

THE FOREIGN DONATIONS (VOLUNTARY ACTIVITIES) REGULATION RULES, 1978.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF
BANGLADESH

[PRESIDENT'S SECRETARIAT, PUBLIC DIVISION]

NOTIFICATION

Dhaka, the 12th December, 1978.

No. S.R.O. 329-L/78. —In exercise of the powers conferred by Section 7 of the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978), the Government is pleased to make the following rules, namely :—

**THE FOREIGN DONATIONS (VOLUNTARY ACTIVITIES)
REGULATION RULES, 1978.**

1. **Short title.**—These rules may be called the Foreign Donations (Voluntary Activities) Regulation Rules, 1978.
2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context, —
 - ²[(a) “NGO Affairs Bureau” means the Non-Government Organisation Affairs Bureau established by the Government;]
 - ³[(aa) “Director General” means the Director General in charge of the NGO Affairs Bureau, Government of the People’s Republic of Bangladesh; or such other officer as the Government may, by notification in the official gazette, authorise to exercise the powers and perform the functions of Director General under these rules;]
 - (b) “Form” means a Form annexed to these rules;
 - (c) “Ordinance” means the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978); and
 - (d) “Section” means a section of the Ordinance.
3. **Application for registration.**—(1) Any person or organisation receiving or operating any foreign donation for the purpose of undertaking or carrying on any voluntary activity shall apply to the Director General for a registration in Form FD-1.
 - (2) The Director General may, on receipt of an application under sub-rule (1), call for any other information from the applicant which he may consider necessary and the applicant shall furnish the information called for within the period specified in that behalf.
 - (3) The Director General may, after making such enquiries as he may consider necessary to ascertain the correctness of the information as contained in the application and the information supplied under ⁴[sub-rule (2)], if any, register the person or organisation to

be a person or organisation for the purpose of undertaking or carrying on any voluntary activity ⁵[and such registration shall, unless earlier cancelled, remain valid for five years]:

Provided that no person or organisation shall be registered without the prior approval of the Ministry of Home Affairs.

⁶[(4) A person or an organisation registered under sub-rule (3) may, at least six months prior to the date of expiry of his or its registration, apply in such form as the Director General may specify in this behalf, for renewal of his or its registration.]

⁷[(5) The Director General may, on receipt of an application under sub-rule (4), call for any information from the applicant which he may consider necessary and the applicant shall furnish the information called for within the period specified by the Director General in that behalf.]

⁸[(6) The Director General may, after considering the information supplied under sub-rule (5), if any, renew the registration for a period of five years.]

⁹[(7) No person or organisation shall undertake or carry on any voluntary activity after the date of expiry of his or its registration for undertaking or carrying on such activity] :

¹ Substituted by S.R.O. No. 180-আইন/90, dated May 14, 1990 by President's Secretariat. Public Division, which was published in the Bangladesh Gazette, Extraordinary, dated 15-5-90.

² Substituted by S.R.O. No. 180-আই/90, dated 15-5-90 by President's Secretariat.

³ Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

Provided that a person or an organisation may, in exceptional circumstances, be allowed by the Director General to undertake or carry on such activity for a period not exceeding six months from the date of such expiry if his or its application for renewal of registration is pending with the Director General.]

¹⁰[(8) An application under sub-rule (1) for registration or under sub-rule (4) for renewal of registration shall be accompanied by a treasury challan showing receipt of such fee as the government may, from time to time, determine in this behalf.]

4. **Application for approval and permission to receive and operate foreign donation.**—(1) No person or organisation registered under sub-rule (3) of rule 3 shall receive or operate any foreign donation without prior approval or permission of the Government for such receipt or undertaking.

(2) All applications for approval or permission under sub-rule (1) shall be submitted to the ¹¹[NGO Affairs Bureau] in Form FD-2.

¹²[(3) OMITTED]

¹³ [(4) Every person or organisation registered under sub-rule (3) of Rule 3 shall receive the funds—

(a) in foreign exchange, or

(b) in local currency, if such funds are originated abroad in foreign exchange and received in local currency in Bangladesh, through only account opened in any scheduled Bank, which shall submit statements of such funds to the Bangladesh Bank and the the NGO Affairs Bureau.]

(5) The Bangladesh Bank shall submit statements of the funds so received for each person or organization separately to the External Resources Division ¹⁴[and the NGO Affairs Bureau] in June and December every year.

⁴ Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

⁵ Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

⁶ Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

⁷ Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

⁸ Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

⁹ Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹⁰ Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

5. Submission of declarations.—(1) All declarations under sub-section (3) of section 3 shall be submitted to the Government in the ¹⁵[President's Secretariat, Public Division, NGO Affairs Bureau and the External Resources Division.]

(2) All declarations under sub-rule (1), if it relates to receipt of foreign donations, ¹⁶[and its utilization, shall be submitted in Form FD-3.]

(3) All declarations in respect of a person or organisation carrying on voluntary activity immediately before the commencement of the ordinance shall be submitted within thirty days from such commencement and every six months thereafter, and in respect of other such persons or organisations in every six months.

