

**THE BANGLADESH JATIYA JADUGHAR
ORDINANCE, 1983**

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**¹THE BANGLADESH JATIYA JADUGHAR
ORDINANCE, 1983**

ORDINANCE NO. LIII OF 1983

[20th September, 1983]

**An Ordinance to provide for the establishment of the
Bangladesh Jatiya Jadughar.**

WHEREAS, it is expedient to provide for the establishment of the Bangladesh Jatiya Jadughar and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

1. This Ordinance may be called the Bangladesh Jatiya Jadughar Ordinance, 1983. Short title

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

(a) “antiquity” means-

- (i) any ancient movable product of human activity illustrative of art, architecture, craft, custom, literature, morals, politics, religions, warfare, science or of any aspect of civilisation or of culture;
- (ii) any ancient movable object of historical, ethnological, anthropological, biological, geological, military or scientific interest;
- (iii) any gate, door, window, panelling dados, ceiling, inscription, wall-painting, wood work, iron work, or sculpture or other thing which is attached or fastened to an immovable antiquity; and
- (iv) any other ancient object or class of such objects declared by the Government, by notification in the *official Gazette*, to be an antiquity for the purposes of this Ordinance;

¹ The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন)।

- (b) "Board" means the Board of Trustees of the Jadughar;
- (c) "Jadughar" means the Bangladesh Jatiya Jadughar established under section 3;
- (d) "Mahaparichalak" means the Mahaparichalak appointed under section 11;
- (e) "prescribed" means prescribed by rules or regulations made under this Ordinance;
- (f) "Sabhapati" means the Sabhapati of the Board;
- (g) "Sachib" means the Sachib of the Jadughar appointed under section 12; and
- (h) "Trustee" means a Trustee of the Board.

Establishment
of Jadughar

3. (1) On the commencement of this Ordinance, there shall be established a National Museum to be called the Bangladesh Jatiya Jadughar.

(2) The Jadughar shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

General
direction

4. The General direction and administration of the affairs of the Jadughar shall vest in a Board of Trustees which may exercise all powers and do all acts or things which may be exercised or done by the Jadughar.

Patron-in-Chief

5. The President shall be the Patron-in-Chief of the Jadughar.

Board

6. The Board shall consist of the following Trustees, namely:-

- (a) an eminent person from the field of education or culture to be appointed by the Government, who shall also be the Sabhapati of the Board;

¹[(b) the Secretary of the Ministry or Division dealing with finance, *ex-officio*, or any officer thereof not below the rank of Deputy Secretary to be nominated by it;

¹ Clauses (b) and (bb) were substituted for former clause (b) by section 2 of the Bangladesh Jatiya Jadughar (Amendment) Act, 1988 (Act No. XIII of 1988).

- (bb) the Secretary of the Ministry or Division dealing with cultural affairs, *ex-officio*, or any officer thereof not below the rank of Deputy Secretary to be nominated by it;]
- (c) two professors of Universities of Bangladesh, one from the subjects of humanities and the other from the subjects of science, to be appointed by the Government;
- (d) the Mahaparichalak of the Jadughar, who shall also act, as Secretary of the Board;
- ¹[(e) the Director, Directorate of Archives and Libraries, *ex-officio*;
- (f) the Director, Department of Archaeology, *ex-officio*;
- (g) the Principal, Bangladesh College of Arts and Crafts, Dhaka, *ex-officio*; ²[* * *]
- ³[(gg) a representative of the Asiatic Society of Bangladesh, Dhaka, to be appointed by the Government;]
- (h) five persons to be appointed by the Government from amongst the donors of antiquities and works of arts, and from amongst persons interested in arts, antiquities and museum activities.

7. (1) A Trustee, other than an *ex-officio* Trustee, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment.

Terms of office of Trustees, etc.

(2) A Trustee, other than an *ex-officio* Trustee may, at any time, resign his office by a letter addressed to the Sabhapati.

(3) No act or proceedings of the Board shall be invalid merely on the ground of the existence of a vacancy in, or defect in the constitution of, the Board.

¹ Clause (e) was substituted by section 2 of the Bangladesh Jatiya Jadughar (Amendment) Act, 1988 (Act No. XIII of 1988).

