

ACT No. XI of 1974

An Act to amend the Jatiya Rakkhi Bahini Order, 1972.

WHEREAS it is expedient to amend the Jatiya Rakkhi Bahini Order, 1972 (P. O. No. 21 of 1972), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Jatiya Rakkhi Bahini (Amendment) Act, 1974.

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of February, 1972.

2. **Insertion of new Article 8A, P. O. No. 21 of 1972.**—In the Jatiya Rakkhi Bahini Order, 1972 (P. O. No. 21 of 1972), hereinafter referred to as the said Order, after Article 8, the following new Article 8A shall be inserted, namely:—

“8A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), or in any other law for the time being in force, any Officer may, while performing any function under Article 8, without warrant,—

(a) arrest any person whom he reasonably suspects of having committed a cognizable offence under any law;

(b) search any person, place, vehicle or vessel, and seize anything found in the possession of such person or in such place, vehicle or vessel in respect of which or by means of which he has reason to believe an offence punishable under any law has been committed.

(2) Any person arrested or anything seized under clause (1), shall forthwith be forwarded, together with a report of the circumstances occasioning the arrest or seizure, to the Officer-in-Charge of the nearest Police-station for taking such measures as may be necessary for the disposal according to law of such person or thing.

(3) The provisions of the Code of Criminal Procedure, 1898 (V of 1898), shall apply in so far as they are not inconsistent with the provisions of this Article, to all arrests, searches and seizures made under this Article.”

3. **Insertion of new Article 16A, P. O. No. 21 of 1972.**—In the said Order, after Article 16, the following new Article 16A shall be inserted, namely:—

“16A. No suit, prosecution or other legal proceeding shall lie against any member of the Bahini for anything which is in good faith done or intended to be done in pursuance of this Order or any rule made thereunder.”

4. **Repeal and savings.**—(1) The Jatiya Rakkhi Bahini (Amendment) Ordinance, 1973 (Ord. XXI of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Order, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order as amended by this Act.

ACT No. XII of 1974

An Act to consolidate and amend the law relating to the retirement of public servants

WHEREAS it is expedient to consolidate and amend the law relating to the retirement of public servants and to provide for matters connected therewith;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Public Servants (Retirement) Act, 1974.

(2) It shall come into force at once and shall be deemed to have taken effect on the 23rd day of November, 1973.

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

- (a) “corporation” means any body corporate constituted or established by or under any law and includes any other body or organisation set up by the Government;
- (b) “nationalised enterprise” includes any commercial or industrial enterprise, bank, firm, tea estate or any other enterprise owned by or vested in the Government or any corporation or local authority;
- (c) “physician” means any holder of medical licence, diploma or degree engaged in the prevention, cure or treatment of diseases of man;
- (d) “public servant” includes any person who is, for the time being, in the service of the Republic or of any corporation, nationalised enterprise or local authority or who, on the basis of having at any time been in the service of Pakistan, purports to claim any right to employment in the service of the Republic, but does not include any person who—
 - (i) is a member of any defence service,
 - (ii) is a teacher or employee of any University,
 - (iii) is employed in or under a commission, committee or board set up for a temporary period for specified purposes,
 - (iv) is a contingent or work-charged employee or a worker as defined in the State-owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance 1973 (XXIII of 1973),
 - (v) holds any office which is filled by election or nomination under any law, or
 - (vi) holds any office the tenure of which is determined by or under any law;
- (e) “Republic” means the People’s Republic of Bangladesh;

(1) "teacher" means any person engaged in teaching.

3. Effect of laws, etc. inconsistent with the Act.—The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any rule, regulation, bye-law, instrument or contract or in any terms and conditions of service of a public servant.

4. Retirement of a public servant.—A public servant shall retire from service on the completion of the fifty-seventh year of his age:

Provided that the Government or any authority authorised by the Government in this behalf may extend the service of a public servant who is a physician or teacher beyond the date of his retirement for a period not exceeding three years and such extension shall be subject to such conditions, if any, as may be prescribed by rules made under this Act.

5. Prohibition of re-employment.—(1) No public servant who has retired from service shall be re-employed in any manner in the service of the Republic or of any corporation, nationalised enterprise or local authority.

