

**INTERNATIONAL CENTRE FOR DIARRHOEAL
DISEASE RESEARCH, BANGLADESH, ORDINANCE, 1978**

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**INTERNATIONAL CENTRE FOR DIARRHOEAL
DISEASE RESEARCH, BANGLADESH, ORDINANCE, 1978**

ORDINANCE NO. LI OF 1978

[9th December, 1978]

**An Ordinance to provide for the establishment of an
International Centre for Diarrhoeal Disease Research,
Bangladesh.**

WHEREAS it is expedient to provide for the establishment of an international centre for diarrhoeal research in Bangladesh with multinational scientific collaboration and financial contributions to conduct research in diarrhoeal diseases and directly related subjects of nutrition and fertility with special relevance to developing countries and for matters ancillary thereto;

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 and
Duration

1. (1) This Ordinance may be called the International Centre for Diarrhoeal Disease Research, ¹[Bangladesh, Ordinance, 1978].

²[(2) It shall continue in force for a period of 50 years with effect from 9th December, 1978.]

Definitions

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

(a) “Board” means the Board of Trustees for the Centre constituted under section 8;

¹ The words, commas and the figure “Bangladesh, Ordinance, 1978” were substituted for the word “Bangladesh” by section 2 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Ordinance, 1985 (Ordinance No. X of 1985).

² Sub-section (2) was substituted by section 2 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Act, 1998 (Act No. V of 1998).

- (b) “Centre” means the International Centre for Diarrhoeal Disease Research, Bangladesh established under section 3;
- (c) “Chairman” means the Chairman of the Board;
- (d) “Cholera Research Laboratory” means the Cholera Research Laboratory established in Bangladesh under an agreement executed on 15th May, 1974, between the Government of the People’s Republic of Bangladesh and the Government of the United States of America and others;
- (e) “developing countries” mean those countries who have been put under this classification by the United Nations;
- (f) “Director” means Director of the Centre;
- (g) “donor” means an agency, organisation, or Government which contributes in cash or kind to the Centre;
- (h) “employee” includes regular, contractual and probationers employed by the Centre;
- (i) “member” means a member of the Board;
- (j) “officer” includes advisor, consultant and expert employed by the Centre;
- (k) “prescribed” means prescribed by bye-laws made under this Ordinance.

3. (1) There shall be an international centre to be called the “International Centre for Diarrhoeal Disease Research, Bangladesh” for carrying out the purposes of this Ordinance.

Establishment
and
Incorporation of
the Centre

(2) The Centre shall be a body corporate having perpetual succession and 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.

(3) The Centre shall be an autonomous, international, philanthropic, and non-profit centre for research, education and training as well as clinical service.

4. (1) The Headquarters of the Centre shall be at Dacca.

Headquarters of
the Centre

(2) The Centre may establish such subsidiary offices of research stations as may be decided by the Board as being necessary for effective conduct of its programme subject to the approval of the respective Governments.

Aims and objectives of the Centre

5. (1) The aims and objectives of the Centre shall be:-

- (a) To function as an institution to undertake and promote study, research and dissemination of knowledge in diarrhoeal diseases and directly related subjects of nutrition and fertility with a view to developing improved methods of health care and for the prevention and control of diarrhoeal diseases and improvement of public health programmes with special relevance to developing countries.
- (b) To provide facilities for training to Bangladeshi and other nationals in areas of the Centre's competence in collaboration with national and international institutions, but not to include conferring of academic degrees.

(2) In fulfilling the above aims and objectives, the Centre shall have responsibilities:-

- (a) To conduct clinical research, laboratory and animal experiments, epidemiological and survey research, field investigations, demonstration projects, within the applicable laws and regulations, or concurrence where necessary, of the Government and other countries where it may be appropriate; to hold meetings and to arrange lectures, seminars, discussions and conferences, both international and national, on clinical medicine, epidemiology, basic medical sciences, bio-statistics, demography, fertility and other social sciences relating to studies of diarrhoeal disease control and public health, in this section referred to as the studies.
- (b) To publish books, periodicals, reports and research and working papers on the studies.
- (c) To establish and maintain contact with scholars and their work on the studies through collaborative studies, seminars, exchange of visits or otherwise.
- (d) To undertake studies on behalf of or in collaboration with other institutions.