² The word “and” was omitted by section 2 of the Bangladesh Jatiya Jadughar (Amendment) Act, 1988 (Act No. XIII of 1988).

³ Clause (gg) was inserted by section 2 of the Bangladesh Jatiya Jadughar (Amendment) Act, 1988 (Act No. XIII of 1988).

Functions of the Board

8. The functions of the Board shall be-

- (a) to administer and develop the Jadughar;
- (b) to collect, preserve and display the antiquities, works of art, ethnological specimens, relics connected with the liberation struggle of Bangladesh, specimens of flora and fauna, traditional crafts and artifacts, products of intellectual activities, audio-visual documentary evidence, and such other objects and items related to the cultural and natural heritage of Bangladesh;
- (c) to collect, preserve and display material evidence of different aspects of various world civilisations;
- (d) to make arrangements for research on the collections of the Jadughar;
- (e) to publish and sell periodicals, books, anthologies and reproductions of objects;
- (f) to organise exhibitions, conferences, lectures, seminars and assemblies on the cultural and natural heritage of Bangladesh;
- (g) to organise, with prior approval of the Government, exhibitions outside the country in order to project cultural and natural heritage of Bangladesh;
- (h) to assist, encourage and promote development of other museums in Bangladesh;
- (i) to take over and administer a museum on such terms or conditions as may be agreed upon between the Board and the museum committee concerned;
- (j) to take over and administer any museum established by the Government, or execute any scheme or project prepared by the Government, if so directed by the Government, on such terms and conditions as may be agreed upon between the Board and the Government;
- (k) to engage individuals or organisations of specific work for the Jadughar and to pay remuneration for the same;
- (l) to register, organise, administer, regulate and supervise the movable antiquities in Bangladesh, other than those belonging to the Department of Archaeology, in such manner as may be determined by the Board;

- (m) to assist individuals, institutions and authorities engaged in educational activities for the understanding of cultural and natural heritage of Bangladesh;
- (n) to organise training courses and award certificates in art-history and museology independently or in collaboration with any other organisation; and
- (o) to do such other things ancillary or incidental to any of the aforesaid functions.

9. The Board may sell or otherwise dispose of any object of the Jadughar if the object is a duplicate of another such object, or if the object is, in the opinion of the Board, unfit to be retained in the Jadughar:

Power to dispose of object of the Jadughar

Provided that if the object is a gift, bequest or donation of a foreign Government or a foreign national, prior approval of the Government shall be obtained for its sale or otherwise disposal.

10. The Jadughar shall have such Division, Departments or Sections as may be prescribed for carrying out the purposes of this Ordinance.

Division, etc. of Jadughar

11. (1) There shall be a Mahaparichalak of the Jadughar who shall be appointed by the Government and who shall hold office on such terms and conditions as the Government may determine.

Mahaparichalak

(2) The Mahaparichalak shall be the chief executive of the Jadughar and shall be responsible for carrying out the decisions of the Board and for the proper administration of the affairs of the Jadughar.

(3) The Mahaparichalak shall exercise such powers and perform such functions as may be prescribed or assigned to him by the Board.

(4) If a vacancy occurs in the office of the Mahaparichalak or if the Mahaparichalak is unable to discharge the functions of his office on account of absence, illness or any other cause, those functions shall be performed by such persons as may be prescribed.

- Sachib **12.** There shall be a Sachib to the Jadughar who shall be appointed by the Government on such terms and conditions as may be determined by it.
- Appointment of officers, etc. **13.** The Board may appoint such officers and other employees as it considers necessary for the efficient administration of the Jadughar on such terms and conditions as may be prescribed.
- Meeting of the Board **14.** (1) The Board shall meet at least once in four months on a date to be fixed by the Mahaparichalak in consultation with the Sabhapati.
- (2) The Sabhapati may, whenever he thinks fit, and shall, upon the written request of not less than six Trustees, call special meetings.
- (3) Five Trustees shall form a quorum.
- (4) All meetings of the Board shall be presided over by the Sabhapati and, in his absence, by a Trustee elected for the purpose by the Trustees present.
- (5) Each Trustee shall have one vote and in the event of equality of votes, the Trustee presiding shall have a casting or second vote.
- (6) Proceedings of the meeting of the Board shall be recorded and circulated to the Trustees and submitted for confirmation at the next meeting of the Board.
- Funds of the Board **15.** (1) The funds of the Board shall comprise-
- (a) funds of the Dhaka Museum Board of Trustees which stand transferred to the Board under section 18;
 - (b) grants from the Government;
 - (c) grants from the local authorities;
 - (d) sale-proceeds and royalties accruing from the publications and re-productions made by the Board; and
 - (e) receipts from such other sources as may be approved by the Board.
- (2) The funds of the Board shall be kept in a scheduled bank approved by the Board.

