

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



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, আগস্ট ৮, ২০২১

Government of the People's Republic of Bangladesh

Ministry of Agriculture

NOTIFICATION

Dated : 04 August, 2021

S.R.O. No. 267-Law/2021.—In exercise of the powers conferred by section 19 of the Bangabandhu National Agriculture Award Trust Act, 2016, the Government is pleased to publish the following English Text of the Act to be called the Authentic English Text of the Act:

The Bangabandhu National Agriculture Award Trust Act, 2016

Act No. XL VII of 2016

An Act to repeal and re-enact the Bangabandhu National Agriculture Award Fund Ordinance, 1976 with modification thereof

WHEREAS all the Ordinances promulgated by Martial Law Proclamation during the period from the 15th August, 1975 to the 9th April 1979, have ceased to have effect due to omission of paragraph 3A and 18 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011), and the Constitution (Fifth Amendment) Act, 1979 (Act No. I of 1979) validating the Martial Law being declared void in the judgement pronounced by the Appellate Division of the Supreme Court of Bangladesh declaring the Martial Law unconstitutional in civil petition for Leave to Appeal No. 1044-1045/2009; and

(১২১০১)

মূল্য : টাকা ১২.০০

WHEREAS some of those Ordinances are kept in force by the Act No. VI of 2013; and

WHEREAS the Government has decided to make new laws in Bangla by way of amendment and modification of such Ordinances as may be considered necessary after reviewing the necessity and relevancy of such Ordinances and soliciting opinions thereon from all stakeholders and relevant Ministers or Divisions; and

WHEREAS in the light of the above mentioned decision of the Government, it is necessary and expedient to repeal and re-enact the Bangabandhu National Agriculture Award Fund Ordinance, 1976 (Ordinance No. LXXXVII of 1976) with modifications thereof;

THEREFORE, it is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Bangabandhu National Agriculture Award Trust Act, 2016.

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

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

- (1) “agriculture” includes the crops production, vegetables, fruits and various kinds of flowers firming, establishment and maintenance of dairy farms, livestock and poultry firming, fish firming and forestry;
- (2) “Chairman” means the Chairman of the Board of Trustees;
- (3) “Trust” means the Bangabandhu National Agriculture Award Trust established under section 3;
- (4) “Board of Trustees” means the Board of Trustees constituted under section 6;
- (5) “fund” means the Bangabandhu National Agriculture Award Trust Fund constituted under section 10;
- (6) “award” means the Bangabandhu National Agriculture Award referred to in section 9;
- (7) “regulations” means regulations made under this Act;
- (8) “rules” means rules made under this Act; and
- (9) “Member” means any Member of the Board of Trustees.

3. Establishment of the Trust.—(1) As soon as may be after the commencement of this Act, the Government shall establish a Trust to be called the ‘Bangabandhu National Agriculture Award Trust’.

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

4. Office, management and administration of the Trust.—(1) The office of the Trust shall be at Dhaka.

(2) The management and administration of the Trust shall vest in the Board of Trustees.

(3) An officer, not below the rank of a Joint Secretary, to be nominated by the Ministry of Agriculture shall act as the Chief Executive of the Trust.

5. Aims and objectives of the Trust.—The main aims and objectives of the Trust are to grant award to any individual, organization or co-operative society for special contribution in the fields referred to in sub-section (5) of section 9, to raise and manage funds and make ancillary arrangements.

6. Constitution of the Board of Trustees.—(1) There shall be a Board of Trustees for the management of the Trust and it shall consist of the following Members, namely:—

- (a) the Minister or State Minister or Deputy Minister, in charge of the Ministry of Agriculture, who shall also be its Chairman;
- (b) the Minister or State Minister or Deputy Minister, in charge of the Ministry of Environment and Forests;
- (c) the Minister or State Minister or Deputy Minister, in charge of the Ministry of Fisheries and Livestock;
- (d) two Members of the Parliament, to be nominated by the Speaker of the House of the Nation;
- (e) the Secretary, Ministry of Agriculture;
- (f) the Vice-Chancellor, Dhaka University, ex-officio;
- (g) the Vice-Chancellor, Bangladesh Agricultural University, Mymensingh, ex-officio;
- (h) the Vice-Chancellor, Bangabandhu Sheikh Mujibur Rahman Agricultural University, Salna, Gazipur, ex-officio;

- (i) the Vice-Chancellor, Sher-e-Bangla Agricultural University, Dhaka, ex-officio;
- (j) two private persons to be nominated by the Government from among the persons experienced in agricultural work; and
- (k) the Chief Executive of the Trust, who shall also be its Member-Secretary.

