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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW, PARLIAMENTARY AFFAIRS AND JUSTICE
(Law and Parliamentary Affairs Division)

#### NOTIFICATION

Dacca, the 28th March 1975.

No. 201 Pub.—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 22nd March 1975, is hereby published for general information:—

## THE ISLAMIC FOUNDATION ORDINANCE, 1975. Ordinance No. XVII of 1975

AN

#### ORDINANCE

To establish an Islamic Foundation,

Whereas it is expedient to establish an Islamic Foundation for the purposes of founding, managing and assisting mosques and Islamic centres, academies and institutes, undertaking research on the contributions of Islam to culture, science and civilization, propagating the basic Islamic ideals of universal brotherhood, tolerance and justice and promoting studies and research in Islamic History, philosophy, law and jurisprudence and to provide for matters connected therewith;

(761)

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AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render immediate action necessary;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 93 of the Constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following Ordinance:—

- 1. Short title,—This Ordinance may be called the Islamic Foundation Ordinance, 1975.
- 2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—
  - (a) "Board" means the Board of Trustee of the Foundation;
  - (b) "Chairman" means the Chairman of the Board;
  - (c) "Foundation" means the Islamic Foundation established under this Ordinance;
  - (d) "prescribed" means prescribed by regulations made under this Ordinance.
- 3. Establishment of the Foundation.—(I) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish a Fundation to be called the Islamic Foundation to carry out the purposes of this Ordinance.
- (2) The Foundation 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.
  - 4. Head office.—(1) The head office of the Foundation shall be at Dacca.
- (2) The Foundation may establish as many branches and at such places as it thinks fit.
- 5. General direction.—The general direction and administration of the affairs of the Foundation shall vest in a Board of Trustees which may exercise all powers and do all things which may be exercise or done by the Foundation.
  - 6. Board .- (I) The Board shall consist of the following Trustees, namely:-
  - (a) the Minister-in-Charge of Cultural Affairs and Sports Division, ex-
  - (b) the Secretary, Cultural Affairs and Sports Division, ex-officio;
  - (c) The Secretary, Ministry of Land Administration and Land Reforms, eix-officio;
  - (d) The Secretary, Ministry of Public Works and Urban Development, ex-officio;
  - (e) the seniormost teacher of the Department of Arabic and Persian, Dacca University, ex-officio;
  - (f) the Chairman, Bangladesh Madrasa Education Board, ex-officio;

- (g) the Chief Engineer, Buildings, ex-officio;
- (h) two members of Parliament to be nominated by the President;
- (i) five eminent Muslim theologians or scholars to be nominated by the President; and
- . (1, two eminent educationists to be nominated by the President.
- (2) The Minister-in-Charge of Cultural Affairs and Sports Division shall be the Chairman of the Board.
- (3) A Trustee, other than an ex-officio Trustee, shall hold office for a term of three years:
- Provided that such Trustee may be removed by the President at any time without assigning any reason,
- (4) A Trustee, other than an ex-officio Trustee, may, at any time, resign his office by notice in writing addressed to the President.
- (5) No act or proceedings of the Board shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of the Board.
- Meetings of the Board.—(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 five Trustees shall be present.
- (3) All questions at a meeting of the Board shall be decided by a majority of the Trustees present and voting, and in the case of an equality of votes the person presiding shall have a second or casting vote.
- (4) All meetings of the Board shall be presided over by the Chairman or, in his absence, by a Trustee elected for that purpose by the Trustees present.
- 8. Appointment of committees.—The Board may appoint such committee or committees as it thinks fit to assist it in the efficient discharge of its functions.
- Secretary.—(I) There shall be a Secretary of the Foundation who shall be appointed by the Government on such terms and conditions as it may determine.
- (2) The Secretary shall be responsible for carrying out the decisions of the Board and for proper administration of the affairs of the Foundation.
- 10. Appointment of Officers, etc.—The Foundation may appoint such officers and other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.
  - 11. Functions.—The functions of the Foundation shall be-
  - (a) to establish, manage and maintain mosques and Islamic centres, academies and institute;

