

**Bangladesh Jatiyo Sangshad (National Parliament)**

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The Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 and the Foreign Contribution (Regulation) Ordinance, 1982 are complementary to each other; a refined Bill has been formulated to be enacted into new law by considering their rules and regulations as per requirement of the time; and related portions.

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**[Begum Motia Chowdhury]**

**Statement relating to aims and reasons**

The Fifteenth Amendment Act, 2011(Act 14 of 2011), which will hereinafter be known as Fifteenth Amendment, through which the Fifth Amendment of the Constitution of 1979 (Act 1 of 1979) is dissolved, for which from 15<sup>th</sup> August 1975 – 9<sup>th</sup> April 1997 and Seventh Amendment of the Constitution of 1986 (Act 1 of 1986) is dissolved; for which all the Ordinances came through Martial Law from 24 March 1982 to 10 November 1986, based on Fourth Amendment of the have been dissolved and the effectiveness of some Ordinances (Special Rule) Act, 2013 (Act No. 6 of 2013) enforced between 15 August 1975 and 9 April 1979 and the effectiveness of some Ordinances (Special Rule) Act, 2013 (Act No.7 of 2013) enforced between 24 March 1982 and 11 November 2013 are formulated to keep the said Ordinances effective as per direction of Article 93(2) of the Constitution; and

Whereas it is relevant and essential to enact a new law after refinement, considering their regulations as per requirement of the time, based on the above mentioned decision of the government, as the subject matters of the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (Ordinance No. XLVI of 1978) and the Foreign Contributions (Regulation) Ordinance, 1982 (Ordinance No. XXXI of 1978) are complementary to each other.

Begum Motia Chowdhury  
Acting Minister

**[To be presented at the Jatiyo Sangshad (National Parliament)]**

**Since the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 and the Foreign Contribution (Regulation) Ordinance, 1982 are complementary to each other; a refined Bill has been formulated to be enacted into new law by considering their rules and regulations as per requirement of the time**

**BILL**

**WHEREAS** the Fifteenth Amendment Act, 2011(Act 14 of 2011), which will hereinafter be known as Fifteenth Amendment, through which the Fifth Amendment of the Constitution of 1979 (Act 1 of 1979) is dissolved, for which from 15<sup>th</sup> August 1975 – 9<sup>th</sup> April 1997 and Seventh Amendment of the Constitution of 1986 (Act 1 of 1986) is dissolved; for which all the Ordinances came through Martial Law from 24 March 1982 to 10 November 1986, based on Fourth Amendment of the Constitution of which Articles 3A, 18 and 19 are omitted for which the said Acts have ceased to name any force; and

**WHEREAS** the effectiveness of said Ordinances are abolished due to cancellation of the Constitution (Fifth Amendment) Act, 1979 (Act 1 of 1979) and Constitution (Seventh Amendment) Act, 1986 (Act 1 of 1986) as per judgement given by the Appellate Division of the Supreme Court, declaring Martial Law as unconstitutional, by Civil Petition for Leave to Appeal No. 1044-1045/2009 and Civil Appeal No. 48/2011; and

**WHEREAS** providing effectiveness of the said Ordinances is necessary as the said Ordinances and rules, regulations, clauses, sub-clauses etc formulated under them; and to keep successive activities of the Republic, rule of law, protection and promotion of rights of the people continuous and for public welfare; and

**WHEREAS** since the said Ordinances were formulated a long time ago and by following proper procedures and scrutinizing is a time consuming process; and

**WHEREAS** the President formulated and enforced Ordinance No. 1 and Ordinance No. 2 of 2013 on 21 January 2013 as it appeared to the President that a situation existed for taking necessary measures during the absence of Parliamentary session, to resolve the vacuum created due to the Fifteenth Amendment and the judgement given by the Appellate Division of the Supreme Court; and

