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NO. 14 QUETTA THURSDAY FEBRUARY 12, . 1998.

ALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 12th February, 1998.

No. PAB/LEGIS:V(10)/98. The Balochistan Agricultural Research Board Bill 1998 having been passed by the Provincial Assembly on 27th January, 1998 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

T TA RI T RESEARCH B 1 Pe
ALOCHISTAN ACT NO. II OF 1 ,

. (First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated the 12th February, 1998).

AN

ACT
to provide for constituting and organizing the Balochistan Agricultural Research Board.

Preamble. WHEREAS it is expedient to provide for constituting and organizing the Balochistan Agricultural Research Board and matters connected therewith or ancillary thereto;

It is hereby enacted as follows—

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Short title
extend and
commencement.

Definitions.

(1) This Act may be called the Balochistan Agricultural Research Board Act, 1998.

(2) It extend to the whole of Balochistan except Tribal Area. .

(3) It shall come into force at once.

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2. . (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "Acts" means the Acts specified in Section 18;

(b) "Agriculture" means crops, livestock including fisheries, forestry, range management soil science, socio-economic institutional aspects connected therewith and such other activities and subject as the Provincial Government may, by notification in the official gazette, declare to be agriculture within the meaning of this clause;

(c) "Board" means the Balochistan Agricultural Research Board established under section 3;

(d) "Chairman" means the chairman of the Board;

(e) "Government" means the Government of Balochistan;

(f) "Management Support Unit" means the Executive -

Committee of the Board;

(g) "Prescribed" means the prescribed rules or regulations;

(h) "Research Establishment" includes Agricultural, Livestock, Forest and Fisheries experiment stations, field stations, institutes, centers, sub-centers, laboratories

and other units of the Board howsoever, designated;

(i) "Regulations" means regulations made under this Act.

CHAPTER II

ESTABLISHMENT OF THE BOARD

Establishment of 3.

the Board. Agricultural Research Board.

(2) There shall be a body corporate having perpetual :-
succession and a common seal with powers, 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. 3

(3) Unless the Provincial Government, by notification in
the official Gazette otherwise directs, the headquarter of the
Board shall be at Quetta. :

(4) The Board may from time to time establish regional
offices, local offices, sub-offices and research establishments at

° such places as it may deem fit.

CHAPTER III

FUNCTION AND POWERS OF THE BOARD

Function and 4. The function of the Board shall be:

powers of: the (a) to provide overall planning, programming and
Board. evaluation of all agriculture research.

(b) to approve all research programs for funding by
the Provincial Government and foreign aid/loan
giving agencies as per priorities determined by
the Board.

(c) to identify the provincial research priorities and
broad thrusts. .

(d) to establish guidelines for allocation of research
funds to identified research priorities.

(e) to provide overall coordination and revision of the
Provincial Research Master Plan when required.

(f) to conduct overall monitoring and external

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(1) There shall be a Board to be called the Balochistan
evaluation of the research programs and their
impact on the provincial agriculture sector.

Directions.

Constitutions of the
Board.

Chairman.

(g) to conduct monitoring during implementation of research projects and overall coordination of externally financed research projects.

(h) to institute/promulgate regulations approved by the Board affecting appointments, terms and conditions of service of professional research personnel within the Agriculture, Livestock, Forestry and Fisheries Research Wing. :

(i) to make recruitment against the vacancies to be filled in through initial recruitment in the Board.

(j) to perform any other functions authorized by the Government related to matters aforesaid.

5. In discharging its functions, the Board shall be bound by such directives and orders, if any, as may be given to it on any questions of policy by the Government which shall be the sole judge as to whether a question is a question of policy.

CHAPTER IV MANAGEMENT

6. The overall control, direction and superintendence of the affairs of the Board shall vest in a Board of Governors consisting of the following members, namely:-

(i) the Chairman;

(ii) official members; and

(iii) such other non-official members from production and private sector as the Chairman may appoint on the recommendations of the Board from time to time.

