

The Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961

(Ordinance NO. XLVI OF 1961)

[2nd December, 1961]

An Ordinance to provide for the registration and control of voluntary social welfare agencies. ¹♣

WHEREAS it is expedient to provide for the registration and control of voluntary social welfare agencies, and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

- Short title, extent and commencement**
1. (1) This Ordinance may be called the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.
 - (2) It extends to the whole of ²[Bangladesh].
 - (3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

- Definitions**
2. In this Ordinance, unless there is anything repugnant in the subject or context,-
 - (a) “agency” means a voluntary social welfare agency, and 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 and 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, and “registered” shall mean registered under this Ordinance;

(e) “Registration Authority” means an officer authorised 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 persons of their own free will for the purpose of rendering welfare services in any one or more of the fields mentioned in the Schedule and depending for its resources on public subscriptions, donations or Government aid.

**Prohibition
against
establishing
or
continuing
an agency
without
registration**

3. No agency shall be established or continued except in accordance with the provisions of this Ordinance.

**Application
for
registration,
etc.**

4. (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, and on payment of the prescribed fee, make an application to the Registration Authority, accompanied by a copy of the constitution of the agency, and such other documents as may be prescribed.

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

(3) If the Registration Authority grants 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 sub-section (3).

Establishment and continuance of agency

5. (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, and 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.

Appeal

6. 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 the Government, and the order passed by the Government shall be final and given effect to by the Registration Authority.

Conditions to be complied with by registered agencies

7. (1) Every registered agency shall-

(a) maintain audited accounts in the manner laid down by the Registration Authority;

(b) at such time and in such manner as may be prescribed, submit its Annual Report and audited accounts to the Registration Authority and publish the same for general information;

(c) pay all moneys received by it into a separate account kept in its name at such bank or banks as may be approved by the Registration Authority; and

(d) furnish to the Registration Authority such particulars with regard to accounts and other records as the Registration Authority may from time to time require.

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

**Amendment
of the
constitution
of
registered
agency**

8. (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 conclusive evidence that the same is duly approved.

**Suspension
or
dissolution
of
governing
bodies of
registered
agencies**

9. (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 maladministration in the conduct of its affairs or has failed to comply with the provisions of this Ordinance or the rules made thereunder, 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 caretaker body consisting of not more than five persons, who shall have all the authority and 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 such order as to the re-instatement, or the dissolution and reconstitution, of the governing body, as it may think fit.

(4) The governing body against whom an order of dissolution and reconstitution is made under sub-section (3) may appeal to the Government, within thirty days from the date of such order, and the decision of the Government shall be final and shall not be called in question in any Court.

**Dissolution
of
registered
agency**

10. (1) If at any time the 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 interests of the public, it may, after giving such opportunity to the agency of being heard as it thinks fit, make a report thereon to the Government.

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

**Voluntary
dissolution
of
registered
agency**

11. (1) No registered agency shall be dissolved by the 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 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 and from such date as may be specified in the order.

**Consequences
of
dissolution**

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

(a) order any bank or other person who holds moneys, securities or other assets on behalf of the agency not to part with such moneys, securities and 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 and defend suits and other legal proceedings on behalf of the agency, and to make such orders and take such action as may appear to him to be necessary for the purpose; and

(c) order any moneys, securities and assets remaining after the satisfaction of all debts and 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 same manner as a decree of such Court.

**Inspection
of
documents,
etc.**

13. 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.

**Penalties
and
procedure**

14. (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; shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand ³[Taka], 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 and other officer thereof shall, unless he proves 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 authorised by it in this behalf.

Indemnity

15. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

Power to amend Schedule

16. The Government may, by notification in the official Gazette, amend the Schedule so as to include therein or exclude therefrom any field of social welfare service.

Power to exempt

17. 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.

Delegation of powers

18. 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.

Rules

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

¹ Throughout this Ordinance, the word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

² The word "Bangladesh" was substituted for the word "Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

³ The word "taka" was substituted for the word "rupees" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

Ministry of Law, Justice and Parliamentary Affairs