(2) The nominated Members referred to in clause (j) of sub-section (1) shall hold office for a term of 2 (two) years from the date of nomination:

Provided that the Government may, if necessary, terminate any Member so nominated from his Membership before the expiry of his term, without showing any cause:

Provided further that any Member may resign his Membership by writing under his hand addressed to the Government.

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

7. Powers and functions of the Board of Trustees.—The powers and functions of the Board of Trustees shall be as follows, namely:—

- (a) to operate and control the overall activities of the Trust;
- (b) to perform all acts necessary for the purpose of granting award;
- (c) for the purpose of fulfilling the aims and objectives of the Trust, to formulate annual action plans, finance and undertake others necessary actions;
- (d) to take necessary measures for taking initiative for receiving money of the fund and management and administration thereof;
- (e) to sanction expenditure connected with the administrative and financial management;
- (f) to take decision for investing the money of the fund in government securities or any profitable venture or in any similar other field with the approval of the Government and implement thereof; and
- (g) to take any necessary action for carrying out the purposes of this Act.

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

(2) The Member-Secretary of the Board shall convene the meetings of the Board of Trustees with the consent of the Chairman, and the dates, times and places of the meetings shall be determined by the Chairman:

Provided that a meeting of the Board of Trustees shall be held at every 6 (six) month:

Provided further that a meeting of the Board of Trustees may be convened by a short notice in case of emergency.

(3) The Chairman shall preside over all meetings of the Board of Trustees and in his absence, any Member of the Board of Trustees to be nominated by the Chairman shall preside over the meetings.

(4) To constitute a quorum at a meeting of the Board of Trustees, the presence of 4 (four) Members shall be required, but no quorum shall be required in the case of any adjourned meeting.

(5) At a meeting of the Board, each Member present shall have one vote, and in case of equality of votes, the person presiding over the meeting shall have a second or a casting vote.

9. Institution of awards, granting, etc.—(1) The Board of Trustees may institute one or more national awards to be called the ‘Bangabandhu National Agriculture Award’.

(2) The Board of Trustees shall make arrangement for the award every year.

(3) The Board of Trustees may, from time to time, determine the amount of cash for such award as it may deem fit for every year.

(4) The money spent for the award shall be paid out of the fund.

(5) For the purposes of this section, an award mentioned in sub-section (1) may be granted to any person, organization or co-operative society for the special contribution in the following fields, namely:—

- (a) achieving high productivity or research or innovation in agriculture;
- or
- (b) innovating new directions of agriculture; or
- (c) publishing any research book or article of agricultural development;
- or

- (d) playing important role in environmental protection or innovating new technology or protecting public life from environmental pollution; and
- (e) innovating conducive technologies in agricultural development through bio-tech, hybrid seeds, tissue culture, environment friendly and sustainable agricultural systems.

(6) If two or more persons or institutions or co-operative societies are considered to be eligible for receiving the award together, the Board of Trustees may, as it deems fit, divide the prize money of the award between such two or more persons or institutions or co-operative societies.

10. **Trust funds.**—(1) For carrying out the purposes of this Act, the Trust shall have a fund to be called the ‘Bangabandhu National Agriculture Award Trust Fund’.

(2) The money received from the following sources shall be credited to the fund, namely:—

- (a) grants and grants-in-aid made by the Government;
- (b) grants received from any foreign government, organization or international organization with the prior approval of the Government;
- (c) grants made by any local authority, statutory organization or similar organization;
- (d) donations made by any individual or association or institution with the prior approval of the Government; or
- (e) profit accrued from investment of the moneys of the fund.