(2) Sub-section (1) shall not apply to any re-employment of a public servant in any office specified in the Constitution of the People's Republic of Bangladesh.

(3) Notwithstanding anything contained in this section, the Prime Minister may, if he is of opinion that it is in the public interest so to do, employ a public servant on contract after his retirement.

6. Public servants on extension or re-employment on the commencement of the Act.—Notwithstanding anything contained in this Act, a public servant who, on the commencement of this Act, is in service on extension or re-employment shall retire from or, as the case may be, cease to be in service—

(a) if he is a physician or teacher, on the completion of the sixtieth year of his age or, if he has completed before such commencement the sixtieth year of his age, on the expiry of twenty-one days from such commencement; or

(b) in any other case, on the completion of the fifty-seventh year of his age or, if he has completed before such commencement the fifty-seventh year of his age, on the expiry of twenty-one days from such commencement.

7. Leave preparatory to retirement.—A public servant who is required to retire from or, as the case may be, cease to be in service under any provision of this Act shall be entitled to such leave preparatory to retirement as is admissible to him and the period of such leave may extend beyond the date of his retirement or ceasing to be in service but not beyond—

(a) if he is a physician or teacher, the completion of the sixtieth year of this age; or

(b) in any other case, the completion of the fifty-eighth year of his age,

and if he proceeds on such leave before the date of his retirement or ceasing to be in service, his retirement or ceasing to be in service shall take effect on the expiry of the leave.

8. Public servants on leave preparatory to retirement on the commencement of the Act.—Notwithstanding anything contained in this Act, a public servant, who, on the commencement of this Act, is on leave preparatory to retirement, shall continue to be on such leave and shall retire or, as the case may be, cease to be in service on the expiry of such leave.

9. Optional retirement.—(1) A public servant may opt to retire from service at any time after he has completed twenty-five years of service by giving notice in writing to the appointing authority at least thirty days prior to the date of his intended retirement :

Provided that such option once exercised shall be final and shall not be permitted to be modified or withdrawn.

(2) The Government may, at any time, retire from service a public servant who has completed twenty-five years of service without assigning any reason.

10. Public servants not entitled to retirement benefits in certain cases.—If any judicial proceedings instituted by the Government or, as the case may be, employer or any departmental proceedings are pending against a public servant at the time of his retirement or, as the case may be, ceasing to be in service, he shall not be entitled to any pension or other retirement benefits, except his subscriptions to any provident fund and the interest thereon, till the determination of such proceedings, and the payment to him of any pension or other retirement benefits shall be subject to the findings in such proceedings.

11. Power to make rules.—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. Repeal and savings.—(1) The Public Servants (Retirement) Ordinance, 1973 (Ord. XXVI of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken or any order made under the said Ordinance shall be deemed to have been done, taken or made, as the case may be, under the corresponding provision of this Act.

ACT No. XIII of 1974

23

An Act to establish a Jute Research Institute.

WHEREAS it is expedient to establish a Jute Research Institute for the purpose of undertaking agricultural and technical research on Jute and for matters incidental or ancillary thereto;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Jute Research Institute Act, 1974.

(2) It shall be deemed to have come into force on the 10th day of November, 1973.

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

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

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

(c) “Executive Director” means the Executive Director of the Institute;

(d) “Institute” means the Jute Research Institute established by this Act;

(e) “member” means a member of the Board;

(f) “prescribed” means prescribed by rules or regulations made under this Act.

3. **Establishment of the Institute.**—(1) On the commencement of this Act, there shall be established an Institute to be called the Bangladesh Jute Research Institute.

(2) The Institute 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. **Head Office, etc.**—(1) The Head Office of the Institute shall be located at Dacca.

(2) The Institute may establish offices and branches at such other places as the Board may think fit.

5. **Management.**—(1) Subject to rules and regulations made under this Act, the General direction and administration of the Institute and its affairs shall vest in a Board of Governors which may exercise all powers and do all acts and things which 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.

