

The Agricultural Development Corporation Ordinance, 1961 (East Pakistan Ordinance)

(Ordinance NO. XXXVII OF 1961)

1. An Ordinance to establish an Agricultural [Development] Corporation for the purpose of increasing agricultural production in Bangladesh.

WHEREAS it is expedient to establish an Agricultural [Development] Corporation for the purpose of increasing agricultural production in Bangladesh;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received a direction in that behalf under clause (2) of Article 5 of the Laws (Continuance in Force) Order, 1958, from the President, the Governor is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance, namely:-

CHAPTER I PRELIMINARY

Short title, extent and commencement 1. (1) This Ordinance may be called the Bangladesh Agricultural Development Corporation Ordinance, 1961.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

(a) "Board" means the Board of Directors of the Corporation;

(b) "Co operative Society" has the same meaning as in the ²[* * *] Co operative Societies Act, 1940;

(c) "Corporation" means the Bangladesh Agricultural Development Corporation established under section 3;

(d) "Chairman" means the Chairman of the Corporation;

(e) "Director" means a Director of the Corporation;

(f) "officer" means an officer of the Corporation other than the Chairman or a Director;

(g) "prescribed" means prescribed by rules;

(h) "project" means a project prepared under Chapter V or Chapter VI;

(i) "Project Area" means an area which is declared to be a Project Area under section 23;

(j) "Project Director" means the officer in executive charge of a project;

(k) "regulations" means regulations made under this Ordinance; and

(l) "rules" means rules made under this Ordinance.

CHAPTER II

ESTABLISHMENT, MANAGEMENT AND ORGANISATION OF THE CORPORATION

Establishment and incorporation

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall establish a Corporation to be called the Bangladesh Agricultural Development Corporation.

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

Management and administration

4. (1) The general direction and administration of the Corporation and its affairs shall vest in a Board of Directors which may exercise all powers and do all acts and things which may be exercised and done by the Corporation.

(2) The Board in discharging its functions shall be guided on questions of policy by such directions as the Government ³[* * *] may from time to time, give, and the Government shall be the sole judge as to whether a direction given to the Corporation is or is not on a question of policy.

(3) If the Board fails to comply with any direction given under sub section (2), the Government may remove the Directors, including the Chairman, and, notwithstanding anything contained in section 5, appoint persons in their place temporarily until fresh appointments are made under that section:

Provided that the provisions of clause (a) of sub-section (3) of section 5, and sub section (4) thereof, shall not apply to persons appointed temporarily under this sub section.

**Constitution
of the
Board**

5. (1) The Board shall consist of $\frac{1}{4}$ -

⁴[(a) not more than six whole-time Directors appointed by the Government;

(b) the Registrar of Co operative Societies, who shall be an ex officio Director; and

(c) the Director-General of the Integrated Rural Development Programmes, who shall be an ex-officio Director.]

(2) The Government shall appoint one of the whole time Directors to be the Financial Director who shall advise the Corporation on all financial matters.

(3) A Director shall-

(a) unless sooner removed or transferred by the Government, hold office for a term of five years, and may be re appointed for such further period or periods as the Government may, from time to time, specify;

(b) receive such salary and allowances as the Government may determine; and

(c) perform such duties as are assigned to him by this Ordinance or by the rules or regulations.

(4) Every person appointed as Director shall divest himself of any directorship or other interest held by him in any corporation, company or concern which has dealings with the Bangladesh Agricultural Development Corporation, other than corporations, whether statutory or not, and

companies or concerns, sponsored by or on behalf of the ⁵[Government], and co operative societies:

Provided that the Government may permit a Director to retain the shares purchased by him before his assuming office as Director, and any shares purchased after the assumption of office shall be declared by him, as soon as the corporation, company or concern to which the shares relate starts dealings with the Corporation.

Appointment of Chairman

6. The Government shall appoint one of the Directors to be the Chairman, who shall be the chief executive of the Corporation.

Disqualifications, removal and transfer of Chairman and Directors

7. (1) No person shall be or shall continue to be a Director who-
- (a) is or has at any time been convicted of an offence involving moral turpitude; or
 - (b) is or has or at any time been adjudicated an insolvent; or
 - (c) is found a lunatic or of unsound mind; or
 - (d) is or has at any time been disqualified for employment in, or dismissed from the service of the ⁶[Republic]; or
 - (e) is a minor.
- (2) The Government may, by order in writing, remove the Chairman or a Director if he-
- (a) refuses or fails to discharge or becomes, in the opinion of the Government, incapable of discharging his responsibilities under this Ordinance; or
 - (b) has, in the opinion of the Government, abused his position as Chairman or Director; or
 - (c) has knowingly acquired or continued to hold without the permission in writing of the Government, directly or indirectly, or through a partner, any share or interest in any contract or employment with or by or on behalf of the Corporation or in any land or property which, in his knowledge, is likely

to benefit or has benefited as a result of the operations of the Corporation;

or

(d) has absented himself from three consecutive meetings of the Board without the leave of the Government in the case of Chairman or of the Chairman in the case of a Director.

(3) A Government servant appointed as the Chairman or a Director shall automatically cease to be the Chairman or a Director, as the case may be, on his transfer, in the interest of public service, from the Corporation.

Appointment of officers, etc.

8. (1) The Corporation may appoint such officers, advisers and servants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

(2) The Chairman may, in cases of urgency, appoint such officers, advisers or servants and on such terms and conditions as he thinks fit:

Provided that every such appointment shall be reported to the Board without unreasonable delay and shall not continue beyond six months unless approved by the Board.

Recruitment, conditions of service and disciplinary powers

9. (1) Procedure for the appointment of the officers and servants of the Corporation and the terms and conditions of their service shall be such as may be prescribed by regulations.

(2) Subject to rules and regulations, the Corporation shall be competent to take disciplinary action against its officers and servants.

Meetings of the Board

10. (1) The meetings of the Board shall be held at such times and at such places as may be prescribed by the regulations:

Provided that the Board shall meet at least once in two months.

(2) To constitute a quorum at a meeting of the Board not less than two Directors shall be present.

(3) The meetings of the Board shall be presided over by the Chairman, and in the absence of the Chairman, by the Director authorised by him in writing in that behalf, or, in default of such authorisation, by the person