

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

ORDINANCE NO. XLVI OF 1978

[20th November, 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. This Ordinance may be called the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978. Short title

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

- (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 ²[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

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

² The words “a church or” were inserted by section 2 of the Foreign Donations (Voluntary Activities) Regulation (Amendment) Ordinance, 1982 (Ordinance No. XXXII of 1982).

- (d) “voluntary activity” means an activity undertaken or carried on ¹[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.

Regulation of
voluntary
activity

3. (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.

(2) A person or organisation receiving or operating any foreign donation for the purpose of undertaking or carrying on any voluntary activity shall register himself or itself with such authority and in such manner as the Government may specify.

(3) Except in such cases as the Government may, by order in writing, exempt, all persons and organisations undertaking or carrying on voluntary activities with foreign donation, in whole or in part, shall submit to such authority and by such date as the Government may, by notification in the *official Gazette*, specify a declaration showing therein the foreign donation received by them, the source from which it has been received and the manner in which it has been utilised:

Provided that, in a case where the Government considers it necessary, it may, by order, require such declaration to be submitted at any time to be specified in the order.

¹ The words “partially or entirely with external assistance” were inserted by section 2 of the Foreign Donations (Voluntary Activities) Regulation (Amendment) Ordinance, 1982 (Ordinance No. XXXII of 1982).

(4) A person or organisation carrying on any voluntary activity immediately before the commencement of this Ordinance may continue so to carry on a voluntary activity for a period not exceeding six (6) months from such commencement unless the Government has, upon an application made in this behalf in such form and containing such particulars as the Government may direct, granted him or it a permission to continue so to undertake or carry on thereafter.

(5) Nothing in this section shall apply to an organisation established by or under any law or the authority of the Government.

4. (1) The Government may, at any time, for reason to be recorded in writing, cause an inspection to be made, by one or more of its officers, of the books of accounts and other documents of any person or organisation required to submit declaration under sub-section (3) of section 3, and, where necessary, direct all such books of accounts and other documents to be seized.

Power of
inspection

(2) Every such person or organisation shall produce books of accounts and other documents and furnish such statements and information to such officer or officers as such officer or officers may require in connection with the inspection under sub-section (1).

(3) Failure to produce any books of accounts or other documents or to furnish any statement or information required under sub-section (2) shall be deemed to be contravention of the provisions of this Ordinance.

5. (1) Every person and organisation referred to in sub-section (1) of section 3 shall maintain his or its accounts in such manner and form as the Government may specify.

Audit and
accounts

(2) The accounts of every such person or organisation shall be audited by such person or persons as the Government may direct and two copies of the accounts so audited shall be furnished to the Government within two months after the financial year to which the accounts relate.

Penalty for false
declaration, etc.

6. ¹[(1)] If the Government is satisfied that any person or organisation referred to in sub-section (1) of section 3 has failed to submit a declaration under sub-section (3) of that section or wilfully submitted or caused to be submitted a declaration which he or it knows or has reason to believe to be false or has otherwise contravened any provision of this Ordinance, ²[it may, by order, cancel the registration of such person or organisation or] stop any voluntary activity undertaken or carried on by such person or organisation:

Provided that no order under this section shall be made without giving such person or organisation a reasonable opportunity of being heard.

³[(2) Notwithstanding anything contained in sub-section (1), whoever receives or operates any foreign donation in contravention of the provisions of this Ordinance or any rules made thereunder shall be liable to pay a penalty of double the amount or value of the donation received or, as the case may be, operated, or to imprisonment for a term which may extend to three years or both.]

Cognizance of
offence

⁴[**6A.** No Court shall take cognizance of an offence under this Ordinance or any rules made thereunder except on a complaint made by the Government.]

Power to make
rules

7. The Government may, by notification in the *official Gazette*, make rules to carry out the purpose of this Ordinance.

¹ The existing provision of section 6 was numbered as “6. (1)” by section 3 of the Foreign Donations (Voluntary Activities) Regulation (Amendment) Ordinance, 1982 (Ordinance No. XXXII of 1982).

² The words and commas “it may, by order, cancel the registration of such person or organisation or” were substituted for the words and commas “it may, by order,” by section 3 of the Foreign Donations (Voluntary Activities) Regulation (Amendment) Ordinance, 1982 (Ordinance No. XXXII of 1982).

³ Sub-section (2) was added by section 3 of the Foreign Donations (Voluntary Activities) Regulation (Amendment) Ordinance, 1982 (Ordinance No. XXXII of 1982).

⁴ Section 6A was inserted by section 4 of the Foreign Donations (Voluntary Activities) Regulation (Amendment) Ordinance, 1982 (Ordinance No. XXXII of 1982).