



This document has been provided by the International Center for Not-for-Profit Law (ICNL).

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

Visit ICNL's **Online Library** at
<http://www.icnl.org/knowledge/library/index.php>
for further resources and research from countries all over the world.

Disclaimers

Content. The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

Translations. Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

Warranty and Limitation of Liability. Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.

[Published in the Bangladesh Gazette Extraordinary, dated the 12th December, 1978]

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF HOME AFFAIRS

Political Branch

Section IV

NOTIFICATION

Dhaka, the 12th December, 1978.

No. S. R. O. 329-L/78.—In exercise of the powers conferred by Section 7 of the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978), the Government is pleased to make the following rules, namely:—

THE FOREIGN DONATIONS (VOLUNTARY ACTIVITIES) REGULATION RULES, 1978.

1. Short title.—These rules may be called the Foreign Donations (Voluntary Activities) Regulation Rules, 1978.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Director" means the Director, Department of Social Welfare, Government of the People's Republic of Bangladesh;

(b) "Form" means a Form annexed to these rules;

(c) "Ordinance" means the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978); and

(d) "Section" means a section of the Ordinance.

3. Application for registration.—(1) Any person or organisation receiving or operating any foreign donation for the purpose of undertaking or carrying on any voluntary activity shall apply to the Director for a registration in Form FD-1.

(2) The Director may, on receipt of an application under sub-rule (1), call for any other information from the applicant which he may consider necessary and the applicant shall furnish the information called for within the period specified in that behalf.

(3) The Director may, after making such enquiries as he may consider necessary to ascertain the correctness of the information as contained in the application and the information supplied under sub-rule (3), if any, register the person or organisation to be a person or organisation for the purpose of undertaking or carrying on any voluntary activity:

Provided that no person or organisation shall be registered without the prior approval of the Ministry of Home Affairs.

4. Application for approval and permission to receive and operate foreign donations.—(1) No person or organisation registered under sub-rule (3) of rule 3 shall receive or operate any foreign donation without prior approval or permission of the Government for such receipt or undertaking.

৯২

(2) All applications for approval or permission under sub-rule (1) shall be submitted to the Government in the Ministry of Finance (External Resources Division) in Form FD-2.

¹[(3) No approval or permission for receiving or operating any foreign donation for undertaking or carrying on voluntary activity shall be accorded without prior approval of the Ministry of Home Affairs].

²[(4) Every person or organization registered under sub-rule (3) of rule 3 shall receive all funds in foreign exchange through an account ³[opened in any scheduled Bank of Bangladesh which shall submit statements of such funds to the Bangladesh Bank.]

(5) The Bangladesh Bank shall submit statements of the funds so received for each person or organization separately to the External Resources Division in June and December every year.

3 5. Submission of declarations.—(1) All declarations under sub-section, (3) of section 3 shall be submitted to the Government in the Ministry of Finance (External Resources Division).

(2) All declarations under sub-rule (1), if it relates to receipt of foreign donations, shall be submitted in Form FD-3, and if it relates to its utilisation, in Form FD-4.

(3) All declarations in respect of a person or organisation carrying on voluntary activity immediately before the commencement of the Ordinance shall be submitted within thirty days from such commencement and every six months thereafter, and in respect of other such persons or organisations in every six months.

⁴[5A. submission of schemes, etc.—⁵[(1) Every person or organisation shall submit to the External Resources Division and the Department of Social Welfare his or its project on voluntary activities along with plan of its operation showing the estimated cost, expected receipts, source of receipts, purpose and objects and duration thereof on or before the 31st March preceding the financial year in which such project is to commence.]

(2) Each person ⁶[who is not a Bangladesh national,] engaged in voluntary activity shall submit his particulars with reference to nationality, period of stay in Bangladesh, remuneration, the agency under whose supervision he is undertaking or carrying on voluntary activity, etc., to the Ministry of Home Affairs and the Department of Social Welfare.

(3) Each organization shall ⁷[annually] submit to the Ministry of Home Affairs and the Department of Social Welfare a statement showing all relevant particulars relating to age, qualification, nationality, period of service with the organization, remuneration, etc., of persons engaged in different schemes undertaken or carried on by it.

