

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

Definitions

- (a) “Board” means the Board of Directors of the Corporation;
- (b) “Co-operative Society” has the same meaning as in the [***] 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

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.

Establishment and incorporation

¹ The word “Bengal” was omitted by section 4 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(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 Government¹ [* * *] 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 -

- ²(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.]

¹ The commas and words “, either of its own motion or at the instance of the Central Government,” were omitted by section 5 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

² Clauses (a), (b) and (c) were substituted for the former clauses (a) and (b) by section 6 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(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 [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.

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

Appointment of
Chairman

7. (1) No person shall be or shall continue to be a Director who-

Disqualifications,
removal and
transfer of
Chairman and
Directors

- (a) is or has at any time been convicted of an offence involving moral turpitude; or

¹ The word "Government" was substituted for the words "Central or a Provincial Government" by section 6 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

- (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 ¹[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.

¹ The word "Republic" was substituted for the word "State" by section 7 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(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.

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.

Recruitment
conditions of
service and
disciplinary
powers

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

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

Meetings of the
Board

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 elected for the purpose by the Directors present from amongst themselves.

(4) Each Director, including the Chairman, shall have one vote, but in the event of equality of votes, the Chairman shall have a second or casting vote.

(5) The minutes of every meeting of the Board, stating among other things the names of the Directors present, shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the person presiding at the meeting, and such book shall be open to inspection by the Directors.

Forwarding of agenda, etc., to Government

11. (1) The Chairman shall forward to the Government a copy each of the agenda, working papers and the minutes of every meeting of the Board within fifteen days of the date on which the meeting is held.

(2) The Government may require the Board to furnish-

- (a) any returns, statements, estimates, statistics or other information regarding any matter under the control of the Corporation; or
- (b) a report on any such matter;

and the Board shall comply with any such requisition without undue delay.

Delegation of powers

12. (1) The Board may delegate to the Chairman, or any Director or officer, any of its powers under this Ordinance or the rules or regulations.

(2) The Chairman may likewise delegate to any Director or officer any of his powers, under this Ordinance or the rules or regulations not being a power delegated to him by the Board under sub-section (1).

CHAPTER III

FUNCTIONS OF THE CORPORATION

Functions

13. (1) The Corporation shall-

- (a) make suitable arrangements throughout Bangladesh, on a commercial basis, for the procurement, transport, storage and distribution to agriculturists of essential supplies, such as seed, fertilisers, plant protection equipment, pesticides and agricultural machinery and implements:

Provided that some or any of such supplies may be free or subsidised with the previous approval in writing of the Government:

Provided further that, as far as practicable, these supplies shall be distributed through co-operative societies;

- (b) promote the setting up of co-operative societies with a view to handing over to them its supply functions in accordance with a phased programme;