**WHEREAS** the effectiveness of some Ordinances (Special Rule) Act, 2013 (Act No. 6 of 2013) enforced between 15 August 1975 and 9 April 1979 and the effectiveness of some Ordinances (Special Rule) Act, 2013 (Act No.7 of 2013) enforced between 24 March 1982 and 11 November 2013 are formulated to keep the said Ordinances effective as per direction of Article 93(2) of the Constitution; and

**WHEREAS** the government has decided to enact a new law in Bangla language by taking opinions from all stakeholders and all concerned ministries/departments through amendment and refinement wherein necessary, after reviewing the necessity and relevancy of the said Ordinances; and

**WHEREAS** it is relevant and essential to enact a new law after refinement, considering their regulations as per requirement of the time, based on the above mentioned decision of the government, as the subject matters of the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (Ordinance No. XLVI of 1978) and the Foreign Contributions (Regulation) Ordinance, 1982 (Ordinance No. XXXI of 1978) are complementary to each other;

**NOW, THEREFORE** it is hereby enacted as follows:

**1. Short title and Commencement:** (1) This Act shall be called "The Foreign Donations (Voluntary Activities) Regulation Act, 2015".

(2) It shall come into force on the date fixed by the government in gazette notification.

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

- (1) ‘**NGO**’ means a voluntary organisation working in Bangladesh registered with the Bureau to receive foreign donation or grant; organisations or NGOs run by a foreign country registered under existing law, which is also registered under this Act, will be included;
- (2) ‘**Order**’ means order by prescribed rules;
- (3) ‘**Project**’ means a project approved by the Bureau under this Act;
- (4) ‘**Rule**’ means prescribed rules made under this Act;
- (5) ‘**Foreign donation**’ means cash money, or goods or donation or contribution of any kind made for any voluntary activity or charity activities conducted in Bangladesh territory by any foreign government or organisation or a citizen of a foreign state or a Bangladeshi citizen living abroad;

- (6) **‘Individual’** means a person authorized by the Bureau to receive foreign donations for conducting voluntary activities under this Act;
- (7) **‘Bureau’** means NGO Affairs Bureau;
- (8) **‘Director General’** means the Director General of the NGO Affairs Bureau;
- (9) **‘Organisation’** means any non-political, non-profit and voluntary organisation, institution and association, etc. whatever it names, established by persons and registered under the laws of Bangladesh for carrying out voluntary activities within the geographic boundaries of Bangladesh;
- (10) **‘Voluntary activities’** means non-profit social, religious, cultural, economic, educational activities, healthcare, drinking water and sanitation, relief and rehabilitation, agriculture and agricultural development, structural development, public awareness, poverty eradication, women's empowerment, democracy and good governance, human rights, secularism, empowerment of marginalized and underprivileged people and protection of their rights, participation of children, adolescent boys and girls, old and disabled people and protection of their rights, equal rights and equal participation, protection of environment and development, climate change, natural resources and development of skills, science and information technology, vocational activities, social welfare, ethnic communities, protection of land rights and developmental activities and shall include any activity as the Government may, from time to time, specify to be a voluntary activity.

### **3. Undertaking and operating voluntary activities by receiving foreign donation:-**

Notwithstanding anything contained in any other law for the time being in force, no organisation or NGO shall receive, undertake or operate any voluntary activity by receiving foreign donations or contribution without being registered with the Bureau under this Act.

Provided that, in a case where registration is not necessary for an individual who is undertaking or operating any voluntary activity by receiving foreign donation or contribution, approval from the Bureau must be taken.

### **4. Registration and renewal of registration:-**

- (1) An application should be submitted under the prescribed rules of this Act to the Director General with prescribed fee.

- (2) The amount of foreign donation, its source and how the donation shall be utilised must be mentioned in the application to the Bureau after paying all fees and providing necessary information.
- (3) To obtain registration under subsection (1), the Director General shall issue a registration to the applicant for 10 (ten) years based on the opinion from the Ministry of Home Affairs and Bank and Financial Institution Department of the Ministry of Finance, if the application and information provided are found to be correct, and the registration is to be renewed every 10 (ten) years.
- (4) In order to renew the registration, an organisation registered should submit an application to the Director General in a prescribed form for the next 10 (ten) years with due fees six months before the expiration of previous ten-year term.
- (5) Under subsection (4) the Director General shall issue a renewal of registration for the next 10 (ten) years, if the application and information provided are found to be correct; and the applicant's activities of the previous 10 (ten) years are found to be satisfactory.
- (6) Under subsection (5) the registration certificate will remain effective unless the decision for application for renewal of registration is made.