- (e) To maintain hospitals, clinics, laboratories, animal research facilities, libraries, reading rooms, scientific equipment and instruments, as well as vehicles, boats and other transport for its proper functioning.
- (f) To ensure the rights and opportunities of Bangladesh scientific personnel to participate in the programme and activities of the Centre.
- (g) To undertake a systematic staff development programme.
- (h) To institute fellowships for different categories of professional workers on the studies.
- (i) To create within itself, from time to time, branches, divisions, sections and other units for proper and efficient conduct of the activities of the Centre in different fields of the studies.
- (j) To accept endowments, gifts, donations, grants, other funds, payments for services and to earn income.
- (k) To take such other actions as may further the aims and objectives of the Centre.

6. (1) There shall be an Interim International Committee for the purpose of assisting in the establishment of the Centre. The Interim Committee shall consist of the United Nations Development Programme which shall be its Chairman and the following initial members, namely:-

Interim
International
Committee

- (a) the Government of Australia;
- (b) the Government of Bangladesh;
- (c) the Government of the United Kingdom;
- (d) the Government of the United States of America;
- (e) the Ford Foundation;
- (f) the International Development Research Centre;
- (g) the United Nations Fund for Population Activities;
- (h) the United Nations Children Fund; and
- (i) the World Health Organisation.

(2) The Chairman of the Interim Committee may invite any other Government or Organisation to become members of the Interim Committee or to attend its meeting as observers.

(3) The Interim Committee shall function through the representatives of its members. It shall meet at the call of the Chairman and shall conduct its business at such meeting. The decision of a meeting shall be taken either by consensus or by a majority of votes of the members present and voting, including the Chairman, each member having one vote. Majority of the members of the Interim Committee including its Chairman shall constitute a quorum. Subject to these provisions, the business of the Interim Committee shall be regulated by the rules of procedure adopted by it.

(4) Unless otherwise decided by the Interim Committee the Secretariat of the Interim Committee shall be located in the premises of the Cholera Research Laboratory.

(5) The Interim Committee shall take steps for the establishment of the Board. For this purpose it shall elect not less than seven nor more than eleven members for the first Board to be constituted under this Ordinance. It shall also specify the date on which the first Board shall assume its functions under this Ordinance.

(6) The Interim Committee shall stand dissolved on the day on which the Board holds its first meeting, unless the Board by a Resolution continues the existence of the Interim Committee for such period and for the purpose as may be specified in the Resolution.

Powers and
Functions of the
Board

7. (1) The general direction, management and administration of the affairs of the Centre shall vest in the Board which shall have full authority to determine and execute the policies and undertakings of the Centre within the framework of this Ordinance.

(2) Without prejudice to the generality of the foregoing provisions, the Board shall, in particular, have power-

- (a) to exercise general supervision over the affairs of the Centre;

- (b) to approve courses of studies and research work and other related activities to be conducted in the Centre in broad outlines;
- (c) to approve the plan, programme and organisation of the Centre;
- (d) to authorise the Centre to request and receive grants-in-aid from aid-giving agencies, Governments and other institutions; with intimation of such receipts to appropriate governmental agencies;
- (e) to authorise the Centre, if and when necessary, to borrow money or raise loans in accordance with the applicable laws and regulations of the countries in which the funds are being sought;
- (f) to select and appoint the Director and terminate his services;
- (g) to approve establishment of all international level positions in the Centre and approve the appointments of persons to these positions, and in its description, delegate to the Director authority to appoint persons to other staff positions;
- (h) to determine employment policies and practices of the Centre;
- (i) to examine and approve the budget for the Centre; and
- (j) to do and perform all other acts that may be considered necessary, suitable and proper for the attainment of any or all of the purposes, activities and objectives for which the Centre is established.

8. (1) the Board shall consist of ¹[seventeen] members who shall serve in their individual capacity as follows:-

Constitution of
the Board

- (a) three members nominated by the Government;
- (b) a member nominated by the Director-General of the World Health Organisation;

¹ The word "seventeen" was substituted for the word "sixteen" by section 3 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Ordinance, 1985 (Ordinance No. X of 1985).

¹[(bb) a member to be nominated by a United Nations agency other than the World Health Organisation to be specified by the Government;]

(c) the Director of the Centre; and

(d) eleven members at large, who shall be chosen initially by the Interim Committee, comprising as members of the Interim Committee those Governments and organisations under sub-sections (1) and (2) of section 6.