¹⁷**[5A. submission of schemes, etc.]**—¹⁸(1) Every person or organisation shall submit to the ¹⁹[NGO Affairs Bureau] his or its project on voluntary activities along with plan of its operation showing the estimated cost, expected receipts, source of receipts, purpose and objects and duration thereof on or before the 31st March preceding the financial year in which such project is to commence].

(2) Each person ²⁰[who is not a Bangladesh national,] engaged in voluntary activity shall submit his particulars with reference to nationality, period of stay in Bangladesh, remuneration, the agency under whose supervision he is undertaking or carrying on voluntary activity, etc., to ²¹[NGO Affairs Bureau and the Ministry of Home Affairs.]

(3) Each organization shall ²²[annually] submit to the ²³[NGO Affairs Bureau and Ministry of Home Affairs] a statement showing all relevant particulars relating to age, qualification, nationality, period of service with the

¹¹Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹²Omitted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹³Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹⁴Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹⁵Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹⁶Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

¹⁷Inserted by S.R.O. No. 352-L/82, dated 6-10-82 by the Ministry of Home Affairs.

¹⁸Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

¹⁹Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

²⁰Inserted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

²¹Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

organisation, remuneration. etc., of person engaged in different schemes undertaken or carried on by it ²⁴[according to details of project personnel as shown in the project proforma.]

(4) Each organization shall obtain prior clearance of the ²⁵[NGO Affairs Bureau and the Ministry of Home Affairs] for employment of ²⁶[any staff, who is not a Bangladesh National,] for its voluntary activity.

²⁷[(5) Every project on voluntary activities submitted under sub-rule (1) shall be accompanied by a treasury challan showing receipt of such service charge as the government may, from time to time, determine in this behalf.]

5B. Submission of report on activities.—Every person or organisation shall submit ²⁸[yearly] reports on his or its activities to the ²⁹[NGO Affairs Bureau with copies to he administrative Ministry, the Ministry of Home Affairs and the External Resources Division.]

³⁰[5BB. Deposit of fees and service charges.—The fees payable under sub-rule (8) of rule 3 and the service charge payable under sub-rule (5) of rule 5A shall be deposited in the Government treasury under প্রধান খাত “৬৫ কর ব্যতীত বিবিধ প্রাপ্তি” এর অধীন “এনজিও-দের রেজিস্ট্রেশন, রেজিস্ট্রেশন নবায়ন, প্রকল্প অনুমোদন বাবদ ফি/সার্ভিস চার্জ আদায়।” শীর্ষক গৌণ খাতে।]

6. Maintenance of books of accounts.—(1) Every person or organisation undertaking or carrying on voluntary activities shall maintain books of accounts —

(a) Where the foreign donation relates to articles only, in Form FD-5.

(b) Where the foreign donation relates to currency in the cash book and ledger book on double entry basis.

(2) Accounts under sub-rule (1) shall be maintained on a half-yearly basis, one for the period commencing on the 1st day of July and ending on the 31st day of December, and the other for the period commencing on the 1st day of January and ending on the 30th day of June.

²²Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

²³Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

²⁴Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

²⁵Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

²⁶Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

²⁷Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

²⁸Substituted by S.R.O. No. 422-L/84, dated 19-9-84 by the Ministry of Home Affairs.

²⁹Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

³⁰Added by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat.

(3) All books of accounts maintained under this rule shall be audited by a chartered accountant as defined in the Bangladesh Chartered Accountants Order, 1973, (P.O. 2 of 1973),

and two copies of accounts so audited shall be furnished ³¹[along with a certificate from the auditors in Form FD-4, to the NGO Affairs Bureau with a copy to External Resources Division and the administrative Ministry concerning to the activity of the project.]

³²[7 Bank Accounts.—Only one bank account shall be maintained by every person or organisation authorised under these rules for receiving foreign donations:

Provided that separate bank accounts for separate projects may be maintained for internal transactions after the donations have been received through the only bank account opened under sub-rule (4) of rule 4.]

8. Seizure of books of accounts.—(1) Every seizure of books of accounts and other documents under section 4 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the Code.

(2) The officer or officers responsible for seizure of books of accounts and other documents under sub-rule (1) shall return them if no action is taken as required by the Ordinance.

9. Manner of service of order or direction.—An order under section 6 or any other order or direction made or issued under the Ordinance shall be served on the person or organisation concerned in the following manner, that is to say —

(a) by delivering or rendering to that person or as the case may be, organisation, or to his or its duly authorised agent; or

(b) by sending it to him by registered post with acknowledgement due to the address of his last known place of residence or the place where he carries on, or is known to have last carried on business, or the place where he personally works for gain, or is known to have last worked for gain, and in case the person is an organisation to the last known address of the office of such organisation; or

(c) if it cannot be served in any of the manner aforesaid, by affixing it on the outer door or some other conspicuous part of the premises in which that person resides, or carries on or is known to have last carried on, business, or is known to have last worked, and in case the person is an organisation on the outer door or same other conspicuous part of the premises in which the office of that organisation is located, or is known, to have been last located, and the written report whereof should be witnessed by at least two persons.

³¹ Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat

³² Substituted by S.R.O. No. 180-আইন/90, dated 14-5-90 by President's Secretariat

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