

**THE BANGLADESH COUNCIL OF SCIENTIFIC AND
INDUSTRIAL RESEARCH ORDINANCE, 1978**

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**THE BANGLADESH COUNCIL OF SCIENTIFIC AND
INDUSTRIAL RESEARCH ORDINANCE, 1978**

ORDINANCE NO. V OF 1978

[10th February, 1978]

**An Ordinance to provide for the establishment of the
Bangladesh Council of Scientific and Industrial Research.**

WHEREAS it is expedient to provide for the establishment of the Bangladesh Council of Scientific and Industrial Research for the purpose of initiation, promotion and guidance of scientific and industrial research and commercial utilisation and dissemination of the results of such research and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

- | | |
|-------------|--|
| Short title | 1. This Ordinance may be called the Bangladesh Council of Scientific and Industrial Research Ordinance, 1978. |
| Definitions | 2. In this Ordinance, unless there is anything repugnant in the subject or context,- |
| | ¹ [(a) "Advisory Committee" means an Advisory Committee constituted under section 15; |
| | (aa) "Advisory Council" means the Advisory Council constituted under section 13;] |
| | (b) "Board" means the Board of the Council constituted under section 7; |
| | (c) "Chairman" means the Chairman of the Council; |
| | (d) "Council" means the Bangladesh Council of Scientific and Industrial Research established under section 3; |

¹ Clauses (a) and (aa) were substituted for clause (a) by section 2 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

¹[* * *]

- (f) “member” means a member of the Council and includes the Chairman;
- (g) “prescribed” means prescribed by rules or regulations made under this Ordinance.

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the *official Gazette*, establish a Council to be called the Bangladesh Council of Scientific and Industrial Research. Establishment of the Council

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

4. (1) The head office of the Council shall be at Dacca. Head Office, etc.

(2) The Council may establish branch offices, laboratories, institutes, centres and research establishments at such other places in Bangladesh as the Board may think fit.

5. The functions of the Council shall be- Functions of the Council

- (a) to ²[initiate], promote and guide scientific, industrial and technological research having a bearing on problems connected with the establishment and development of industries and such other allied matters as the Government may refer to it;
- (b) to establish, maintain and develop laboratories, workshops, institutes, centres and organisations for furtherance of scientific and industrial research with the object of utilising and exploiting the economic resources of the country in the best possible manner;

¹ Clause (e) was omitted by section 2 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

² The word “initiate” was substituted for the word “initial” by section 3 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

- (c) to give grants-in-aid for specific scientific, industrial and technological research schemes and projects of the Universities as by law established and other research institutions;
- (d) to adopt measures for the commercial utilisation of discoveries and inventions resulting from the researches carried on by the Council, Universities or by any other research organisation;
- (e) to establish and award fellowships in areas of research covered by the Council;
- (f) to collect and disseminate information on scientific, industrial and technological matters and publish scientific papers, reports and periodicals on such matters;
- (g) to encourage establishment of industrial research organisations;
- (h) to maintain contact with scientific, industrial and technological research organisations of other countries;
- (i) to take out patents and make arrangement for the industrial utilisation of research processes developed in the institutes and laboratories established by the Council;
- (j) to establish such libraries, museums, experimental plantations and herbaria as the Board may consider appropriate;
- (k) to do such other acts and things as may be necessary for carrying out the purposes of this Ordinance.

Management

6. (1) Subject to ¹[the provisions of sub-section (2) and] the rules and regulations made under this Ordinance, the general direction and administration of the affairs and business of the Council shall vest in a Board which may exercise all powers and do all acts and things which may be exercised or done by the Council.

¹ The words “the provisions of sub-section (2) and” were inserted by section 4 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

¹[(2) The Board shall be subject to the superintendence and control of the Government and, in the discharge of its functions, be guided on question of policy and administration of the affairs and business of the Council by such general or special instructions as may, from time to time, be given to it by the Government.]