**5. Prohibited to receive foreign donations:-**

The following people and organisations shall be prohibited from receiving any foreign donations:-

- a) A candidate participating in the national parliament or local elections;
- b) A member of the Parliament;
- c) An elected representative of local government council;
- d) Any political party;
- e) A person positioned in any constitutional body; including the Judges of the Supreme Court;
- f) An employee or official of any government, semi-government, autonomous or statutory body;
- g) An individual employee or official of any NGO registered under this Act;
- h) Any enlisted or forbidden individual or entity listed under section 18 of the Anti-Terrorism Act, 2009 (16 No. Act of 2009).

**6. Project approval, etc: -**

- (1) No individual or NGO shall be allowed to receive foreign donations without project approval and the activities of that individual or NGO will remain limited within the approved projects.
- (2) Under subsection (1) in order to receive foreign donations and maintain expenditure, a project proposal should be developed in the prescribed form of the Bureau and be submitted to the Director General for approval.
- (3) The Bureau, after primary vetting, will receive opinions regarding the project proposal from the concerned Ministry.

Provided that, the NGO or individual shall have to take permission/no objection certificate from the Ministry of the Chittagong Hill Tracts Affairs under this Act, before commencing operations in Khagrachhori, Rangamati and Bandorban Hill districts.

- (4) The Bureau, as per objection or recommendations given by the ministry concerned, will send the project proposal to the concerned individual or NGO for making necessary changes or corrections in the proposal.

Provided that, if the Bureau, after scrutinizing, finds the objections and recommendations of the concerned ministry unacceptable, it will be forwarded to the Prime Minister's Office and will decide on the next course of action in line with instructions from the Prime Minister's Office.

- (5) Notwithstanding anything contained in any other law, if the application and the information provided by the individual or NGO interested in undertaking disaster-time or post-disaster emergency relief operations are found to be satisfactory, the Director General shall issue an order within 24 hours to approve the project and release foreign donations.

#### **7. Providing assistance by NGOs and others:-**

- (1) NGOs registered under this Act can provide assistance to any Bangladeshi non-governmental voluntary organisation from the received foreign donations to operate voluntary activities under the following conditions, for example:
  - (a) The assistance-receiving organisations shall be registered under existing laws in Bangladesh;
  - (b) Detailed information and the outline of financial expenditure of the assistance-receiving organisations shall be mentioned in the project proposal prepared by assistance-providing NGOs approved by the Bureau; and

- (c) The assistance-providing organisations shall ensure the implementation of the project as per conditions in the approved project.

**8. Appointing foreign experts/specialists, advisers/consultants or officials and travel abroad:-**

- (1) If there is a requirement for appointing foreign experts/specialists/advisers/consultants or officials in the approved project, an application should be forwarded to the Director General in the prescribed form for appointment, extension of employment tenure and security clearance of the officials and the appointment proposals should be limited to the Bureau approved man-months.
- (2) Under subsection (1) the Director General shall approve the application, if information and such application are found to be correct;
- Provided that the opinion of the Home Ministry should be taken for security clearance.
- (3) A person involved in voluntary activities shall inform the Bureau prior to traveling abroad for official purpose, with the money approved in the project budget.

**9. Keeping records of foreign donations:-**

- (1) Every individual or NGO shall accept all the foreign donations received in foreign currency or donations received in local currency in a specific bank account (mother account) of a scheduled bank.
- (2) No bank is allowed to release the money of foreign donation to any individual or NGO without the fund releasing approval letter of the Bureau.
- (3) Bangladesh Bank will send a half-yearly report of the foreign currency received by every individual or NGO to the Bureau and the Economic Relations Division in July and January every year.
- (4) Bangladesh Bank will send accounts and financial report of the foreign currency received by any individual or NGO registered under this Act, to the Bureau and the Economic Relations Division as per requirement.

