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[1860 : Act XXI]

**<sup>1</sup>The Societies Registration Act, 1860**

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<sup>1</sup> Short title was given by the Short Titles Act, 1897 (XIV of 1897).

5. The property, moveable and immoveable, belonging to a society registered under this Act, if not vested in trustees, shall be deemed to be vested, for the time being in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.

Property of society how vested.

6. Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and regulations of the society, and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion :

Suits by and against societies.

Provided that it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if on application to the governing body some other officer or person be not nominated to be the defendant.

7. No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceedings shall be continued in the name of or against the successor of such person.

Suits not abate

8. If a judgement shall be recovered against the person or officer named on behalf of the society, such judgement shall not be put in force against the property, moveable or immoveable, or against the body of such person or officer, but against the property of the society.

Enforcement of judgment against society.

The application for execution shall setforth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only and shall require to have the judgement enforced against the property of the society.

9. Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary) any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the society shall situate, as the governing body thereof shall deem expedient.

Recovery of penalty accruing under bye-law.

10. Any member who may be in arrear of a subscription which, according to the rules of the society he is bound to pay or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society may be sued for such arrear or for the damage accruing in the manner herein-before provided.

Members liable to be sued as strangers.

But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought, or from the society, and in the latter case shall have process against the property of the said society in the manner above described.

Recovery by successful defendant of costs adjudged.

11. Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and if convicted shall be liable to be punished in like manner as any person not a member would be subject and liable to in respect of the like offence.

Members guilty of offences punishable as strangers.

Societies enabled to alter, extend or abridge their purposes.

12. Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act. or to amalgamate such society either the meaning of this Act. or to amalgamate such society either may submit the proposition to the members of the society in a written or printed report and may convene a special meeting for the consideration thereof according to the regulations of the society :

But no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

Dissolution of societies and adjustment of their affairs.

13. Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable hereto, if any, and if not, then as the governing body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the Chief building of the society situate; and the Court shall make such order in the matter as it shall deem requisite:

Assent required;

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose :

Government consent.

Provided that <sup>1</sup>[whenever the Government] is a member of or a contributor to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved <sup>2</sup>[without the consent of the Government] <sup>3</sup>\*\*\*

Upon a dissolution no member to receive profit.

14. If upon the dissolution of any society registered under this Act there shall remain after the satisfaction of all its debt and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or in default thereof, by such Court as aforesaid :

Clause not to apply to joint-stock companies.

Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-stock Company.

Member defined. Disqualified members.

15. For the purposes of this Act a member of a society shall be a person who, having been admitted therein according to the rules and regulations thereof, shall have paid a subscription or shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Act no person shall be entitled to vote or to be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months.

<sup>1</sup> The words within square brackets were substituted for the words "whenever any Government" by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act VIII of 1973). Second Schedule (w.e.f. 26th March, 1971).

<sup>3</sup> The words "without the consent of the Government of the Province of registration" were substituted for the words "without the consent of Government" by A.O. 1937.

Governing body defined.

16. The governing body of the society shall be the governors, council, directors, committee, trustees or other body to whom by the rules and regulations of the society the management of its affairs is entrusted.

Registration of societies formed before Act. Assent required.

17. Any company or society established for a literary, scientific or charitable purpose, and registered under <sup>1</sup>Act XLIII of 1850, or any such society established and constituted previously to the passing of this Act but not registered under the said <sup>2</sup>Act XLIII of 1850, may at any time hereafter be registered as a society under this Act, subject to the proviso that no such company or society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by the governing body.

In the case of a company or society registered under <sup>1</sup>Act XLIII of 1850, the directors shall be deemed to of such governing body.

In the case of a society not so registered if no such body shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice to create for itself a governing body to act for the society thenceforth.

Such societies to file memorandum etc., with Registrar of Joint-stock Companies.