7. (1) The Board shall consist of a whole-time Chairman, Board
²[four] whole-time members for the Science and Technology,
³[Administration,] Finance and Development Divisions of the Council and such number of part-time members, not exceeding four, as may be appointed by the Government.

(2) The Chairman and other members shall be appointed by the Government on such terms and conditions as it may determine and shall, subject to the other provisions of this Ordinance, hold office for a period of three years and shall be eligible for re-appointment for such further period or periods of similar duration as the Government may determine.

(3) The Chairman and other members, except the member in charge of Finance, shall be appointed from amongst persons actively engaged in the pursuit of science and technology and eminent in their own fields of specialisation ⁴[:

Provided that the condition specified in this sub-section may be relaxed in the case of appointment of part-time members.]

¹ Sub-section (2) was substituted by section 4 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

² The word “four” was substituted for the word “three” by section 5 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

³ The word and comma “Administration,” were inserted by section 5 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

⁴ The colon (:) was substituted for the full-stop (.) and thereafter the proviso was added by section 5 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

(4) The Chairman or any other member may, at any time, resign his office by a notice in writing addressed to the Government:

Provided that his resignation shall not take effect until it has been accepted by the Government.

(5) The Government may, at any time, terminate, by order in writing, the appointment of the Chairman or any other member without assigning any reason.

(6) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

Disqualifications
of members

8. No person shall be appointed as, or continue to be, a member who-

- (a) is, or at any time has been, disqualified for employment in, or dismissed from, Government service; or
- (b) is, or at any time has been, convicted of an offence involving moral turpitude; or
- (c) is, or at any time has been, adjudicated insolvent; or
- (d) stands declared by a competent Court to be of unsound mind.

Functions of the
Chairman and
other members

9. (1) The Chairman shall be the chief executive of the Council ¹[and shall, subject to such general or special direction as may be given to him by the Government, be responsible for the efficient administration and proper conduct of the affairs of the Council].

(2) The Chairman and other members shall exercise such powers as may be prescribed and perform such functions and discharge such duties as may be assigned to them by the Board from time to time.

¹ The words and commas “and shall, subject to such general or special direction as may be given to him by the Government, be responsible for the efficient administration and proper conduct of the affairs of the Council” were added by section 6 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

10. ¹[(1) There shall be a Secretary of the Council who shall be appointed by the Government on such terms and conditions as may be determined by the Government.] Secretary

(2) The Secretary shall exercise such powers and perform such functions as may be prescribed or assigned to him by the Board and the Chairman.

11. (1) Each, or a group, of the laboratories, institutes, centres or research establishments of the Council, shall be placed in the charge of a Director ²[who shall be appointed by the Government on such terms and conditions as may be determined by the Government]. Administration of laboratories, etc.

(2) A Director shall exercise such powers and perform such functions as may be prescribed by regulations or as may be assigned to him by the Board and the Chairman and shall, in discharging his responsibilities, be assisted by ³[an Advisory Committee].

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

Provided that a meeting may also be otherwise convened by the Chairman when he thinks fit.

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

(3) The meetings of the Board shall be presided over by the Chairman and, in the absence of the Chairman, by a member authorised by the Chairman in writing in that behalf or in default of such authorisation, by the person elected for the purpose by the members present from amongst themselves.

¹ Sub-section (1) was substituted by section 7 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

² The words “who shall be appointed by the Government on such terms and conditions as may be determined by the Government” were added by section 8 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

³ The words “an Advisory Committee” were substituted for the words “a local committee to be constituted by the Board in such manner as may be prescribed by regulations” by section 8 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

(4) At a meeting of the Board each member shall have one vote, and in the event of equality of votes, the Chairman or, as the case may be, the person presiding over the meeting, shall have a second or casting vote.

(5) At a meeting of the Board no member shall vote on any matter in which he has any personal interest directly or indirectly.

