

THE VOLUNTARY SOCIAL WELFARE AGENCIES (REGISTRATION AND CONTROL) ORDINANCE, 1961

(ORDINANCE NO. XLVI OF 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 [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 [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.

THE SCHEDULE
See section 2 (f)

- (i) Child welfare
- (ii) Youth welfare.
- (iii) Women's welfare
- (iv) Welfare of the physically and mentally handicapped.
- (v) Family planning.
- (vi) Recreational programmes intended to keep people away from anti-social activities.
- (vii) Social education, that is, education of adults aimed at developing sense of civic responsibility.
- (viii) Welfare and rehabilitation of released prisoners.
- (ix) Welfare of juvenile delinquents.
- (x) Welfare of the socially handicapped.
- (xi) Welfare of the beggars and destitute.
- (xii) Welfare and rehabilitation of patients.
- (xiii) Welfare of the aged and infirm.
- (xiv) Training in social work.
- (xv) Co-ordination of social welfare agencies.

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)

**THE VOLUNTARY SOCIAL WELFARE AGENCIES (REGISTRATION
AND CONTROL) RULES, 1962.**

S.R.O.356 (K) 62, dated the 29th March, 1962. – In exercise of the powers conferred by section 19 of the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961 (XLVI of 1961), the Central Government is pleased to make the following rules namely: -

**THE VOLUNTARY SOCIAL WELFARE AGENCIES (REGISTRATION
AND CONTROL) RULES, 1962**

1. Short title and commencement. –

- (1) These rules may be called the Voluntary Social Welfare Agencies (Registration and Control) Rules, 1962.
- (2) They shall come into force at once.

2. Definitions. – In these rules, unless there is anything repugnant in the subject or context,

- (a) "Financial Year" has the same meaning as assigned to in the General Clauses Act, 1897 (*X of 1897*).
- (b) "Form" means a form in Schedule II.
- (c) "Ordinance" means the Voluntary Social Welfare Agencies (Registration and Control) Ordinance 1961 (*XLVI of 1961*).
- (d) "Schedule" means a schedule appended to these rules.
- (e) "Section" means section of the Ordinance.

3. Constitution of an Agency. – The constitution of an agency shall not be repugnant to any of the provisions of the Ordinance or these rules and shall, inter alia, make provision for the matters specified in Schedule I:

Provision that the Registration Authority may, for sufficient reason, approve the constitution of an agency, which does not make provision for any of the matters aforesaid.

4. Application for Registration. –

- (1) An application for the registration of an agency existing immediately before the coming into force of the Ordinance shall be in Form A, and an application for the registration of an agency established thereafter shall be in Form B.
- (2) In either case, an application for registration shall be accompanied by:-
 - (i) A copy of treasury challan for Rs. 25/- paid in the Head of Account "XXXVI – Misc. Departments – Misc. (13) – Fees of Reg. Of Voluntary Social Welfare Agencies (Provincial)"; (ammended-2000/)

- (ii) A copy of the constitution of the agency; and
- (iii) In the case of an application in Form A, by the other documents mentioned in that Form.

5. Enquiry prior registration. – The enquiries to be made by the Registration Authority under section 4 may include enquiries in respect of the necessity and feasibility of the programmes of the agency, its financial status, state of affairs and standard of service.

6. Certificate of registration. – A Certificate of registration issued under section 4 shall be in Form C.

7. Date on which the agency starts functioning. – An agency established after the coming into force of the Ordinance shall start functioning within three months of the date on which the certificate of registration is issued to it and shall inform the Registration Authority of its having done so within fifteen days thereof.

8. Register to be maintained by the Registration Authority. – The register to be maintained by the Registration Authority under sub-section (3) of section 4 shall be in Form D.

9. Maintenance of accounts and registers. -

- (1) The following books of accounts and other records shall be maintained by an agency, namely: -
 - (a) A cashbook in which shall be entered in a chronological order every amount paid or received by or on behalf of the agency and all payments shall be supported by necessary vouchers which shall be preserved;
 - (b) A ledger which shall contain all personal and impersonal accounts;
 - (c) An income and expenditure account which shall be compiled at the close of each financial year and shall be audited by a Chartered Accountant or auditor or auditors approved by the Registration Authority and shall be submitted to the said Authority within six months of the close of the financial year;
 - (d) A member's book which shall contain the names and addresses of the members;
 - (e) A Minutes book which shall contain record of the minutes of the meetings of the agency;
 - (f) An inspection book in which shall be recorded the views of the persons authorized to inspect the agency;
 - (g) Such other books as the Registration Authority may be order in writing require.
- (2) Every employee of an agency responsible for the custody or handling of cash or stores shall be required to furnish a security in the form of Fidelity Bond from an insurance company of reasonable financial standing for such amount as the agency may determine and a copy of such Bond shall be furnished to the Registration Authority.