**Explanation:** In order to fulfill the objective of this section, Bangladesh Bank means “Bangladesh Bank” as per Article 3 of Bangladesh Bank Order 1972 (President’s Order No. 127 of 1972).



**10. Authority of inspection, monitoring and evaluation:-**

- (1) The Bureau under this Act shall have the authority to inspect, monitor and evaluate the voluntary activities of an individual and NGO and the progress of the NGOs it has approved from time to time.
- (2) To serve the purpose of subsection (1), the Bureau shall have the authority to create a monitoring committee and if necessary, appoint a third-party evaluator.
- (3) The NGOs shall deliver their respective project and work descriptions, books of accounts and relevant documents and information during inspection, monitoring and assessment, when necessary.
- (4) The Divisional Commissioners, on behalf of the Bureau, will monitor and coordinate the voluntary activities of the NGOs working within their divisions by prescribed rules.
- (5) The Deputy Commissioners and, in particular situations, the Upazila Nirbahi Officers will monitor the voluntary activities of the NGOs by prescribed rules within their respective areas on behalf of the Bureau and will review the progress of the NGOs through the monthly coordination meeting; and in particular situation, the concerned Deputy Commissioner will inform the Bureau, in a report, if any irregularities of the NGOs are found. The Upazila Nirbahi Officers will inform the concerned Deputy Commissioners in the form of a report with a copy to the Bureau.
- (6) According to the subsection of 22 (Cha) of the Chittagong Hill Tracts Regional Council Act/1998 (Act No. 12 of 1998), the Hill Tracts Regional Council will coordinate and monitor the overall activities of the NGOs working in their respective areas.
- (7) There should be a committee at the district level to coordinate and assess the activities of the NGOs in the Chittagong Hill Tracts. The committee shall review and coordinate the activities of the NGOs by holding a meeting at least once every four months.
- (8) To serve the purpose of subsection (7), the NGOs shall regularly submit progress and assessment report on their activities to the convener of the committee and a copy of the report should also be sent to the Chittagong Hill Tracts Regional Council.

**11. Constitution and Governing Body:-**

Every NGO shall have a Constitution mentioning its structure, goals, objectives and operational procedures; and its Executive Committee and General Body should be mentioned in the Constitution.

**12. Audit and Accounts:-**

- (1) Every NGO and individual shall keep accounts in the manner prescribed by the Bureau; and also prepare annual financial description.
- (2) All project expenses related vouchers shall be preserved, in particular situation, by concerned person or at the central office of the NGOs and the field level offices in the prescribed manner.

**13. Report and Declaration:-**

- (1) Every NGO and individual shall submit an annual report with detailed project activities undertaken during the project to the Director General in the prescribed manner after completion of every project year.
- (2) The Director General, if necessary, will have the authority to direct any NGO or individual to submit a report and description of a project approved by the Bureau at any time; and the concerned NGO and person will be obliged to deliver such reports to the Director General.
- (3) Every individual or NGO receiving and operating voluntary activities with full or partial foreign donation shall submit a declaration to the Director General in the prescribed time and manner prescribed by the Bureau, if any individual or NGO is not exempted by a written order of the government; and the amount of received foreign donation, its source and uses shall be mentioned in the said declaration.

**14. Offense:-**

If any NGO or individual violates this Act or any rules or order of this Act it shall be considered an offense under this Act; and involves in terrorism and financing, patronizing or assisting terrorist activities or trafficking women and children or involves in drugs and arms smuggling shall be considered an offence under the existing laws of the country.