¹[15A. The Board shall, by such date as may be prescribed, submit to the Government for approval a statement to be called the annual budget statement for each financial year showing the estimated receipts and expenditure and the sum which are likely to be required from the Government during that financial year.]

Annual Budget
Statement

16. (1) The Board shall keep accounts of all moneys received and expended by it.

Audit and
accounts

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of Bangladesh in such manner as he deems fit.

(3) The audit report, together with the statement of accounts audited, shall be furnished by the Board to the Government.

17. (1) The Board shall, as soon as possible after the end of every financial year, submit to the Government an annual report on the conduct of its affairs for that year.

Submission of
annual reports,
etc.

(2) The Government may require the Board to furnish any report, return, statement, estimate, statistics or other information regarding any matter under the control of the Board, and the Board shall comply with every such requisition.

18. (1) On the commencement of this Ordinance, the Dacca Museum (Board of Trustees) Ordinance, 1970 (E.P. Ord. X of 1970), hereinafter referred to as the said Ordinance, shall stand *repealed*.

Repeal and
savings, etc.

(2) Upon repeal of the said Ordinance,-

- (a) the Dhaka Museum Board of Trustees, hereinafter referred to as the said Board of Trustees, established under said Ordinance, shall stand dissolved;
- (b) all assets, rights, powers, authorities and privileges and all properties, movable or immovable, including antiquities, works of art, ethnological specimens, relics and other objects, lands, buildings, cash and bank-balances, reserve funds, investments and all other rights and interests in, or arising out of, such properties and all

¹ Article 15A was inserted by article 2 of the Bangladesh Jatiya Jadughar (Amendment) Ordinance, 1985 (Ordinance No. VII of 1985).

books of accounts, registers, records and all other documents of whatever nature relating thereto, of the said Board of Trustees shall stand transferred to, and vest in, the Board;

- (c) all debts, liabilities and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the said Board of Trustees before the commencement of this Ordinance shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Board;
- (d) all suits and other legal proceedings instituted by or against the said Board of Trustees shall be deemed to have been instituted by or against the Board and may be continued or proceeded with accordingly;
- (e) all officers and other employees of the said Board of Trustees shall stand transferred to the Board and shall serve on the same terms and conditions as were applicable to them before their transfer.

(3) Notwithstanding the dissolution of the said Board of Trustees, all rules and regulations made under the said Ordinance, shall, *mutatis mutandis*, and so far as they are not inconsistent with any provision of this Ordinance, continue in force until altered, repealed or amended by rules or regulations made under this Ordinance.

(4) The Government may, for the purpose of removing any difficulty in relation to the transfer and other matter specified in sub-section (1), make such orders as it may consider expedient and any such order shall be deemed to be, and given effect to as, part of the provisions of this Ordinance.

Indemnity

19. No suit, prosecution or other legal proceedings shall lie against the Government or any person in respect of anything done or purporting to be done under this Ordinance or any order made thereunder for the purpose of giving effect to the provisions of this Ordinance.

Power to make rules

20. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

21. The Board may ¹[, with the prior approval of the Government,] make regulations, not inconsistent with this Ordinance or rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of the Ordinance.

Power to make regulations

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¹ The commas and the words “, with the prior approval of the Government,” were inserted after the word “may” by section 3 of the Bangladesh Jatiya Jadughar (Amendment) Ordinance, 1985 (Ordinance No. VII of 1985).