Advisory
Council

13. (1) As soon as may be, the Government shall, after the constitution of the Board, appoint, for the purpose of providing general guidelines to, and overseeing the activities of, the Council, an Advisory Council which shall consist of the following members, namely:-

- ¹[(a) the Minister in-charge of the Ministry or Division concerned with the administration of this Ordinance, who shall also be its President;]
- (b) the Chairman, who shall also be its Vice-President;
- (c) all other members of the Board;
- (d) one officer, not below the rank of Joint Secretary, from the Science and Technological Division to be nominated by the Government;
- (e) one officer, not below the rank of Joint Secretary, from the Ministry of Industries to be nominated by the Government;
- (f) one officer, not below the rank of Joint Secretary, from the Ministry of Commerce to be nominated by the Government;
- (g) one officer, not below the rank of Joint Secretary, from the Ministry of Finance to be nominated by the Government;
- (h) one officer, not below the rank of Divisional Chief, from the Planning Commission to be nominated by the Government;

¹ Clause (a) was substituted by section 9 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

- (i) one person from the University Grants Commission to be nominated by the Chairman of that Commission;
- (j) one person from the Federation of Chambers of Commerce and Industries to be nominated by the President of that Federation;
- (k) one person, not below the rank of Director, from each of such research institutions as the Government may decide to be nominated by the Chairman of such institution;
- (l) two eminent scientists or technologists to be nominated by the Government; and
- (m) two Directors of the Council to be nominated by the Chairman.

(2) Such member of the Advisory Council as may be nominated by its President shall act as the Member-Secretary of the Advisory Council.

14. (1) The Advisory Council shall meet as often as necessary, but at least once in a year.

The meetings of the Advisory Council

(2) The meetings of the Advisory Council shall be convened by its President.

(3) To constitute a quorum at a meeting of the Advisory Council not less than five of its members shall be present.

(4) The meetings of the Advisory Council shall be held in accordance with such procedure as may be prescribed by regulations and, until such regulations are made, in accordance with such procedure as may be determined by the Advisory Council.

¹[**15.** (1) The Council may, in such manner as may be prescribed by regulations, constitute as many Advisory Committees as it may consider necessary to assist it, or any one or a group of laboratories, institutes, centres or research establishments under its administrative control, in the discharge of its or their functions and assign to each such Committee such duties as it may deem fit.

Advisory Committee

¹ Section 15 was substituted by section 10 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

(2) An Advisory Committee shall follow such procedure as may be prescribed by regulations.]

Fund of the
Council

16. (1) The expenditure of the Council shall be met from out of a fund to which shall be credited-

- (a) grants made by the Government and local authorities;
- (b) donations, fees, subscriptions and endowments;
- (c) income from the properties, investments and royalties;
- (d) loans raised by the Council with the approval of the Government; and
- (e) receipts from other sources.

(2) The Fund of the Council shall be kept in such bank or banks as may be approved by the Board.

Borrowing of
money

17. The Council may, with the previous approval of the Government, borrow money in Bangladesh.

Appointment of
officers, etc.

18. The Council may, subject to such regulations as may be made in this behalf and the availability of budgetary provisions, create such posts and appoint, on such terms and conditions as it may determine, such officers, consultants, advisers, auditors and other employees as it considers necessary for the efficient performance of its functions under this Ordinance:

Provided that no post carrying a monthly initial pay of Taka sixteen hundred or above shall be created without the approval of the Government.

Budget

19. The Council shall, by such date before the commencement of every financial year as the Government may specify, submit to the Government for approval a Budget, in such form as the Government may specify, for each financial year, showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year.

Accounts and
audit

20. (1) The Board shall maintain its accounts in such manner and form as the Government may specify.

(2) The accounts of the Board 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 Council and may examine the Chairman or any member, officer or employee of the Council.

(4) The Auditor-General shall, as soon as possible after completion of the audit, send to the Council his audit report and the Council shall forward it, with its comments thereon, to the Government.

(5) The Council shall take steps forthwith to remedy any defects or irregularities pointed out in the audit report.