6. **Board.**—The Board shall consist of the following members, namely :—

(a) the Minister for Jute—Chairman;

(b) the Minister of State, Jute Division—Vice-Chairman;

- (c) one Member of Parliament ;
- (d) one Growers' Representative to be nominated by Government ;
- (e) one Representative of BJA (Bangladesh Jute Association) ;
- (f) the Secretary, Jute Division ;
- (g) the Secretary, Ministry of Finance ;
- (h) the Secretary, Ministry of Agriculture ;
- (i) the Chairman, Agricultural Development Corporation ;
- (j) the Chairman, Bangladesh Jute Mills Corporation ;
- (k) the Chief (Agriculture), Planning Commission ;
- (l) the Chief (Industries), Planning Commission ;
- (m) the Chairman, Bangladesh Council of Scientific and Industrial Research ;
- (n) the Executive Director, Jute Research Institute—Member/Secretary.

7. **Executive Director.**—(1) The Executive Director shall be appointed by the Government for such period and on such salary, terms and conditions as the Government may determine.

(2) The Executive Director shall—

- (a) be a whole time officer and the chief executive of the Institute ;
- (b) exercise such powers and perform such functions as may be prescribed or assigned to him by the Board from time to time ; and
- (c) divest himself of any directorship held by him in any other corporation, company or concern otherwise than on behalf of the Institute.

8. **Functions of the Institute.**—The functions of Institute shall be—

- (a) to regulate, control and promote agricultural, technological and economic research on Jute and allied fibres and their manufactures and dissemination of results thereof.
- (b) to organise production, testing and supply of improved pedigree of jute seeds and multiplication procurement and their distribution to recognised organisations, selected growers and such other agencies as may be approved by the Board ;
- (c) to set up research centres, sub-stations, pilot projects and farms in different regions of the country for carrying out research on different problems of jute and allied fibre crops, jute products and allied materials ;
- (d) to establish project areas for demonstration of new varieties of jute developed by the Institute and to train the farmers for cultivation of those varieties of jute ;

- (e) to publish annual reports, monographs, bulletins, and other literatures relating to jute research and the activities of the Institute;
- (f) to organise training of officers and progressive farmers in modern improved method of jute and cultivation of allied fibre crops and also to train technical hands for utilisation of technological research findings; and
- (g) to do and perform such other activities as may be necessary for the purposes of this Act.

9. Meetings of the Board.—(1) The meetings of the Board shall be held at such times and places as may be prescribed:

Provided that a meeting may also be otherwise convened by the Executive Director, with the prior approval of the Chairman, when he so thinks fit.

(2) Four members shall constitute a quorum at a meeting of the Board.

(3) At a meeting of the Board, each member shall have one vote, and in the event of equality of votes the Chairman shall have a second or casting vote.

(4) The meeting of the Board shall be presided over by the Chairman, and in the absence of the Chairman, by the Vice-Chairman or in his absence by a member elected for the purpose by the members present.

(5) 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.

10. Funds of the Institute.—(1) The Institute shall have its own Fund which shall be utilised by it to meet charges in connection with its functions under this Act.

(2) The Fund shall consist of—

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) loans and foreign aids obtained by the Institute with the prior approval of the Government; and
- (d) all other sums received by the Institute.

(3) The Institute may open a deposit account with any bank or banks.

11. Advisory Committees.—(1) There shall be two Advisory Committees, namely, the Agricultural Research Committee and the Technological Research Committee, consisting of such persons as may be appointed by the Board from among persons who by virtue of their knowledge and experience can render valuable advice to the agricultural and technological research on jute.

(2) The Executive Director shall be the Chairman of both the Committees.

12. **Appointment of officers, etc.**—The Institute may appoint such officers, Directors, advisers, auditors and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may determine.

13. **Annual budget statement.**—The Institute shall, by such date in each year as may be prescribed, submit to the Government for approval a statement to be called the annual budget statement, in the prescribed form for each financial year showing the estimated receipts and expenditure during that financial year.

14. **Accounts and audit.**—(1) The Institute shall maintain its accounts of the receipts and expenditures in such manner and in such form as the Government may, in consultation with Comptroller and Auditor-General, hereinafter referred to as the Auditor-General specify.

(2) The accounts of the Institute shall be audited by not less than two auditors, being chartered accountants within the meaning of the Bangladesh Chartered Accountants Order, 1973 (P. O. No. 2 of 1973), who shall be appointed by the Institute in consultation with the Auditor-General, and shall, in regard to the extent and method of their audit, be guided by such directions as may be given by the Auditor-General.