(2) At any given time, no country shall have more than two members except for Bangladesh under sub-section (1).

(3) At any given time, the Board shall be so composed that, not counting the members nominated ²[under clauses (b) and (bb) of sub-section (1)] , more than 50% must come from the developing countries, including the members nominated by Bangladesh, and not less than one-third from developed countries. The Director shall be counted as coming from the developed or developing countries depending upon nationality.

(4) The members shall be individuals qualified to serve by reason of scientific, research, administrative or other appropriate experience.

(5) Except for the Director, all members shall be appointed to fill three-year terms, except for members of the initial Board. In the initial Board, all members except the Director shall be divided into three classes of approximately equal numbers, these classes serving terms of one, two and three years respectively. The Board shall decide how many members shall be in each class, and the members of each class shall be chosen by lot.

¹ Clause (bb) was inserted by section 3 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Ordinance, 1985 (Ordinance No. X of 1985).

² The words, brackets, letters and figure “under clauses (b) and (bb) of sub-section (1)” were substituted for the words “by the World Health Organisation” by section 3 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Ordinance, 1985 (Ordinance No. X of 1985).

(6) Vacancies in seats of members at large shall be filled by the Board. A member appointed to a vacancy arising from a cause other than the normal expiration of a term shall serve for the remainder of the term of the member being replaced.¹[Subject to provision of sub-section (1) of section 13, no Member] may serve more than two consecutive three-year terms or portion thereof, except that a member serving a term of less than three years on the initial Board may serve two consecutive three-year terms immediately thereafter.

9. (1) The members shall elect one of them except the Director as Chairman for a term to be determined by the Board. The Chairman

(2) The Chairman shall preside over the Board meetings.

(3) In the absence of the Chairman, the members present may appoint one of them as the Chairman for that meeting.

10. (1) The meetings of the Board shall be held at such time, place and manner as may be prescribed. A majority of the sitting membership shall constitute a quorum. Meetings of the Board

(2) Except for the first year, at least two meetings of the Board shall be held in one calendar year.

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

11. (1) No act or proceedings of the Board shall be invalid merely on the grounds of the existence of any vacancy in or defect in the constitution of the Board. A vacancy in the Board or a temporary absence of a member for any reason shall not impair the right of the remaining members to act. Validity of Proceedings

(2) All acts done by a person acting in good faith as the Chairman or member shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had been terminated

¹ The words, brackets, figures and comma “Subject to provision of sub-section (1) of section 13, no Member” were substituted for the words “No Member” by section 2 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Act, 1995 (Act No. XXII of 1995).

by virtue of any provision of law for the same being in force; but nothing in this section shall be deemed to give validity to any act of the Chairman, member or Director after his appointment has been shown to be invalid or to have been terminated.

Committees

12. (1) The Board may designate an Executive Committee of its members who shall have the power to act for the Board in the interim between Board meetings on all matters which the Board delegates to it. The Director and at least one of the Bangladeshi members shall serve as members of the Executive Committee.

(2) All interim actions of the Executive Committee shall be reported to the Board at its next subsequent meeting.

(3) The Board shall convene, at least once in two years, an external Scientific Review Committee from developing and developed countries of such numbers as the Board may decide for the purpose of carrying out a technical review of the scientific programmes of the Centre.

(4) The Board shall create a Programme Co-ordination Committee for the purpose of co-ordination of research in Bangladesh and may create such other standing committees or *ad hoc* committees as may be deemed necessary for carrying out the responsibilities of the Centre. The Centre shall be supportive of, and avoid actions prejudicial to, the interest of research in similar fields carried out by other organisations in Bangladesh. A standing committee with representatives from the Government shall be set up for the purpose of co-ordinating research by the Centre with that of other organisations specifically in fertility and related fields in Bangladesh.

(5) The Board shall authorise the creation of an Ethical Review Committee with representation from the Bangladesh Medical Research Council.

(6) The Board may delegate its functions and powers to such committees as may be prescribed.

(7) The powers, functions and duties of different committees shall be such as may be prescribed.

13. (1) The Centre shall be administered by a Director who shall be selected and appointed by the Board for a term of three years which may be renewable for another term¹[:

Director

Provided that, the Board may in exceptional case, extend the tenure of the Director for a period maximum of which shall not exceed a period equivalent to another term.]