(4) Each organization shall obtain prior clearance of the Ministry of Home Affairs and Department of Social Welfare for employment of ⁸[any staff, who is not a Bangladesh national,] for its voluntary activity.

5B. Submission of report on activities.—Every person or organization shall submit ⁹[yearly] reports on his or its activities to the External Resources Division with copies to the administrative Ministry, the Ministry of Home Affairs and the Department of Social Welfare.]

¹ Substituted by S.R.O. No. 352-L/82, dated 6-10-82 by the Ministry of Home Affairs which was published in the Bangladesh Gazette, Extra, October 6, 1982.

² Added by S.R.O. No. 352-L/82 dated 6-10-82 by the Ministry of Home Affairs.

³ Substituted by S.R.O. No. 422-L/84 dated 19-9-84 by the Ministry of Home Affairs which was published in the Bangladesh Gazette, Extra., September 19, 1984.

⁴ Inserted by S.R.O. No. 352-L/82, dated 6-10-82 by the Ministry of Home Affairs.

⁵ Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

⁶ Inserted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

⁷ Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

⁸ Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

⁹ Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

6. Maintenance of books of accounts.—(1) Every person or organisation undertaking or carrying on voluntary activities shall maintain books of accounts—

- (a) Where the foreign donation relates to articles only, in Form FD-5 ;
- (b) Where the foreign donation relates to currency, in the cash book and ledger book on double entry basis.

(2) Accounts under sub-rule (1) shall be maintained on a half-yearly basis, one for the period commencing on the 1st day of July and ending on the 31st day of December, and the other for the period commencing on the 1st day of January and ending on the 30th day of June.

(3) All books of accounts maintained under this rule shall be audited by a chartered accountant as defined in the Bangladesh Chartered Accountants Order, 1973 (P. O. 2 of 1973), and two copies of accounts so audited shall be furnished to the Secretary, Ministry of Finance (External Resources Division) with a copy to the administrative Ministry concerning the activity of the project.

7. Bank Accounts.—A separate Bank Account shall be maintained by every person or organisation authorised under these rules for each foreign donations.

8. Seizure of books of accounts.—(1) Every seizure of books of accounts and other documents under section 4 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the Code.

(2) The officer or officers responsible for seizure of books of accounts and other documents under sub-section (1) shall return them if no action is taken as required by the Ordinance.

9. Manner of service of order or direction.—An order under section 6 or any other order or direction made or issued under the Ordinance shall be served on the person or organisation concerned in the following manner, that is to say,—

- (a) by delivering or tendering to that person or as the case may be, organisation, or to his or its duly authorised agent; or
- (b) by sending it to him by registered post with acknowledgement due to the address of his last known place of residence or the place where he carries on, or is known to have last carried on business, or the place where he personally works for gain, or is known to have last worked for gain, and in case the person is an organisation to the last known address of the office of such organisation ; or
- (c) if it cannot be served in any of the manner aforesaid, by affixing it on the outer door or some other conspicuous part of the premises in which that person resides, or carries on or is known to have last carried on business, or is known to have last worked, and in case the person is an organisation on the outer door or some other conspicuous part of the premises in which the office of that organisation is located, or is known to have been last located, and the written report whereof should be witnessed by at least two persons.

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
রাষ্ট্রপতির সচিবালয়
জন বিভাগ
প্রজ্ঞাপন

ঢাকা, ৩০শে বৈশাখ, ১৩৯৭/১৪ই মে, ১৯৯০

নং এস, আর, ও ১৮০-আইন/৯০—Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978) এর section 7 এ প্রদত্ত ক্ষমতাবলে, সরকার Foreign Donations (Voluntary Activities) Regulation Rules, 1978 এর নিম্নরূপ সংশোধন করিলেন, যথাঃ—