(3) The money of the fund of the Trust shall be deposited in any Scheduled Bank and shall be operated in such manner as may be approved by the Board of Trustees.

(4) The money may be withdrawn from the fund under the signature of the Member-Secretary of the Board of Trustees.

(5) As per the decision of the Board of Trustees, a reserve fund of the Trust may be created as a long-term deposit or fixed deposit and, for the purposes of the Trust, the profits accrued from it may be spent to take necessary activities and meet the necessary expenses of the Trust.

(6) The salaries and allowances of the employees of the Trust and other expenses necessary for the conduct of the functions of the Trust, may be met from the fund, for carrying out the purposes of this Act.

(7) The money of the fund may be invested in any head as may be approved by the Government.

Explanation.—For carrying out the purposes of this Act, the term ‘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).

11. **Committee.**—For carrying out the purposes of this Act, The Board of Trustees may constitute one or more committees consisting of such number of Members as may be determined by it to assist in discharging any of its functions.

12. **Appointment of the employees.**—(1) The Trust may, subject to the organogram approved by the Government, appoint such number of employees as it considers necessary for the efficient performance of its functions.

(2) The appointment of the employees of the Trust and the terms and conditions of their service shall be prescribed by regulations.

13. **Audit and Accounts.**—(1) The Trust shall maintain its accounts properly and prepare annual statement of accounts.

(2) For the purpose of the audit of accounts of the Trust, the accounts of the Trust may be audited by a ‘chartered accountant’ as defined in Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (President’s Order No. 2 of 1973) and for this purpose the Trust may appoint one or more ‘chartered accountants’, and such appointed ‘chartered accountants’ shall be entitled to get remuneration at the rate fixed by the Board of Trustees.

(3) For the purpose of the audit of accounts of the Trust, the ‘chartered accountants’ appointed under sub-section (2), shall have access to all the records, documents, annual balance sheets, cash or bank deposits, securities, reserves or other assets, etc. of the Trust and may examine any employee of the Trust.

(4) In the case of application of the provisions of this section, the provisions of the Financial Reporting Act, 2015 (Act No. 1 of 2015) shall, so far as applicable, have to be followed.

14. **Report.**—The Board of Trustees shall, within next 90 (ninety) days from the end of each financial year, furnish to the Government an annual report on the conduct of its affairs for that financial year.

15. **Delegation of powers.**—The Board of Trustees may, delegate any of its powers under this Act or rules or regulations, to the Chairman or any other Member or the Chief Executive or any other employee, if required and subject to such terms and conditions as may be prescribed.

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

17. **Power to make regulations.**—For carrying out the purposes of this Act, the Board of Trustees may, with the prior approval of the Government, by notification in the official Gazette, make regulations not inconsistent with this Act or rules.

18. **Repeal and savings.**—(1) Upon the commencement of this Act, the Bangabandhu National Agriculture Award Fund Ordinance, 1976 (Ordinance No. LXXXVII of 1976), hereinafter referred to as the said Ordinance shall stand repealed.

(2) Upon such repeal of the said Ordinance—

- (a) the Bangabandhu National Agriculture Award Fund established under it, hereinafter referred to as the dissolved fund, shall be dissolved; and
- (b) all assets, rights, powers, authorities, benefits, funds, cash and bank deposits and securities (permanent deposits) of the dissolved fund and all the rights and interests of the dissolved fund in such assets, all books of accounts, registers, records and all documents related thereto shall be transferred to the Trust established under this Act and the Trust shall be entitled to it.

(3) Notwithstanding such repeal of the said Ordinance, any rules or regulations made, any notification issued, any order, instruction, approval, recommendation given, all plans or activities undertaken, all budgets approved and all acts done, if remaining in force immediately before such repeal and subject to not being inconsistent with any provision of this Act, shall be deemed to have been made, issued, given, undertaken, approved and done under the similar provisions of this Act and shall continue in force until repealed or amended or re-enacted under this Act.

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

(2) In the event of conflict between the Bangla and the English Text published under sub-section (1), the Bangla Text shall prevail.

By order of the President

Md. Mesbahul Islam

Senior Secretary.

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