(2) The Director shall be the Chief executive of the Centre and subject to the provisions of this Ordinance, and the by-laws made thereunder, he shall administer and manage the affairs and funds of the Centre.

(3) The Director shall be responsible for implementation of the decisions of the Board in directing, conducting and carrying out research and other activities of the Centre.

(4) The Director may be assisted by a Deputy Director who shall be selected and appointed by the Board, in all matters assigned to him by the Director and shall act as the Director during the Director's absence, serving as a member of the Executive Committee but not assuming the seat of the Director on the Board.

14. (1) Persons including Bangladeshi nationals appointed to the international level positions of the Centre by the Board shall receive the same privileges and salaries for equivalent positions; restrictions on pay and allowances imposed by the Government upon its nationals shall not be applicable.

Salaries, etc.

(2) Salaries and emoluments of non-international level positions should be comparable to those paid by the United Nations Organisations in Bangladesh.

15. The Chairman, members, Director, officers and employees shall be indemnified by the Centre against all losses and expenses incurred by them in or in relation to the discharge of their duties, except such as have been caused by their wilful act of default or negligence.

Indemnity

¹ The colon (:) was substituted for the full-stop (.) and thereafter the proviso was added by section 3 of the International Centre for Diarrhoeal Disease Research, Bangladesh (Amendment) Act, 1995 (Act No. XXII of 1995).

Public Servant **16.** The Chairman, members, Director, officers and employees shall while acting or purporting to act in pursuance of any provision of this Ordinance or by-laws made thereunder, be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).

Fund **17.** (1) The Centre shall have its own fund which shall consist of-

- (a) grants made by the Government;
- (b) grants and contributions from other Governments and their agencies, international organisations and private organisations;
- (c) gifts and endowments;
- (d) sale proceeds and royalties of publications;
- (e) income from research and contractual undertakings; and
- (f) other sources.

(2) All funds of the Centre shall ordinarily be kept in any nationalised Bank or Banks in Bangladesh as approved by the Board.

Accounts of Receipts and Expenditure **18.** (1) The Director shall maintain the accounts of all receipts and expenditures of the Centre in the manner as may be prescribed and such accounts shall be audited annually by Chartered Accountants as may be appointed by the Board in this behalf, a report of which shall be submitted to the Board.

(2) Copies of such audited reports shall be supplied to the donors.

Annual Report and Statement of Accounts **19.** The Director shall, as soon after the end of every financial year as may be directed by the Board, prepare for the Board an annual report of the working of the Centre and a statement of receipts and expenditure of the Centre. Following the approval by the Board it shall be circulated to the donors.

Exemption from Labour Laws **20.** (1) The Centre shall be exempted from the labour laws in force in the country. It shall be governed by its own by-laws as may be prescribed.

(2) The Centre shall not be construed as a “shop”, “commercial establishment”, “industrial establishment”, “factory” or “industry” within the meaning of the Shops and Establishment Act, 1965 (VII of 1965), the Factories Act, 1965 (IV of 1965) or the Industrial Relations Ordinance, 1969 (XXIII of 1969).

21. (1) Notwithstanding anything contained in any law for the time being in force relating to any tax, rate or duty, the Centre shall not be liable to pay any tax, rate or duty other than those paid by any other person in respect of any movable or immovable property which the Centre purchases or otherwise acquires from such person and other than those payable in respect of public utilities like water, gas, electricity, telephone and municipal rates.

Exemption from
tax, rate and
duty

(2) All non-Bangladeshi experts, technicians and research scholars employed by the Centre and working in Bangladesh for the furtherance of the objectives of the Centre shall be exempt, notwithstanding the provisions of the Income Tax Act, 1922 (XI of 1922), from payment of income tax in respect of any salary or other remuneration received or deemed to be received by them or accruing or arising, or deemed to accrue or arise in Bangladesh to them, if such salary or other remuneration of the person is also exempt from the payment of tax in the country of his domicile or permanent residence and evidence in respect of the said exemption is produced to the income tax authority concerned in Bangladesh. Such person shall also be accorded privileges for importation of personal and household effects and articles for consumption free of customs duty and sales tax as are accorded, under laws and regulation in force from time to time, to the expatriate experts, technicians and consultants working in Bangladesh under international agreements.