10. Annual Report. –

- (1) An agency shall at the close of each financial year publish an Annual Report containing, inter alias, the following details, namely:
 - (a) General management of the agency;
 - (b) Details of the nature and extent of service rendered during the year, if possible supported by figures;
 - (c) Programme for the next year; and
 - (d) Audited accounts.
- (2) A copy of the Annual Report shall be submitted to the Registration Authority immediately on its publication.

11. Change of the address of the agency. – Any change in the address of an agency shall be communicated to the Registration Authority within seven days thereof.

12. Voluntary dissolution of agency. – Application for the dissolution of an agency under section 11 shall be in Form E and shall bear the signatures of all the members who are parties to the application.

13. Fee for inspection of documents etc. – The fee for inspection of any documents relating to a registered agency at the office of the Registration Authority, shall be two rupees and fifty paise per document and the fee for obtaining a copy of or extract from any such document shall be fifty paise for every hundred words or part thereof.

SCHEDULE (I)

(See rule 3)

ELEMENTS OF THE CONSTITUTION OF AN AGENCY

1. Name of the Agency
2. Area of operation.

(It should be indicated whether the agency is meant for the neighbourhood, or of city wide, or provincial or national character.)
3. Address of the principal office of the agency.
4. Aims and objects of the agency.
5. Membership:
 - (a) Eligibility for membership:
 - (b) Categories of membership with conditions and fees thereof, if any;
 - (c) Procedure for admission of members:
 - (d) Rights and privileges of various categories of memberships:
 - (e) Procedure of suspension, or cancellation of membership on reasonable grounds, such as: -
 - (i) Non-payment of subscription;
 - (ii) Absence from meetings;
 - (iii) Conduct being detrimental to the interest of the agency:
 - (f) Procedure for restoration of suspended or cancelled membership or re-admission:
6. Branches: (Applicable to only those agencies which have branches):
 - (a) Rights and privileges of Branch:
 - (b) Obligations on the part of the Branch:
 - (c) Method of suspension or withdrawal of recognition of Branch:
7. Organizational structure:
 - (a) Names of the different 'Bodies' formed from amongst the members of the agency to run the affairs of the agency properly:
 - (b) Composition, powers and functions of the General Body, Governing Body and any other 'Body'.

- (c) Office Bearers:
 - (i) The designation of all the office bearers;
 - (ii) The method of their election, selection or nomination;
 - (iii) Their terms of office;
 - (iv) Their powers and functions, specifically for each office;
- 8. Meetings:
 - (a) Procedure for calling different types of meetings:
 - (b) Notice period of meetings:
 - (c) Quorum for the different types of meetings:
- 9. Financial administration:
 - (a) Procedure for withdrawal of money from bank:
 - (b) Procedure for appointment of the auditor of the agency.
- 10. Amendment of the constitution.

Procedure to be adopted for making recommendation to the Registration Authority regarding any amendment of the constitution of the agency

SCHEDULE (II)

FORM (A)

(See rule 4)

Application for Registration of Agencies existing before the coming into

*force of **Ordinance** No. XLVI of **1961**.*

To

The Registration Authority,

Voluntary Social Welfare Agencies,

Directorate of Social Welfare,(deputy director)

Govt. of

Dear Sir,

I the undersigned have been operating the _____ the particulars of which are given below:- (Name of the Agency)

1. Name of the Agency_____

2. Address_____

3. Date of Establishment_____

4. Date, place and No. of registration under any other law_____

5. Aims and objects of Agency:

(To be stated with reference to the field of service mentioned in the Schedule to the **Ordinance**).

6. Area of operation (whether neighbourhood, city, province of Bangladesh)

7. Name, occupations and address of the office-bearers of the agency: -

Name	Office held	Occupation	Address
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1.

2.

3.

4.

5.

6.

7.

8. Name or names of the Bank or Banks in which funds of the agency are kept_____

9. (A) Total number of members of the agency on the date of the last general meeting_____

a. Number of members who attended the last general meeting.

