

(2) The accounts of the Institute 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 or any officer or employee of the Institute.

(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 Institute shall take steps forthwith to remedy any defect or irregularity pointed out in the audit report.

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

Submission of annual report, etc.

(2) The Government may require the Institute to furnish any report, return, statement, estimate, statistics or other information regarding any matter under the control of the Institute and the Institute shall comply with every such requisition.

16. (1) Notwithstanding anything contained in any other law for the time being in force or in any regulation, resolution, agreement, contract or other instrument, on the commencement of this Ordinance-

Certain research stations to cease to exist, etc.

- (a) the Fisheries Research Station, Chandpur, the Freshwater Aquaculture Research Station, Mymensingh, the Marine Fisheries and Fisheries Technological Research Station, Chittagong, the Mariculture and Coastal Aquaculture Research Station, Cox's Bazar, hereinafter referred to as the said research stations, shall cease to exist;
- (b) such assets and properties, movable or immovable, used by or for the purposes of the said research stations as are specified by the Government by order in writing shall, unless otherwise directed by the Government, stand transferred to, and vest in, the Institute;
- (c) such officers and other employees in the said research stations as are specified by the Government by order in writing shall stand transferred to the Institute and shall

serve the Institute on the same terms and conditions as were applicable to them immediately before such transfer:

Provided that the Institute may, with the approval of the Government, alter such terms and conditions:

Provided further that if the terms and conditions so altered are disadvantageous to any officer or employee, such officer or employee may opt to revert to his original post or service.

(2) The Government may, for the purpose of removing any difficulty in relation to the transfer and other matter specified in sub-section (1), make such orders as it may consider expedient and any such order shall be deemed to be given effect to as part of the provisions of this Ordinance.

Indemnity

17. No suit, prosecution or other legal proceedings shall lie against the Board, the Chairman, the Director or any member or any officer or employee of the Institute for anything done or intended to be done in good faith under this Ordinance.

Power to make rules

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

Power to make regulations

19. (1) The Board may make regulations, not inconsistent with this Ordinance or 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.