7. (1) The Chairman shall be the Chief Executive of the Board. :

(2) Additional Chief Secretary (Development) of the Planning and Development Department will act as Chairman of the Board.

(3) The Chairman shall have such powers and perform such functions as are assigned to him by or under this Act.

(4) The Chairman may, from time to time, for the purpose of ensuring efficient functioning of the Board and facilitating its day to day functions, delegate to members, officers, such office functions, powers or duties as may be considered necessary to him. /

Official members.

Term of office of
non-official
members.

Management
Support Unit.

a The members of the Board shall comprise of the Secretaries of Agriculture, Livestock, Fisheries, Forestry, Finance, Director General for Extension Director General for Livestock, Principal of Balochistan Agriculture College, Director General of Arid Zone Research Institute, Director of Pakistan Agricultural Research Council's Planning Directorate, Chief of Agriculture in the Provincial Planning and Development Department and Chief Scientific Officer, who shall act as Secretary of the Board.

9. (1) The members of the Board who are not officials of the Government, hereinafter referred to as non-official members, shall, unless otherwise directed by the Board, hold office for a term of three years and shall be eligible for re-appointment.

(2) A non-official member may, by writing under his hand addressed to the Board, resign his office.

(3) A casual vacancy in the office of a non-official member shall be filled by the appointment of another member for the residue of the term of his predecessor.

10. (1) There shall be a Management Support Unit headed by the Chief Scientific Officer and would consist of the following five full-time members:

(i) Director Coordination.
(ii) Director Planning.
(iii) Member Natural Resources.
(iv) Member Livestock Research.
(v) Assistant Director, Livestock.
(vi) Ex-Officio Member, Research Officer, Planning and Development Department.

(2) The Government shall appoint an eminent scientist in BPS-20, connected with Agriculture to be the Chief Executive of the Management Support Unit, and his appointment would be made through open competition from all eligible senior research scientists.

(3) Subject to the Provisions of this Act and the regulations and Management Support Unit shall be the principal administrative body of the Board responsible for executing all policies and discharging all functions of the Board under this

Act.

(4)

Notwithstanding anything contained in sub-

section (3) the Management Support Unit shall:

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(xi)

Monitor, evaluate and coordinate implementation of the research and review the progress of research;

Prepare disbursement applications for all foreign aided projects/programs;

Prepare annual progress report for submission to the Provincial Government and Aid/Loan giving agencies as per their requirements;

Recommend to the Board provincial research priorities relating to Provincial Research Master Plan;

Recommend to the Board resource allocation according to research priorities;

Oversee and assist the preparation of the revisions of the Provincial Research Master Plan;

Establish and maintain registers of all provincial research staff.

Prepare a summary of accounts six monthly or

yearly as required.

Prepare summary of reports for all Sub- Committees;

Prepare a copy of the Minutes of all Management Support Unit meetings with an executive summary cover page;

Prepare copies of any interim report of interest to the Board.

Meetings. 11. (1) The meetings of the Board shall be held at least twice a year and shall be presided over by the Chairman, in his absence, by a member nominated by him for the purpose. The first meeting each year shall be in January and the second meeting in July. Additional meetings as and when required, shall

be called with the approval of the Chairman.

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Delegation of
powers by the
- . Board.

Validity of
Proceedings.

Apooointment of
officers, etc.

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(2) Management Support Unit would meet once a month.

(3) Subject to the provisions of sub-section (1) and (2) the meetings of the Board and of the Management Support Unit or of other committees shall be held at such times and.at such places and in such manner as may be prescribed by regulations:

Provided that, until regulations are made in this behalf, such meetings shall be convened by the Chairman.

(4) Unless otherwise prescribed, one-third of the total members in the case of the Board and one-half of the total members in the case of the Managements Support Unit shall form a quorum at any meeting of the Board or the Management Support Unit, as the case may be:

Provided that no quorum shall be necessary for an adjoined meeting:

12. The Board may from time to time delegate to Management Support Unit such of its functions and power as it may consider necessary:

Provided that the Management 'Support Unit may, in an emergency which in its opinion requires immediate action, take such action as it considers necessary and shall report it for approval to the Board in the next meeting.