(3) Notwithstanding anything contained in sub-section (2), the Auditor-General may, at any time, either of his own motion or upon a request in this behalf from the Government, undertake such audit of the accounts of the Institute as may be considered necessary, and the Institute shall, at the time of such audit, produce the account books and connected documents at such place or places as the Auditor-General may direct, and furnish such explanation and information as the Auditor-General or any officer authorised by him in this behalf may ask for.

(4) Every auditor appointed under sub-section (2) shall be given a copy of the annual balance-sheet of the Institute and shall examine it together with the accounts and vouchers relating thereto, and shall have a list delivered to him of all books kept by the Institute, and shall at all reasonable times have access to books of accounts and other documents of the Institute, and may in relation to such accounts examine any Director or officer of the Institute.

(5) The auditors shall report to the Government upon the annual balance-sheet and accounts, and in their report they shall state whether in their opinion the balance-sheet contains all necessary particulars and is properly drawn up so as to exhibit a true and correct view of the state of affairs of the Institute and, if they have called for an explanation or information from Board, whether it has been given and whether it is satisfactory.

(6) The Government may, at any time, issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Institute for the protection of the interest of the Government and of the creditors of the Institute or upon the sufficiency of the information and other means placed at the disposal of the auditors in auditing the accounts of the Institute.

15. **Statement of accounts, etc.**—(1) The Institute shall, as soon as possible after the end of every financial year, furnish to the Government

a statement of the accounts audited by the auditors together with a report of the Board thereon and an annual report on the conduct of its affairs during the year.

(2) The Institute shall furnish to the Government such other statements, returns and reports as the Government may from time to time require.

(3) The copies of the statement of the audited accounts and the annual report received by the Government shall be published in official Gazette and laid before Parliament.

16. **Public servants, etc.**—(1) The Directors, officers, advisers and other employees of the Institute shall, while acting or purporting to act in pursuance of any provision of this Act or the rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of Penal Code (Act XLV of 1860).

(2) The Institute shall not be construed as a "factory", "shop", "establishment", "commercial establishment", "industrial establishment" or "industry" within the meaning of the Factories Act, 1965 (E. P. Act IV of 1965), the Shop and Establishments Act, 1965 (E. P. Act VII of 1965), the Employment of Labour (Standing Orders) Act, 1965 (E. P. Act VIII of 1965) or the Industrial Relations Ordinance, 1969 (Ord. XXIII of 1969).

17. **Dissolution of the Bangladesh Central Jute Committee.**—Upon the commencement of this Act, the Bangladesh Central Jute Committee registered under the Societies Registration Act, 1860 (Act XXI of 1860), shall notwithstanding anything contained in that Act, stand dissolved, and upon such dissolution—

(a) all assets of the Bangladesh Central Jute Committee, herein-after referred to as the said Committee, shall stand transferred to, and vested in, the Institute ;

Explanation.—The expression "assets" includes all rights, powers, authorities and privileges and all property, movable and immovable, cash and bank balances and all other interests and rights in, or arising out of, such property and all books of accounts, registers, records and all other documents of whatever nature relating thereto ;

(b) all debts, liabilities and obligations of whatever kind of the said Committee subsisting immediately before the commencement of this Act shall, unless the Government otherwise directs, be the debts liabilities and obligations of the Institute ;

(c) all officers and other employees of the staff of the said Committee shall be deemed to be officers and other employees of the Institute and shall hold office on the same terms and conditions as were enjoyed by them immediately before the commencement of this Act and shall continue to do so unless and until their remuneration or terms and conditions are duly altered by the Institute :

Provided that the Government may alter their remuneration or terms and conditions of service whenever it deems fit so to do.

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

19. **Power to make regulations.**—(1) The Institute may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act, or the rules made thereunder, to provide for all matters for which provisions are necessary or expedient for the purposes of giving effect to the provisions of this Act.

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

20. **Repeal and savings.**—(1) The Jute Research Institute Ordinance, 1973 (Ord. XXIV of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken, including any order made, notification issued or direction given under the said Ordinance shall be deemed to have been done, taken, made, issued or given, as the case may be, under the corresponding provision of this Act.

S. M. RAHMAN,
Secretary.