18. In order to any such society as is mentioned in the last preceding section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-stock Companies<sup>2</sup> \* \* \* a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 2, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

Inspection of documents. Certified copies

19. Any person may inspect all documents filed with the registrar under this Act on payment of a fee of one <sup>3</sup>[taka] for each inspection, and any person may require a copy or extract of any document or any part of any document, to be certified by the registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

To want societies Act applies.

20. The following societies may be registered under this Act :—

Charitable societies,<sup>3</sup> \* \* \*, societies established for the promotion of science, literature, or the fine arts, for instruction the diffusion of useful knowledge, <sup>4</sup>[the diffusion of political education], the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or public museums and galleries of painting and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs.

<sup>1</sup> The words "of the Province of registration" were omitted by Act VIII of 1973.  
<sup>2</sup> Rep. by the Indian Companies Act, 1866 (X of 1866), s. 219.  
<sup>3</sup> The words and figures "under Act, XIX of 1857, repealed by the Repealing Act, 1874 (XVI of 1874), see now the Companies Act, 1913 (VII of 1913), s. 288.  
<sup>4</sup> Subs, by Act VIII of 1973, s. 3 and 2nd Sch, (w.e.f. 26th March, 1971).

[Published in the Dacca Gazette, Extraordinary, dated Dacca, December 8, 1961]

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF LABOUR AND SOCIAL WELFARE

(Labour and Social Welfare Division)

Dacca, the 2nd December, 1961

ORDINANCE NO, XLVI OF 1961

AN ORDINANCE

*To provide for the registration & control of voluntary social welfare agencies.*

WHEREAS it is expedient to provide for the registration & control of Voluntary Social Welfare Agencies, and for matters ancillary thereto.

Now, THEREFORE, in pursuance of the declaration of the seventh day of October 1958 & in exercise of all powers enabling him in that behalf, the President is pleased to make & promulgate the following Ordinance:

1. **Short title, extent & commencement.**—(1) This ordinance may be called Voluntary Social Welfare Agencies (Registration & Control) Ordinance, 1961.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may by notification in the official Gazette, appoint in this behalf.

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

- (a) "Agency" means a Voluntary Social Welfare Agency, & includes any branch of such agency;
- (b) "Governing body" means the council committee, trustees or other body, by whatever name called, to whom by the constitution of the agency, its executive functions the management of its affairs are entrusted;
- (c) "Prescribed" means prescribed by rules made under section 19 ;
- (d) "Register" means the register maintained under section 4, & registered shall mean registered under this Ordinance ;
- (e) "Registration Authority" means the Director of Social Welfare, Government of Bangladesh, & includes an officer authorized by the Government, by notification in the official Gazette, to exercise all or any of the powers of the Registration Authority under this Ordinance ;
- (f) "Voluntary Social Welfare Agency" means an organisation, association or undertaking established by person on their own free will for the purpose of rendering Welfare services in any one or more of the field mentioned in the schedule & depending for its resources on public subscriptions, donations or Government aid.

3. **Prohibiting against establishing or continuing an agency without registration.** No agency shall be established or continued except in accordance with the provisions of this Ordinance.

4. **Application for registration etc.**—(1) Any person intending to establish an agency, and any person intending that an agency already in existence should be continued as such, shall in the prescribed form on payment of the prescribed fees, make an application to the Registration Authority accompanied by a copy of the constitution of the agency, & such other documents as may be prescribed.

(2) The Registration Authority may, on receipt of the application make such enquiries as it considers necessary & either grant the application, or, for reasons to be recorded in writing, reject it.

(3) If the Registration Authority grant the application, it shall issue, in the prescribed form, a certificate of registration to the applicant.

(4) The Registration Authority shall maintain a register, containing such particulars as may be prescribed, of all certificates issued under section (3).

(5) **Establishment & continuance of agency.**—(1) An Agency not in existence on the coming into force of this Ordinance shall be established only after a certificate of registration has been issued under sub-section (3) of Section 4.