21. (1) The Council shall furnish to the Government such reports and statements as the Government may, from time to time, require. Reports, etc.

(2) The Council shall, as soon as possible after the end of every financial year, furnish to the Government a statement of audited accounts together with an annual report on the conduct of its affairs for that year.

22. The Council may enter into any agreement with any person to render technical advice on, or to carry out, any scientific, technological or industrial research or investigation on behalf of that person and charge for such research or investigation such fee as may be determined by the Board: Agreement of technical advice, etc.

Provided that no such agreement shall be entered into with any Government Department or any other organisation under the control of the Government, except upon such terms and conditions and on payment of such fee, if any, as the Government may determine:

Provided further that any such agreement with any foreign agency shall be subject to the approval of the Government.

23. Discoveries, inventions or improvements, if any, made in the processes, apparatus and machineries by any officer or other employee of the Council in the course of his official duty or by any other person working under grant from the Council shall be the property of the Council and may be made available for use to any person applying for them, subject to such conditions and on payment of such fees or royalties or otherwise, as the Board may determine. Discoveries, etc.

Rewards for
discoveries, etc.

24. Where any useful discovery, invention or improvement in the processes, apparatus or machineries has been made by any officer or other employee of the Council or by any other person working on its behalf, the Council may pay to such officer, employee or other person such cash rewards, share of royalty or consultation fee as it may, in consultation with the Government, determine:

Provided that no such payment shall be made to a Government servant except with the approval of the Government.

Delegation of
powers

25. The Board may, by general or special order in writing, direct that any power conferred upon it by this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable by such member or officer as may be specified.

Declaration of
secrecy

26. The Chairman, every member of the Board, every member of ¹[an Advisory Committee] and every officer and other employee of the Council shall, before entering upon his duties, make a declaration to the effect that he shall not, except in the discharge of his duty as Chairman, member, officer or employee, or with the previous approval of the Board, disclose any information concerning the work of the Council or the contents of any document in the possession of the Council.

Power to make
rules

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

Power to make
regulations

28. (1) The Council may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and the rules, 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.

¹ The words “an Advisory Committee” were substituted for the words “a local committee” by section 11 of the Bangladesh Council of Scientific and Industrial Research (Amendment) Ordinance, 1984 (Ordinance No. LII of 1984).

29. Notwithstanding anything contained in any other law for the time being in force, or in any contract or in any other instrument, upon the establishment of the Council, the Scientific and Technological Research Division Resolution No. I (24)/73-BCSIR, dated the 16th November, 1973, shall stand revoked and the Bangladesh Council of Scientific and Industrial Research, hereinafter referred to as the said Council, established thereunder shall stand dissolved, and upon such dissolution,-

Dissolution of
the existing
Bangladesh
Council of
Scientific and
Industrial
Research

- (a) all assets, rights, powers, authorities and privileges, and all properties, movable and immovable, cash and bank balances and funds of the said Council and all other rights and interests in, or arising out of, such property and all books of accounts, registers, records and all other documents of whatever nature relating thereto shall stand transferred to, and vested in, the Council;
 - (b) all debts, liabilities and obligations of the said Council subsisting immediately before its dissolution shall stand transferred to, and be deemed to be the debts, liabilities and obligations of, the Council;
 - (c) services of all officers, advisers, consultants and employees of the said Council shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of their service, stand transferred to the Council and they shall be deemed to be officers, advisers, consultants and employees of the Council appointed by it on the same terms and conditions of service as were applicable to them in the said Council unless such terms and conditions are altered, not being to their disadvantage, by the Council;
 - (d) all suits and other legal proceedings instituted by or against the said Council before its dissolution shall be deemed to have been instituted by or against the Council;
 - (e) all rules, regulations and bye-laws of the said Council shall, *mutatis mutandis*, and in so far as they are not inconsistent with any of the provisions of this Ordinance, continue to be in force until repealed or altered by rules or regulations made under this Ordinance.
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