- (b) to render financial assistance to mosques and Islamic centres, academic and institute;
- (c) to undertake reasarch on the contributions of Islam to culture, thoughts, science and civilization;
- (d) to propagate and assist in propagating the basic Islamic ideals of universal brotherhood, tolerance and justice;
- (e) to organize and promote studies and research in Islamic history, philosophy, culture, law and jurisprudence;
- (f) to publish books, periodicals and pamphlets on Islamic history, philosophy, culture, law and jurisprudence;
- (g) to organize conferences, lectures, debates and symposia on matter relating to Islamic history, philosophy, culture, law and jurisprudence;
- (h) to institute prizes and medals for outstanding contributions in the field of Islamic studies;
- (i) to award scholarships for Islamic studies;
- (i) to manage and develop Baitul Mokarram Mosque ; and
- (k) to do all other acts and things ancillary or incidental to any of the aforesaid functions.
- 12. Fund.—(I) There shall be a fund of the Foundation to which shall be credited—
  - (a) funds of the Baitul Mukarram and the Islamic Academy transferred to the Foundation under section 20;
  - (b) grants and loans from the Government;
  - (c) loans raised in Bangladesh;
  - (d) aids and grants received from foreign countries or organizations with the prior approval of the Government;
  - (e) donations and endowments;
  - (f) incomes from investments, royalties and properties; and
  - (g) all other receipts of the Foundation.
- (2) The Fund of the Foundation shall be utilized by it to meet charges in connection with its functions under this Ordinance and all paymeents of the Foundation shall be made out of that Fund.
  - (3) All moneys of the Foundation shall be deposited with any bank.
- 13. Accounts.—The Foundation shall keep its account in such manner as the Government may direct.
- 14. Budget.—The Foundation shall, by such date in each year as may be fixed by the Government, submit to the Government for approval a budget in such form as the Government may specify for each financial year showing the estimated receipts and expenditure during that financial year.
- 15. Audit.—(I) The accounts of the Foundation shall be audited by the Comptroller and Auditor-General of Bangladesh (hereinafter in this section referred to as the Auditor-General) in such manner as he deems fit.

- (2) For the purpose of an audit under sub-section (I), the Auditor-General or any person authorised by him in this behalf shall have access to all records, books, documents, cash, securities, stores and other property of the Foundation and may examine any Trustee, the Secretary or any other officer or employee of the Foundation.
- (3) The Auditor-General shall submit his audit report to the Government and shall forward a copy thereof to the Foundation.
- 16. Reports, etc.—(1) The foundation shall furnish to the Government such reports and statements as the Government may from time to time require.
- (2) The Foundation shall, as soon as possible after the end of every financial year, furnish to the Government statement of audited accounts together with an annual report on the condition of its affairs of that year.
- 17. Delegation of Powers.—The Foundation may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or by any Trustee or by the Secretary or any other officer or employee of the Foundation as may be so specified.
- 18. Power to make regulations.—The Foundation may make regulations for carrying out the purposes of this Ordinance.
- 19. Winding up.—No provision of law relating to the winding up of bodies corporate shall apply to the Foundation, and the Foundation shall not be wound up except by order of the Government, and in such manner as the Government may direct.
- 20. Dissolution of Baitul Mukarram and Islamic Academy—(1) Notwithstanding anything contained in any other law for the time being in force or in any rule, regulation or bye-law, or in any trust, wakf, agreement, deed, or other instrument, upon the establishment of the Foundation—
  - (a) the Society known as the Baitul mukarram, registered under the Societies Registration Act, 1860 (N/XI of 1860), hereinafter referred to as the society, and the institute known as the Islamic Academy, Dacca, hereinafter referred to as the institute, shall stand dissolved;
  - (b) the ad hoc committee or any other committee or body of management of the society, by whatever name called, shall stand dissolved, and all members of the society and all members and the administrator of the institute shall cease to be such members and Administrator;
  - (c) all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash and bank balances, reserve funds investments and all other interests and rights and rights in, or arising out of, such property and all debts, liabilities and obligations of whatever kind of the society and the institute subsisting immediately before their dissolution shall stand transferred to and vest in the Foundation;
  - (d) all debts and obligations incurred, contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the society and the institute before their dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Foundation;

- (e) all officers and other employees of the society and the institute shall stand transferred to the Foundation and shall be deemed to have been appointed by the Foundation in accordance with the terms and conditions of service applicable to them, and no such officer or employee shall be entitled to any compensation because of such transfer; and
- (f) all suits and other legal proceedings instituted by or against the society and the institute before their dissolution shall be deemed to be suits and proceedings by or against the Foundation and shall be proceeded or otherwise dealt with accordingly.
- (2) The Government may, for the purpose of removing any difficulty in relation to the dissolution, transfer or other matters specified in sub-section (I), make such orders as it considers expedient and any such order shall be deemed to be, and given effect to as, part of the provisions of this Ordinance.

SHEIKH MUJIBUR RAHMAN

President.

DACCA; The 22nd March, 1975.

JUSTICE M. H. RAHMAN Secretary.

#### MINISTRY OF HOME AFFAIRS Security Branch,

#### ORDER

#### Dacca, the 25th March 1975.

No. S.R.O. 116-L/75/195-Sec(1).—In exercise of the powers conferred by sub-rule (1) of rule 15 of the Emergency Powers Rules, 1975, the Government is pleased to make the following amendment in this Ministry's Order No. S.R.O. 16-L/75/6-Sec. (1), dated the 6th January 1975, namely:—

In the aforesaid Order, after entry (6), the following new entries shall be added, namely:—

- "(7) State functions and national celebrations,
  - (8) Meetings and conferences of academic nature.
  - (9) Meetings and conferences of non-political organisations held indoor
- (10) Public meetings, processions and other functions with the previous approval of the Deputy Commissioner or Subdivisional Officer concerned".

By order of the President

M. NURUN NABI CHOWDHURY.

Joint Secretary.

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