13, No act, proceeding, decision or order of the Board and/or Management Support Unit shall be invalid by reason only of the existence of a vacancy in, or any defect in the constitution of the Board or Management Support Unit.

CHAPTER V
ESTABLISHMENT.

14. (1) The Board may appoint such officers and staff as it may consider necessary for the efficient performance 'of its function on such terms and conditions as may be prescribed.

(2) All appointments and promotions in the Board will be -
in accordance with the service regulations of the Board.

(3) The Board may engage experts and consultant on
contract on such terms and conditions as it may determine.

Grants etc.

Funds.

- Budget and accounts.

Exemption from taxes.

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CHAPTER VI FINANCE.

15. (1) The Government may from time to time place annual grants at the disposal of the Board for smooth discharge of its functions and the efficient conduct of its affairs.

(2) the accounts of the Board would be audited in accordance with Government procedures.

16. (1) The funds of the Board would come through the Provincial Government.

(2) The funds of the Board shall consists of:

(a) funds from the Government for operation of the Board, Management Support Unit, Secretariat members and staff, funding technical committees and_ technical assistance.

(b) grants, donations, endowments, contributions, aid, assistance and self-generated income;

(c) foreign aid and loans obtained or raised with the approval of he Government;

(d) the research establishment budget as determined by the Finance and Planning and Development Departments.

17. (1) The Board funds shall not be lapsable.

(2) The accounts would be audited in accordance with the Government procedures.

(3) The Board may open accounts in any schedule Bank in Balochistan.

(4) The accounts of the Board shall be maintained in such form and manner as the Government may determine in consultation with the Accountant General, Balochistan.

io Notwithstanding anything contained in the Business Profits Tax Act, 1947 (XXI of 1947), the Gift Tax Act, 1963

(XIV of 1963), the Wealth Tax 1963 (XV of 1963), the Income Tax Ordinance, 1979 (XXXI of 1979), or any other law for the time being in force relating to income tax, super tax, wealth tax, gift tax, capital gains tax or business profits tax, the Board shall not be liable to pay any such tax on its income, capital, profits, wealth, gift or gains. y

' Borrowing Power.

Financial assistance
to the Board.

Annual Report.

Power to make
Rules.

Power to make
regulation.

9.

19. The Board may, with the previous sanction of the Government, and on such terms and conditions as may be approved by the Government, borrow in Pakistan Currency or foreign currency.

20. The Board may, with the approval of the Government, accept financial or any other assistance and grants of any kind in furtherance of its objects and in order to discharge its functions.

21. The Board shall furnish to the Government at the end of each financial year, but not later than the last day of December next, following a report on the conduct of its affairs for that year, and summary of the accounts for that year.

CHAPTER VII GENERAL AND MISCELLANEOUS PROVISIONS

22. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide: for:-

(i) the function of the Chairman;

(ii) the conditions under which the Board may enter into arrangements with other institutions and individual organizations, whether public, private or autonomous bodies.

23. (1) The Board may, with the previous sanction of the Government, by notification in the official Gazette, make regulations not inconsistent with this Act providing for all matters for which provisions is necessary or expedient for the purpose of giving effect to the provisions of this Act and the efficient conduct of the affairs of the Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the regulations may provide for:-

(i) the appointment of the officers and employees of the Board.

(ii) the terms and conditions of the officers and employees of the Board including pension and disciplinary matters;

Officers, staff etc.

Ordinance XXIII of
1969 not to apply
'to Board. |

Indemnity of Board
etc.,.

Notice of suit
against the Board.

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(iii) the conduct of business at the meetings of the Board
Management Support Unit; ;

(iv) The duties, functions and conduct of the officers and
employees of the Board;

(v) Preparation of annual estimates of income and
expenditure and supplementary estimates;

(vi) the forms of returns and statements for various
purpose;

(vii) the manner in which payments are to be made by or
on behalf of the Board and the officers by whom
orders for making deposits or investments or for
withdrawals or any other disposal of the income or
fund of the Board shall be authenticated, made or
signed and.