9. Brief statement giving the following information is attached: -

a. Accommodation for the services being rendered.

b. List of qualified personnel working in the agency with names and qualifications, if any.

c. Income and expenditure for last 3 years or since the establishment of the agency, whichever is less,

It is requested that the aforesaid agency may be registered under the **Voluntary** Social Welfare Agencies (Registration and Control) **Ordinance, 1961**.

I undertake to inform you of any change in the office-bearers of the agency within thirty days thereof.

The following documents are attached: -

(i) Treasury challan for Rs.25/-

ii. A copy of the constitution of the agency.

iii. A copy of the minutes of the last general meeting of the members of the agency.

Annual Report for the last three years or since the establishment of the agency, whichever is less, or a state of activities undertaken during the said period certified by a Gazetted Officer residing within the area of operation of the agency or Chairman of the Union Council / Committee.

I certify that the statement above is correct.

(Any office-bearer authorised by the agency in this behalf may sign hereunder).

Yours faithfully,

Signature

Dated: Name

Designation

FORM (B)

(See rule 4)

Application for Registration of Agencies established after the coming into force of **Ordinance** No.XLVI of **1961**.

To

The Registration Authority,
Voluntary Social Welfare Agencies,
Directorate of Social Welfare,
Govt. of

Dear Sir,

We the undersigned propose to establish an agency in accordance with the provisions of the **Voluntary** Social Welfare Agencies (Registration and Control) **Ordinance, 1961** (XLVI of **1961**). The particulars of the proposed agency are given below:

1. Name of the Agency:

2. Address:

3. Aims and objects of the Agency:

(To be stated with reference to the fields of services mentioned in the Schedule to the Ordinance0.

4. Area of operation – (whether neighbourhood, city, province of Bangladesh):
5. Plan of Operation:

(Please attach a separate sheet giving a brief statement of the steps to be taken for the establishment of the agency, with reference to accommodation, qualified personnel and equipment, if necessary).

6. How proposed to be financed:

7. Names, occupations and address of the founder members.

Name Occupation Address

1.

- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

8. Name or names of the bank or banks in which funds of the agency are proposed to be kept:

It is requested that the agency may be registered under the aforesaid **Ordinance**. We undertake to inform you of any change in the Office bearers of the agency within thirty days thereof.

Treasury challan for Rs.25 (Now Tk. 2000/ amended) and a copy of the constitution of the agency are attached.

We certify that the information given above is correct. (All the founder members should sign hereunder).

Yours faithfully,

Signature of witness

with names and addresses

- 1.
- 2.
- 3.
- 4.

FORM (C)

(See rule 6)

Registration No. _____ of 19 _____

I hereby certify that _____

Has this day been registered under the **Voluntary** Social Welfare Agencies (Registration and Control) **Ordinance, 1961** (XLVI of **1961**).

Given under my hand and seal at _____ this _____

day of _____ One thousand nine hundred and _____

Registration Authority

Note: Loss of this certificate must be reported to the Registration Authority within seven days.

FORM (D)

(See rule 8)

Form of the Register.

Date of Entry	Name & Address of the Agency	Registration No.	Date of Registration	Date of establishment
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1

2

3

4

5

Details of the founder members (applicable to new agencies)

Aims & objects of the Agency	Area of operation	Name	Occupation	Address
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6

7

8

9

10

Details of the office-bears

Name	Designation	Address	Bank(s) in which funds kept	REMARK
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11

12

13

14

15

FORM (E)

(See rule 12)

Application for the **Voluntary** Dissolution of an agency Ref. _____
Registration No. _____ of _____

To

The Secretary of the Government of Bangladesh
Ministry of Social Welfare,
Dhaka
Dear Sir,

It was decided in the general meeting of _____
held _____ at _____ +name of the agency.

That application be made to Central Government for the dissolution of the Agency under Section 11 of the **Voluntary** Social Welfare Agencies(Registration and Control) **Ordinance, 1961** (XLVI of **1961**), on the following grounds, namely):

(Here state the grounds in brief)

It is, therefore, requested that orders may be passed for the dissolution of the said Agency.

The total membership of the agency on the date on which the meeting was held was (state number) _____ and the total attendance at the meeting was _____ and the number of (state number) persons voting for the dissolution of the agency was _____ (state number).

We certify that the information given above is correct. An attested copy of the resolution of the aforesaid meeting is also attached.

(All the members who attended the aforesaid meeting and voted for the dissolution of the agency would sign hereunder).

Yours faithfully,

Name of the members. Address Signature

1.

2.

3.