

**THE BALOCHISTAN AGRICULTURE
RESEARCH BOARD ACT, 1998**

(Baln Act II of 1998)

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**¹THE BALOCHISTAN AGRICULTURE
RESEARCH BOARD ACT, 1998**

(Baln Act II of 1998)

[12th February, 1998]

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

Preamble.

WHEARES 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:

Short title, extent
and
commencemen
t.

1. (1) This Act may be called the Balochistan
Agricultural Research Board Act, 1998.
- (2) It extend to the whole of Balochistan except
Tribal Areas.
- (3) It shall come into force at once.

Definitions.

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;

¹ This Act was passed by the Baln. Assembly on 27th January, 1998; assented to by the Governor of Baln.; and, published in the Baln. Gazette (Extraordinary) No. 14, dated 12th February, 1998. For statement of object and reason *see* Baln. Gazette (Extraordinary) No. 9, dated 20th January, 1998.

- (e) “Government” means the Government of Balochistan;
- (f) “Management Support Unit” means Executive Committee of the Board;
- (g) “Prescribed” means the prescribed rules or regulations;
- (h) “Research Establishment” includes Agriculture, 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 the Board.

3. (1) There shall be a Board to be called the Balochistan 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) 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 powers of the Board.

4. The function of the Board shall be:

- (a) to provide overall planning, programming and 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 evaluation of the research programs and their impact on the provincial agriculture sector;
- (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.

Directions.

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

Constitutions of the Board.

6. The overall control, direction and superintendence of the affairs of the Board shall vest in a Board of Governor 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.

- Chairman.
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.
8. 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.
- Term of office of non-official members.
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.
- Management Support Unit.
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 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 of 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:

- (i) Monitor, evaluate and coordinate implementation of the research and review the progress of research;
- (ii) Prepare disbursement applications for all foreign aided projects/programs;
- (iii) Prepare annual progress report for submission to the Provincial Government and Aid/Loan giving agencies as per their requirements;
- (iv) Recommend to the Board provincial research priorities relating to Provincial Research Master Plan;
- (v) Recommend to the Board resource allocation according to research priorities;
- (vi) Oversee and assist the preparation of the revisions of the Provincial Research Master Plan;
- (vii) Establish and maintain registers of all provincial research staff;

- (viii) Prepare a summary of accounts six monthly or yearly as required;
- (ix) Prepare summary of reports for all Sub-Committee;
- (x) Prepare a copy of the Minutes of all Management Support Unit meetings with an executive summary cover page;
- (xi) 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.

(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 and adjoined meeting.

Delegation of powers by the Board.

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 if for approval to the Board in the next meeting.

Validity of
Proceedings.

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

Appointment of
officers, etc.

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.

CHAPTER VI FINANCE

Grants etc.

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.

Funds.

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 the Government;

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

- Budget and accounts. 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 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.
- Exemption from taxes. 18. 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.
- Borrowing Power. 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.
- Financial assistance to the Board. 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.
- Annual Report. 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.

CHATER VII GENERAL AND MISCELLANEOUS PROVISIONS

Power to make
Rules.

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.

Power to make
regulation.

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;
- (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.

Officers, staff etc. 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).

Ordinance XXIII of 1969 not to apply to Board, 25. Nothing contained in the Industrial Relations Ordinance, 1969¹ (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.

Indemnity of Board etc. 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.

Notice of suit against 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 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 plaint shall contain a statement that such notice has been so delivered.

¹ Now Balochistan Industrial Relation Act, 2010 (Act XIII 2010).

(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 month next after the actual of the cause of action.

Certain claims for compensation to be barred.

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.

Winding up.

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.

Savings.

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 Agriculture 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;

(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 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 or regulations, 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*

- (c) 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 Act 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.

Removal of
difficulties.

31. 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.

Repeal.

32. The Balochistan Agricultural Research Board Ordinance, 1998¹ (I of 1998) is hereby repealed.

¹ Balochistan Ordinance I of 1998 was made by the Governor of Balochistan on 2nd January, 1998; and published in the Balochistan Gazette (Extraordinary) No. 1, dated 6th January, 1998. Now repealed by s. 32.