উপরি-উক্ত Rules এর—

- (১) শীর্ষে "Ministry of Home Affairs Political Branch Section IV" শব্দগুলি ও সংখ্যাটির পরিবর্তে "PRESIDENT'S SECRETARIAT PUBLIC DIVISION" শব্দগুলি প্রতিস্থাপিত হইবে ;
- (২) সর্বত্র "Director" শব্দটির পরিবর্তে "Director General" শব্দগুলি প্রতিস্থাপিত হইবে ;
- (৩) rule 2 তে clause (a) এর পরিবর্তে নিম্নরূপ clause (a) এবং (aa) প্রতিস্থাপিত হইবে, যথাঃ—

- (a) "NGO Affairs Bureau" Means the Non-Government Organisation Affairs Bureau established by the Government ;
- (aa) "Director General" means the Director General in charge of the NGO Affairs Bureau, Government of the People's Republic of Bangladesh ; or such other officer as the Government may, by notification in the official gazette, authorise to exercise the powers and perform the functions of Director General under these rules;"

(৪) rule 3 এর—

(ক) sub-rule (3) এর—

- (অ) "sub-rule (3)" শব্দটি, বন্ধনীসমূহ এবং সংখ্যাটির পরিবর্তে "sub-rule (2)" শব্দটি বন্ধনীসমূহ ও সংখ্যাটি প্রতিস্থাপিত হইবে ; এবং
- (আ) "carrying on any voluntary activity" শব্দগুলির পর "and such registration shall, unless earlier cancelled, remain valid for five years" শব্দগুলি ও কমাগুলি সংযোজিত হইবে;

(খ) sub-rule (3) এর পর নিম্নরূপ sub-rule সংযোজিত হইবে, যথা ঃ—

"(4) A person or an organisation registered under sub-rule (3) may, at least six months prior to the date of expiry of his or its registration, apply in such form as the Director General may specify in this behalf, for renewal of his or its registration.

(5) The Director General may, on receipt of an application under sub-rule (4), call for any information from the applicant which he may consider necessary and the applicant shall furnish the information called for within the period specified by the Director General in that behalf.

(6) The Director General may, after considering the information supplied under sub-rule (5), if any, renew the registration for a period of five years.

(7) No person or organisation shall undertake or carry on any voluntary activity after the date of expiry of his or its registration for undertaking or carrying on such activity :

Provided that a person or an organisation may, in exceptional circumstances, be allowed by the Director General to undertake or carry on such activity for a period not exceeding six months from the date of such expiry if his or its application for renewal of registration is pending with the Director General.

(8) An application under sub-rule (1) for registration or under sub-rule (4) for renewal of registration shall be accompanied by a treasury challan showing receipt of such fee as the Government may, from time to time, determine in this behalf.”;

(৫) rule 4 এর—

(ক) sub-rule (2) তে "Government in the Ministry of Finance (External Resources Division)" শব্দগুলি ও বন্ধনীগুলির পরিবর্তে "NGO Affairs Bureau" শব্দগুলি প্রতিস্থাপিত হইবে;

(খ) sub-rule (3) বিলুপ্ত হইবে; এবং

(গ) sub-rule (4) এর পরিবর্তে নিম্নরূপ sub-rule (4) প্রতিস্থাপিত হইবে, যথাঃ—

"(4) Every person or Organisation registered under sub-rule (3) of rule 3 shall receive the funds—

(a) in foreign exchange, or

(b) in local currency, if such funds are originated abroad in foreign exchange and received in local currency in Bangladesh, through only account opened in any scheduled Bank, which shall submit statements of such funds to the Bangladesh Bank and the NGO Affairs Bureau.”;

(ঘ) sub-rule (5) এ "External Resources Division" শব্দগুলির পর "and the NGO Affairs Bureau" শব্দগুলি সন্নিবেশিত হইবে;

(৬) rule 5 এর—

(ক) sub-rule (1) এ "Ministry of Finance (External Resources Division)" শব্দগুলি ও বন্ধনীগুলির পরিবর্তে "President's Secretariat, Public Division, NGO Affairs Bureau and the External Resources Division" শব্দগুলি ও কমাগুলি প্রতিস্থাপিত হইবে;