(2) An agency already in existence shall not be continued for more than six months from the date on which this Ordinance comes into force, unless an application for its registration has within thirty days of such date, been made under sub-section (1) of Section 4.

(3) Where an application as aforesaid has been made in respect of an existing agency & such application is rejected, then notwithstanding the period of six months provided in sub-section (2) the agency may be continued for a period of thirty days from the date on which the application is rejected, or if an appeal is preferred under section 6, until such appeal is dismissed.

**6. Appeal.**—If the Registration Authority rejects an application for registration the applicant may, within thirty days from the date of the order of the Registration Authority, prefer an appeal to Government & the order passed by the Government shall be final & given effect by the Registration Authority.

**7. Conditions to be complied with by registered agencies.**—(1) Every registered agencies shall—

- (a) maintain audited accounts in the manner laid down by the Registration Authority;
- (b) at such time & in such manner as may be prescribed, submit its Annual Report & Audited Accounts to the Registration Authority & publish the same for general information.
- (c) Pay all moneys received by it into a separate account kept in its name at Bank or Banks as may be approved by the Registration Authority, &
- (d) furnish to the Registration Authority such particulars with regard to accounts & other records as the Registration Authority may from time to time require.

(2) The Registration Authority, or any Officer duly authorized by it in this behalf, may at all reasonable times inspect the books of account & other records of the agency, the securities, cash & other properties held by the agency, & all documents relating thereto.

**8. Amendment of the constitution of registered agency.**—(1) No amendment of the constitution of a registered agency shall be valid unless it has been approved by the Registration Authority, for which purpose a copy of the amendment shall be forwarded to the Registration Authority.

(2) If the Registration Authority is satisfied that any amendment of the constitution is not contrary, to any of the provisions of this Ordinance or the rules made thereunder, it may, if it thinks fit approve the amendment.

(3) Where the Registration Authority approves an amendment of the constitution, it shall issue to the agency a copy of the amendment certified by it, which shall be evidence that the same is duly approved.

**9. Suspension or dissolution of governing bodies of registered agency.**—(1) If after making such enquiries as it may think fit, the Registration Authority is satisfied that a registered agency has been responsible for any irregularity in respect of its funds or for any mal-administration in the conduct of its affairs or has failed to comply with the provisions of this Ordinance or the rules made there under, it may by order in writing, suspend the governing body.

(2) Where a governing body is suspended under sub-section (1) The Registration Authority shall appoint an administrator, or a care taker body consisting of not more than five person, who shall have all the authority & powers of the governing body under the constitution of the agency.

(3) Every order of suspension under sub-section (1) shall be placed by the Registration Authority before a Board, consisting of not more than five persons, constituted by the Government for the purpose, which shall have the power to make order within six months as to the re-instatement : or the dissolution & reconstitution, of the governing body, as it may think fit.

(4) The Governing body constituted after of dissolution & reconstitution is made under sub-section (3) may appeal to the Government within thirty days from the date of such order, & the decision of the Government shall be final & shall not be called in question in any court.

10. Dissolution of registered agency.—(1) If at any time Registration Authority has reason to believe that a registered agency is acting in contravention of its constitution, or contrary to any of the provisions of this Ordinance or the rules made thereunder, or in a manner prejudicial to the interest of the public, it may after giving such opportunity to the agency of being heard if it thinks fit, make a report thereon to the Government.

(2) Government, if satisfied after considering the report that it is necessary or proper to do so, may order that the agency shall stand dissolved from the date mentioned therein.

11. (1) No registered agency shall be dissolved by its governing body or members thereof.

(2) If it is proposed to dissolve any registered agency, not less than three-fifths of its members may apply to the Government in such manner as may be prescribed, for making an order for the dissolution of such agency.

(3) The Government, if satisfied after considering the application that it is proper to do so, may order that the agency shall stand dissolved on & from such date as may be specified in the order.