**15. Punishment for offense:-**

- (1) For committing any offense under section 14, the Director General:
- (a) may give written order, in the form of a letter, to the concerned NGO or person as a caution; or for corrections within a prescribed time;
  - (b) may cancel, suspend the registration given to the said NGO or organisation or close down the voluntary activities undertaken or operated by the said NGO in the prescribed manner;
  - (c) may collect fine at a minimum of the equivalent amount of the financial value of foreign donations received without approval; and at a maximum, three-times the amount in the prescribed manner; and
  - (d) may take action against the concerned NGO or person for punishment as per existing laws of the country.
- (2) If any official of an NGO commits an offense punishable under this Act, a disciplinary action may be taken against him.

Provided that, if a person proves that he had no knowledge of the offense that has been committed or he had taken due care to prevent the offense, in that case the person shall not be punishable for the offense.

**16. Procedures if the registration or activities of an NGO are cancelled or suspended by the Bureau:-**

If the registration of any NGO is cancelled or the activities of any NGO is suspended under this Act, or if the registration of the organisation has expired, or if the organisation is dissolved for some reason, then the Director General, with prior approval from the government, shall give the following directives:

- (a) Impose a ban on the sale of movable and immovable property bought with the foreign donations, on securities or other properties of any NGO deposited with any bank or with any person, without written approval of the Director General;
- (b) Appoint an administrator to file a case or operate a case in order to close down or dissolve any NGO or any other reason;
- (c) Handing over the surplus or remaining money or properties to relevant foreign donors after discharging of all debts of the concerned NGOs.
- (d) Under subsection (c) if, by any reason, surplus or remaining money or properties are not possible to handover to relevant foreign donors, in that case, such surplus

or remaining money or properties, in particular situation, will be handed over to the government account or to any NGO which has the same objectives as the cancelled one.

**17. Appeal:-**

(1) Any NGO or a person involved with such organisation aggrieved by any order given under this Act, may appeal to the Secretary, Prime Minister's Office within 30 (thirty) working days of the said order; and the Secretary, Prime Minister's Office shall be considered as appeal authority.

Provided that, if the applicant fails to appeal within the said 30 working days, with acceptable reason, the appeal authority may extend the period for appeal for not more than 15 (fifteen) working days, based on the application of the applicant.

(2) A decision on the disputed matter should be given within 30 working days of receipt of the appeal under subsection (1).

(3) Appeal authority may uphold the decision, repeal or amend any order given by the Bureau

(4) Any decision given under subsection (3) shall be deemed final.

**18. Organisation of NGOs:-**

An organisation of NGOs shall be formed under this Act, in order to coordinate and provide assistance among the registered NGOs and to co-operate with the government.

**19. Power to make rules:-**

In order to implement the purpose of this Act, the government may, by notification in the official gazette, make rules.

Provided that, the government, if it deems necessary, may order to undertake or implement any activities, harmonizing with this Act, by issuing general or special directives until the official rules are made.

**20. Issuance of executive order:-**

The government, if it deems necessary, may issue executive orders from time to time in order to implement the purpose of this Act.

**21. Repeal and saving:-**

- (1) The Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (Ordinance No. XLVI of 1978) and the Foreign Contributions (Regulation) Ordinance, 1982 (Ordinance No. XXXI of 1982) are hereby repealed.
- (2) Notwithstanding the repeal of the said two Ordinances –
  - (a) all actions done and steps taken or any rules prescribed or any order, circular or notification issued or any notice given or any complaints filed or any application submitted harmonizing with the rules of this Act, under the repealed Ordinances shall be deemed to have been done, written, issued, given, filed and submitted under the this Act; and
  - (b) if there is any on-going activity, that activity shall run and continue in such a way as if it has been taken under this Act; and
  - (c) if there is any case or any legal matter in any court, the said case or proceedings shall be resolved under the repealed Ordinances and shall be deemed to have been done, as if the aforesaid two Ordinances had not been repealed.

**22. Publication of English translation:-**

- (1) After enacting this Act, the government shall publish an authentic English translation of the Act, by notification in the official gazette.
- (2) The Act formulated in Bangla shall be given priority in terms of any contradiction between Bangla and English versions of this Act.