(খ) sub-rule (2) তে, "shall be submitted in Form FD-3, and if it relates to its utilization, in Form FD-4." কমাগুলি, শব্দগুলি, অক্ষরগুলি ও সংখ্যাগুলির পরিবর্তে "and its utilization, shall be submitted in Form FD-3" শব্দগুলি, কমা, অক্ষরগুলি ও সংখ্যাটি প্রতিস্থাপিত হইবে;

(৭) rule- 5A এর—

(ক) sub-rule (1) এ "External Resources Division and the Department of Social Welfare" শব্দগুলির পরিবর্তে "NGO Affairs Bureau" শব্দগুলি প্রতিস্থাপিত হইবে;

(খ) sub-rule (2) তে—

"Ministry of Home Affairs and the Department of Social Welfare" শব্দগুলির পরিবর্তে "NGO Affairs Bureau and the Ministry of Home Affairs." শব্দগুলি প্রতিস্থাপিত হইবে;

(গ) sub-rule (3) তে—

(অ) "Ministry of Home Affairs and the Department of Social Welfare" শব্দগুলির পরিবর্তে "NGO Affairs Bureau and the Ministry of Home Affairs" শব্দগুলি প্রতিস্থাপিত হইবে; এবং

(আ) "schemes undertaken or carried on by it" শব্দগুলির পর "according to details of project personnel as shown in the project proforma" শব্দগুলি সংযোজিত হইবে;

(ঘ) sub-rule (4) এ—

"Ministry of Home Affairs and the Department of Social Welfare" শব্দগুলির পরিবর্তে "NGO Affairs Bureau and the Ministry of Home Affairs." শব্দগুলি প্রতিস্থাপিত হইবে;

(ঙ) sub-rule (4) এর পর নিম্নরূপ নূতন sub-rule (5) সংযোজিত হইবে, যথাঃ—

"(5) Every project on voluntary activities submitted under sub-rule (1) shall be accompanied by a treasury challan showing receipt of such service charge as the Government may, from time to time, determine in this behalf.";

(চ) rule 5B তে—

"External Resources Division with copies to the administrative Ministry, Ministry of Home Affairs and the department of Social Welfare" শব্দগুলি ও কমাটির পরিবর্তে "NGO Affairs Bureau with copies to the administrative Ministry, the Ministry of Home Affairs and the External Resources Division" শব্দগুলি ও কমাটি প্রতিস্থাপিত হইবে ;

(ছ) rule 5B এর পর নিম্নরূপ নূতন rule 5BB সন্নিবেশিত হইবে, যথাঃ—

"5BB. Deposit of fees and service charges.—The fees payable under sub-rule (8) of rule 3 and the service charges payable under sub-rule (5) of rule 5A shall be deposited in the Government treasury under প্রধান খাত "৬৫-কর ব্যতীত বিবিধ প্রাপ্তি" এর অধীন "এনজিওদের রেজিস্ট্রেশন, রেজিস্ট্রেশন নবায়ন, প্রকল্প অনুমোদন বাবদ ফি/সার্ভিস চার্জ আদায়।" শীর্ষক গৌণ খাতে।"

(১০) rule 6 এর sub-rule (3) তে—

"to the Secretary, Ministry of Finance (External Resources Division) with a copy to the administrative Ministry concerning the activity of the project" শব্দগুলি ও কমাটি ও বন্ধনীগুলির পরিবর্তে, "along with a certificate from the auditors in Form FD-4, to the NGO Affairs Bureau with a copy to External Resources Division and the administrative Ministry concerning to the activity of the project" কমাগুলি, শব্দগুলি, অক্ষরগুলি ও সংখ্যাটি প্রতিস্থাপিত হইবে ;

(১১) rule 7 এর পরিবর্তে নিম্নরূপ rule 7 প্রতিস্থাপিত হইবে, যথাঃ—

"7. Bank Accounts.—Only one bank account shall be maintained by every person or organisation authorised under these rules for receiving foreign donations:

Provided that separate bank accounts for separate projects may be maintained for internal transactions after the donations have been received through the only bank account opened under sub-rule (4) of rule 4."

রাষ্ট্রপতির আদেশক্রমে

সোহেল আহমদ

পরিচালক।