12. Consequences of dissolution.—(1) Where any agency is dissolved under this Ordinance, its registration thereunder shall stand cancelled on & from the date the order of dissolution takes effect, & the Government may—

- (a) Order any Bank or other person who holds money, securities or other assets on behalf of the agency not to part with such money, securities & assets without the previous permission in writing of the Government.
- (b) appoint a competent person to wind up the affairs of the agency, with power to institute & defend suit & other legal proceedings on behalf of the agency, & to make such orders & take such action as may appear to him to be necessary for the purpose; and
- (c) Order any money, securities & assets remaining after the satisfaction of all debits & liabilities of the agency to be paid or transferred to such other agency, having objects similar to the objects of the agency, as may be specified in the order.

(2) Orders made by the person appointed under clause (b) of sub-section (1) shall on application, be enforceable by any Civil Court having local jurisdiction in the matter as a decree of such court.

13. Inspection of documents etc. Any person may, on payment of the prescribed fee inspect at the office of the Registration Authority any document relating to a registered agency, or obtain a copy of or an extract from any such document.

14. Penalties & procedure.—(1) Any person who—

- (a) Contravenes any of the provisions of this Ordinance or any rule or order made thereunder ; or
- (b) In any application for registration under this Ordinance, or in any report or statement submitted to the Registration Authority or published for general information thereunder, makes any false statement or false representation;
- (c) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.



(2) Where the person committing an offence under this Ordinance is a company, or other body corporate, or an association of persons, every director, manager, secretary & other officer thereof shall, unless proved that the offence was committed without his knowledge or consent be deemed to be guilty of such offence.

(3) No Court shall take cognizance of an offence under this Ordinance except upon complaint in writing made by the Registration Authority or by an officer authorized by it in this behalf.

15. **Indemnity.**—No suit, prosecution or other legal proceeding shall be filed against any person for any thing which is in good faith done or intended to be done under this Ordinance.

16. **Power to amend schedule.**—The Government may by notification in the official Gazette, amend the schedule so as to include therein or exclude there from any field of Social Welfare Service.

17. **Power to exempt.**—The Government may by notification in the official gazette, exempt any agency or class of agencies from the operation of all or any of the provisions of this Ordinance.

18. **Delegation of powers.**—The Government may, by notification in the official Gazette, delegate all or any of its powers under this Ordinance either generally, or in respect of such agency or class of agencies as may be specified in the notification to any of its officers.

19. **Rules.**—The Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Ordinance.

## THE SCHEDULE

(SEE SECTION 2F)

- (i) Child Welfare.
- (ii) Youth Welfare.
- (iii) Women's Welfare.
- (iv) Welfare of the physically & mentally handicapped.
- (v) Family Planning
- (vi) Recreational programmes intended to keep people away from anti-Social Activities.
- (vii) Social Education, that is, education of adult aimed at developing sense of civic responsibility.
- (viii) Welfare & rehabilitation of released prisoners.
- (ix) Welfare of Juvenile delinquents.
- (x) Welfare of the beggars & destitutes.
- (xi) Welfare of the Socially handicapped.
- (xii) Welfare & rehabilitation of patients.
- (xiii) Welfare of the aged & infirm.
- (xiv) Training in Social Work.
- (xv) Co-ordination of social Welfare agencies.

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*[Published in the Bangladesh Gazette Extraordinary, dated the 20th November, 1978]*

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
NOTIFICATION**

Dhaka, the 20th November, 1978.

**No. 880-pub**—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 15th November, 1978, is hereby published for general information:—

**THE FOREIGN DONATIONS (VOLUNTARY ACTIVITIES) REGULATION  
ORDINANCE, 1978.**

Ordinance No. XLVI of 1978.

**AN  
ORDINANCE**

*to regulate the receipts and expenditure of foreign donations for voluntary activities.*

WHEREAS it is expedient to regulate receipts and expenditure of foreign donations for voluntary activities;

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:—

1. **Short title.**—This Ordinance may be called the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978.