22. The Chairman, Trustee, Director, Officers, and employees-

Immunities and
privileges of
officers and
employees

- (a) shall be immune from any legal process with respect to any acts performed by them in their official capacity except when the Board or the Director waives their immunity, which should be reported to the Board; and

- (b) those who are nationals of countries other than Bangladesh, and their spouses and dependents, shall be free from immigration restrictions, other than normal visa requirements, and alien registration requirements in accordance with the laws and regulations of the Government.

Immunities and
privileges

23. (1) The centre, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except for criminal offences for which the Board or the Director expressly waives its immunity for the purpose of any proceeding. Such action shall be reported to the Board.

(2) All property and assets of the Centre shall be free from any restrictions, regulations, controls and moratoria of any nature to the extent it is necessary to carry out the objectives and functions of the Centre effectively.

(3) Subject to national and international laws and regulations, the Centre shall be entitled to movement of biological materials in and out of the country.

Waiver of
Immunity,
Exemption and
Privileges

24. The Board may waive any of the privileges, immunities, and exemptions granted under this Ordinance in any particular case or instance, in such a manner and upon such conditions as it may determine to be appropriate in the best interest of the Centre.

Free publication
and
dissemination of
research

25. (1) The Centre shall enjoy the privilege of free publication and dissemination of its research and other scientific work.

(2) All research materials and scientific results shall be treated as property of the Centre and shall not be used, published, duplicated or transferred for private advancements or other material gains or used by any other institution without express approval of the Centre.

Patents and
Copyrights

26. (1) The Centre shall enjoy full rights of patents and copyrights with respect thereto under Bangladesh and foreign laws.

(2) It shall be the responsibility of the Board to ensure that appropriate arrangements are made concerning the public availability of patents, licences, copyrights and the like arising from the Centre's scientific results and discoveries.

27. The Centre may establish benevolent fund for its officers and employees for the purpose of providing welfare amenities and facilities for their betterment and development, and the same shall be regulated in the manner as may be prescribed.

Benevolent fund

28. The Board may make by-laws for carrying out the purposes and provisions of this Ordinance.

Power to make by-laws

29. The Government may provide facilities and privileges to the Centre for its proper development and expansion including lease of land at nominal or no rent.

Government support for facilities

30. On the commencement of this Ordinance, the Cholera Research Laboratory, in this section referred to as the CRL, shall notwithstanding anything contained in any other law for the time being in force, or in any other instrument or in the agreement under which it was established, stand dissolved and upon the such dissolution-

Dissolution of the Cholera Research Laboratory

- (a) all assets and liabilities of the CRL shall stand transferred to, and vested in, the Centre.

Explanation.-

- (i) The term "assets" includes all rights, powers, authorities and privileges, cash and bank balances, grants and all other interests and rights, in or arising out of, such property and all books of accounts, registers, records and all other documents or whatever nature relating thereto, and all properties, movable and immovable which were owned, used and/or possessed by the CRL other than land and buildings thereupon wherever they may be situated.
- (ii) The term "liabilities" shall be limited to all obligations to claims on behalf of *ex*-employees of the CRL at the time of dissolution for compensation or under existing employment agreements or other contractual arrangements and vendors of goods and services to the CRL.

- (b) all officers, employees, consultants, advisors, and other staff of the CRL shall hold their respective offices on the same terms and conditions and with the same rights and privileges which were enjoyed by them immediately before the commencement of this Ordinance and shall continue to do so until the same are duly altered by the Board.

Validation, etc.

31. Notwithstanding the dissolution of the Cholera Research Laboratory, anything done or action taken in good faith in or in relation to the Cholera Research Laboratory before the commencement of this Ordinance shall be deemed to have been validly done or taken, and shall have and shall be deemed always to have had effect accordingly, and shall not be called in question in any Court, except those currently under adjudication.

Dissolution

32. (1) At any time that the Board may determine by vote of less than three-fourths of its sitting members, whether or not present and voting, that the Centre is no longer able to function effectively or is no longer required, the Board may recommend to the Government the dissolution of the Centre.

(2) In the event of dissolution, any land or other assets made available to the Centre by the Government, and permanent fixed capital improvements thereon, shall revert to the Government. The other assets of the Centre shall be retained by the Government and by other Governments where assets distributed to institutions having purposes similar to Government or other Governments where appropriate, and the Board.
