

**THE BANGLADESH CHA SRAMIK KALLYAN FUND
ORDINANCE, 1986**

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**¹THE BANGLADESH CHA SRAMIK KALLYAN FUND
ORDINANCE, 1986**

ORDINANCE NO. LXII OF 1986

[9th July, 1986]

**An Ordinance to provide for the establishment of a
Kallyan Fund for the Bangladesh Cha Sramik.**

WHEREAS it is expedient to provide for the establishment of a Kallyan Fund for the Bangladesh Cha Sramik and for matters connected therewith;

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

Short title,
application and
commencement

1. (1) This Ordinance may be called the Bangladesh Cha Sramik Kallyan Fund Ordinance, 1986.

(2) It applies to every permanent tea labourer working in tea estates in Bangladesh.

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

Definitions

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

(a) “Board” means the Board of Management of the Fund;

(b) “Chairman” means the Chairman of the Board;

(c) “family” means-

(i) in the case of a male labourer, the wife or wives, and in the case of a female labourer, the husband of the labourer;

(ii) legitimate children and step children below eighteen years of age of the labourer;

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 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), ধারা ৪।

- (iii) legitimate children and step children above eighteen years of age, if residing with, and wholly dependent upon, the labourer; and
- (iv) parents, sisters, brothers, grand parents and grand children, if residing with, and wholly dependent upon, the labourer;
- (d) "Fund" means the Bangladesh Cha Sramik Kallyan Fund established under section 7;
- (e) "labourer" means a tea labourer working in a tea estate in Bangladesh; and
- (f) "prescribed" means prescribed by regulations made under this Ordinance.

3. The provisions of this Ordinance and the regulations made thereunder shall have effect notwithstanding anything contained in any other law, rule, order, notification, contract, document or instrument; but nothing herein contained shall affect the right to receive any pension, provident fund, gratuity or other benefits accruing to the labourer on his retirement or invalidation or to his family upon his death.

Ordinance to override other laws but not to affect retirement benefits, etc.

4. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the *official Gazette*, establish a Board to be called the Board of Management of the Bangladesh Cha Sramik Kallyan Fund for carrying out the purposes of this Ordinance.

Board of Management

(2) The Board shall consist of the following members, namely:-

- (a) Chairman, Bangladesh Tea Board, *ex-officio*, who shall also be the Chairman of the Board;
- (b) an officer of the Bangladesh Tea Board to be appointed by the Government, who shall also be the Secretary of the Board;
- (c) six members to be appointed by the Government, of whom two shall be from among members of the Bangladeshiyo Cha Sangsad and two from among members of the Bangladesh Cha Sramik Union.

(3) An appointed member shall hold office for a period of three years from the date of his appointment.

(4) The Government may at any time terminate the appointment of a member without assigning any reason.

(5) An appointed member may at any time resign his office by writing under his hand addressed to the Chairman.

Meetings of the Board

5. (1) The meetings of the Board shall be held at such times and places as may be prescribed:

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Board, not less than three members shall be present.

(3) All meetings of the Board shall be presided over by the Chairman and, in his absence, by a member authorised by the Chairman in this behalf.

(4) At a meeting of the Board, each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(5) No act or proceedings of the Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board.

Powers of the Board

6. The Board shall have power-

- (a) with the prior approval of the Government, to set up projects for the welfare of labourers and their families and to sanction grant from the Fund for financing such project;
- (b) to invest moneys held in the Fund in Government securities or, with the prior approval of the Government, in any other profitable ventures;

- (c) to sanction grant from the Fund to the labourers and their families in accordance with the provisions of this Ordinance, or the regulations made thereunder;
- (d) to sanction expenditure connected with the administration and management of the Fund and for such other purposes as may be prescribed;
- (e) to do all acts and things necessary for the purpose of administration and management of the Fund.

7. (1) There shall be established a Fund to be called the Bangladesh Cha Sramik Kallyan Fund. Establishment of the Fund

(2) The Fund shall consist of-

- (a) donations of taka one crore to be made by the Bangladesh Tea Board;
- (b) grants or donations made by the Government;
- (c) grants or donations made by the tea estates, or by any local authority or by any organisation and individual;
- (d) income from investments made out of the moneys of the Fund;
- (e) any other sums received for the Fund.

(3) The moneys credited to the Fund shall be kept in such bank or banks as the Board may decide.

8. If any labourer -

- (a) is declared by the prescribed medical authority to have been permanently disabled, physically or mentally, to discharge his duties and is, for that reason, retired, removed or discharged from service; or
- (b) dies during the continuance of his employment, or if he, being a retired labourer, dies within a period of five years from the date of his superannuation,

Lump grant in case of death and disablement

the labourer or, in the event of the labourer's death, the wife or wives or the husband of the labourer, as the case may be, shall be entitled to receive the grant from the Fund according to the scale as may be prescribed.

Welfare grant for marriage	<p>9. (1) The Board may sanction from the Fund a welfare grant for the marriage of the daughter of a deceased or permanently disabled or extremely distressed labourer.</p>
Welfare grant for education	<p>10. (1) The Board may sanction from the Fund a welfare grant on a monthly basis for a period of one year for education of the children of a labourer, whether in service or deceased or permanently disabled.</p> <p>(2) A welfare grant under this section may be renewed from year to year if such renewal is deemed necessary for the successful completion of a course.</p>
Special welfare grant	<p>11. (1) The Board may sanction from the Fund a special welfare grant to a labourer or his/her family for all or any of the following purposes, namely :-</p> <ul style="list-style-type: none"> (a) medical treatment including blood transfusion; (b) purchase of spectacles and other physical aids; (c) funeral; (d) relief in case of various injury or accident; (e) purchase of text books. <p>(2) In addition to the special grant for the purposes mentioned in sub-section (1), the Board may sanction from the Fund special welfare grant to a labourer or his/her family in case of extreme financial distress.</p>
Amount of welfare grant	<p>12. The amount of welfare grants under sections 9, 10 and 11 shall be such as may be prescribed, and where no amount has been so prescribed, as may be determined by the Board on the merit of each case.</p>
Audit and accounts	<p>13. The accounts of the Fund shall be maintained by such officer or authority as the Board may appoint and in such manner and form as the Government may, in consultation with the Comptroller and Auditor-General of Bangladesh, from time to time, direct.</p>

14. The Government may, by order in writing, exempt the Fund from any tax, rate or duty leviable by the Government or by a local authority. Exemption from taxes

15. The Board may, subject to the approval of the Government, by notification in the *official Gazette*, make regulations for the purposes of giving effect to all or any of the provisions of this Ordinance. Power to make regulations