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

- (a) "foreign donation" means a donation, contribution or grant of any kind made for any voluntary activity in Bangladesh by any foreign Government or organisation or a citizen of a foreign State and includes, except in the case of a donation made for such charity as the Government may specify any donation made for any voluntary activity in Bangladesh by a Bangladeshi citizen living or working abroad;
- (b) "organisation" means <sup>1</sup>[a church or] a body of persons, called by whatever name, whether incorporated or not, established by persons for the purpose of undertaking or carrying on any voluntary activity in Bangladesh;
- (c) "prescribed" means prescribed by rules made under this Ordinance; and
- (d) "voluntary activity" means an activity undertaken or carried on <sup>2</sup>[partially or entirely with external assistance] by any person or organisation of his or its own free will to render agricultural, relief, missionary, educational, cultural, vocational, social welfare and developmental services and shall include any such activity as the Government may, from time to time, specify to be a voluntary activity;

3. **Regulation of Voluntary Activity.**—(1) Notwithstanding anything contained in any other law for the time being in force, no person or organisation shall, save as provided in this Ordinance, undertake or carry on any voluntary activity without prior approval of the Government, nor shall any person or organisation receive or operate, except with prior permission of the Government, any foreign donation for the purpose of undertaking or carrying on any voluntary activity.

<sup>1</sup> Inserted by Ordinance No. XXXII of 1982 published in the Bangladesh Gazette, Extraordinary, dated 8-9-82

<sup>2</sup> Inserted by Ordinance No. XXXII of 1982.

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**Societies Registration**

[1860 : Act XXI]

<sup>1</sup>Act No. XXI of 1860

[21st May, 1860]

An Act for the Registration of Literary, Scientific  
and Charitable Societies.

Preamble.

Whereas it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge. <sup>2</sup>[the diffusion of political education] or for charitable purposes; It is enacted, as follows:—

Societies formed by memorandum of association and registration.

1. Any seven or more persons associated for any literary, science or charitable purpose, or for any such purpose as is described in section 20 of this Act, may, by subscribing their names to a memorandum of association and filing the same with the Registrar of Joint-stock Companies <sup>3</sup> \* \* \* form themselves into a society under this Act.

Memorandum of association.

2. The memorandum of association shall contain the following things (that is to say)—

the name of the society :

the objects of the society :

the names, addresses and occupations of the governors, council, directors, committee or other governing body to whom, by the rules of the society, the management of its affairs is entrusted.

A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.

Registration Fees.

3. Upon such memorandum and certified copy being filed the registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the registrar for every such registration a fee of fifty <sup>4</sup>[taka], or such smaller fee as the <sup>5</sup>[Government] may from time to time direct; and all fees so paid shall be accounted for to the <sup>5</sup>[Government].

Annual list of managing body to be filed.

4. Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint-stock Companies of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society:

<sup>1</sup> The Act (with the exception of the first four sections) imbedded on the Literary and Scientific Institutions Act, 1854 (17 & 18 Vict., c. 112), ss. 20 *seq.*

It has been declared to be in force in all the Provinces and Capital of the Federation, except the Scheduled District, by s. 3. of the Laws Local Extent Act, 1874 (XV of 1874).

It has been declared, by notification under s. 3 (a) of the Scheduled District Act, 1874 (XIV of 1874), to be in force in the Scheduled Districts, namely :

The District of Sylhet . . . *see* Gazette of India, 1879, Pt. I, p. 61.

<sup>2</sup> These words were added by the Societies Registration (Amendment) Act, 1927 (XXII of 1927).

<sup>3</sup> The words and figures "under Act XIX of 1857" were repealed by the Repealing Act, 1874 (XVI of 1874). *See* now the Companies Act, 1913 (VII of 1913) s. 288.

<sup>4</sup> This word was substituted for the word "rupees" by act VIII of 1973, s. 3 and 2nd Sch, (w.e.f. 26-3-1971).

<sup>5</sup> Subs. *ibid*, for the word, "Provincial Government".