(viii) the custody and use of common seal of the Board.

24. Every officer and employee of the Board shall be
deemed to be a public servant within the meaning of section
21 of the Pakistan Penal Code (Act XLV of 1860).

25. Nothing contained in the Industrial Relations Ordinance,
1969 (XXIII of 1969), shall apply to or in relation to the Board
or to its establishments or any of the' officers or employees of
the Board.

26. (1) No suit, prosecution or other legal proceedings shall
lie against the Board or any other officer or staff of the Board
for anything done in good faith or intended or purported to be"
done under this Act or rule, regulation or order made
thereunder. ,

(2) The Board shall not be responsible for any
misfeasance, malfeasance or non-feasance of any officer or
employee for the time being in the Board.

27. (1) No suit shall be instituted against the Board or any ,
member or any person associated with the Board or against any
officer or employee of the Board or against any person acting
under the direction or authority of the Board, the Chairman or of _

. Certain claims for

compensation to be
barred.

' Winding up.

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Savings.

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any officer or employee of the Board in respect of any act purporting to be done under this Act or the rules or regulations until the expiration of one month from the delivery of a written notice at the office of the Board or the place of abode of such member, officer, employee or person stating: the cause of — action, the name and address of the intending plaintiff and the nature of the relief sought.

(2) In every such suit the plaintiff shall contain a statement that such notice has been so delivered.

(3) Notwithstanding anything contained in the Limitation Act, 1908 (IX of 1908), no such suit as is described in sub-section (1) shall unless it is a suit for the recovery of immovable property or for a declaration of title thereto, commence otherwise than within six months next after the actual of the cause of action.

28. No person shall have any right, whether in contract, or otherwise, to any compensation for any loss incurred by reason of the compliance by any of the provisions of this Act or by reason of the compliance by any other organization with any policy guidelines or directions given to it under this Act or under any rules or regulations.

29. No provision of law relating to the winding up. of bodies corporate shall apply to the Board and the Board shall not be wound up except by the orders of the Government in such manner as the Government may direct.

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30. Upon the commencement of this Act:-

(a) all funds properties, right and interests of whatever kind issued, used, enjoyed, possessed owned or vested in the Agricultural Research Establishments in existence immediately before such commencement and all liabilities legally subsisting against the said Research Establishments shall pass to the Board as established under this Act; ' c

(b) everything done, action taken, obligations or liabilities

incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or power conferred, endowments, bequests, funds or trusts created, donation or grants made or issued under any of the provisions of the Acts, rules or regulations, applicable to the said Board shall remain in force and be continued

Removal of
difficulties.

Repeal.

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12. .

and, having regard to the various matters in force and be continued have to be regulated to the various matters which by this Act have to be regulated or prescribed by rules or regulations, be deemed to have been respectively done, taken, incurred, acquired, appointed,

authorized, conferred, created, made, or issued under

this Act and reference in any document to any of the provisions of the Acts or the rule of regulations, under thereunder shall; so far as may be deemed to be reference to the corresponding provisions of this Act or the rules or regulations made or deemed to have been made thereunder: and

any rules or regulations made under the Acts shall, in so far as they are not inconsistent with the provisions of this Act or the rules or regulations made under this Act having regard to the various matters which by this " have to be regulated or prescribed by rules or regulations respectively shall continue to be in force, until they are repealed, replaced, rescinded, or modified in accordance with the provisions of this Act.

If any difficulty arises in giving effect to any provisions of this Act, the Government may make such order, not inconsistent with the express provisions of this Act as may appear to it to be necessary or expedient for the purpose of removing the difficulty. :

The Balochistan Agricultural Research Board Ordinance, 1998 (I of 1998) is hereby repealed.

AKHTER. HUSAIN KHAN,
Secretary,
Provincial, Assembly of Balochistan.

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