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THE ISLAMIC FOUNDATION ACT, 1975

ACT NO. XVII OF 1975

[14th July, 1975]

An Act 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;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Islamic Foundation Act, 1975.

(2) It shall be deemed to have come into force on the 28th day of March, 1975.

Definitions

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

(a) "Board" means the Board of ¹[Governors] of the Foundation;

(b) "Chairman" means the Chairman of the Board;

²[(bb) "Director-General" means the Director-General appointed under section 5A;]

(c) "Foundation" means the Islamic Foundation established under this Act;

¹ The word "Governors" was substituted for the word "Trustees" by section 2 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

² Clause (bb) was inserted by section 2 of the Islamic Foundation (Second Amendment) Ordinance, 1976 (Ordinance No. LXIV of 1976).

¹[(cc) “Governor” means a member of the Board;]

²[(d) “prescribed” means prescribed by rules³[;]]

⁴[(e) “Vice-Chairman” means the Vice-Chairman of the Board.]

3. (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the *official Gazette*, establish a Foundation to be called the Islamic Foundation to carry out the purposes of this Act.

Establishment
of the
Foundation

(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. (1) The head office of the Foundation shall be at Dacca.

Head office

(2) The Foundation may establish as many branches and at such places as it thinks fit.

5. The general direction and administration of the affairs of the Foundation shall vest in a Board of ⁵[Governors] which may exercise all powers and do all things which may be exercised or done by the Foundation.

General
direction

⁶[**5A.** (1) There shall be a Director-General of the Foundation to be appointed by the Government on such terms and conditions as it may determine.

Director-
General

¹ Clause (cc) was inserted by section 2 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

² Clause (d) was substituted by section 2 of the Islamic Foundation (Amendment) Ordinance, 1983 (Ordinance No. LXVII of 1983).

³ The semi-colon was substituted for the full-stop by section 2 of the Islamic Foundation (Amendment) Ordinance, 1985 (Ordinance No. XXII of 1985).

⁴ Clause (e) was added by section 2 of the Islamic Foundation (Amendment) Ordinance, 1985 (Ordinance No. XXII of 1985).

⁵ The word “Governors” was substituted for the word “Trustees” by section 3 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

⁶ Section 5A was inserted by section 4 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

(2) The Director-General shall be the chief executive officer of the Foundation with responsibilities for carrying out the decisions of the Board and shall act as the Secretary of the Board.]

Board

¹[6. (1) The Board shall consist of the following Governors, namely:-

(a) the Minister-in-charge of the ²[Ministry of Religious Affairs], who shall also be the Chairman of the Board, *ex-officio*;

³(aa) the Secretary, Ministry of Religious Affairs, who shall also be the Vice-Chairman of the Board, *ex-officio*;

(b) the Chairman, University Grants Commission of Bangladesh, *ex-officio*;

(c) the Secretary, Education Division, *ex-officio*;

(d) the Vice-Chancellor, Islamic University, *ex-officio*;

(e) the Chairman, Bangladesh Madrasha Education Board, *ex-officio*;

(f) three persons to be elected by the members of the Foundation from amongst their number in such manner as may be prescribed by regulations;

(g) five persons to be nominated by the Government from amongst the eminent Muslim scholars and theologians of Bangladesh;

(h) two members of Parliament to be nominated by the Government; and

(i) the Director General, who shall also be the Member-Secretary of the Board, *ex-officio*.

¹ Section 6 was substituted by section 3 of the Islamic Foundation (Amendment) Ordinance, 1983 (Ordinance No. LXVII of 1983).

² The words "Ministry of Religious Affairs" were substituted for the words "Religious Affairs Division" by section 3 of the Islamic Foundation (Amendment) Ordinance, 1985 (Ordinance No. XXII of 1985).

³ Clause (aa) was inserted by section 3 of the Islamic Foundation (Amendment) Ordinance, 1985 (Ordinance No. XXII of 1985).

(2) A Governor, other than an *ex-officio* Governor, shall hold office for a term of three years:

Provided that notwithstanding the expiration of his term, a Governor, other than an *ex-officio* Governor, shall continue to hold office until his successor enters upon office.

(3) A Governor, other than an *ex-officio* Governor, may resign his office by notice in writing addressed to the Chairman.

(4) The Government may declare the office of a Governor, other than an *ex-officio* Governor, vacant if it is satisfied that-

- (a) such Governor is, by reason of illness or any other cause, unable to discharge the functions of his office; or
- (b) his continuance in office is not in the interest of the Foundation.

(5) No act or proceeding of the Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board.]

7. (1) The meetings of the Board shall be held at such times and places as may be prescribed: Meetings of the Board

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 ¹[Governors] shall be present.

(3) All questions at a meeting of the Board shall be decided by a majority of the ²[Governors] present and voting, and in the case of an equality of votes the person presiding shall have a second or casting vote.

¹ The word "Governors" was substituted for the word "Trustees" by section 6 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

² The word "Governors" was substituted for the word "Trustees" by section 6 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

¹[(4) All meeting of the Board shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and, in the absence of both, by a Governor nominated for the purpose by the Chairman.]

Appointment of committees

8. The Board may appoint such committee or committees as it thinks fit to assist it in the efficient discharge of its functions.

Members of the Foundation

²**9.** (1) The Foundation may have its Patrons, Fellows, life-members and members who shall have, subject to the provisions of this Act, such functions and privileges as may be prescribed.

(2) Without prejudice to their own functions and privileges, the Patrons and Fellows shall also have the functions and privileges of the life-members.

(3) The Board shall enter in its books maintained for the purpose-

- (a) as Patrons of the Foundation the names of such distinguished persons as may, upon its invitation, consent to be such Patrons; and
- (b) as Fellows of the Foundation the names of such persons with outstanding contributions in the field of Islamic learning and social service as may desire or agree to be such Fellows.

(4) A Patron or a Fellow of the Foundation shall, unless he indicates his desire to relinquish the privilege, continue to be such Patron or Fellow during his life-time.

(5) The Board may, on an application made in this behalf, admit in such manner and upon fulfilment of such conditions as may be prescribed any person having interest in the objects and purposes of the Foundation as a life-member or a member of the Foundation.

¹ Sub-section (4) was substituted by section 4 of the Islamic Foundation (Amendment) Ordinance, 1985 (Ordinance No. XXII of 1985).

² Sections 9 and 9A were substituted for former section 9 by section 7 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

9A. (1) The Board shall convene every year an annual general meeting of the members of the Foundation,- Meetings of the members

- a) to consider the annual report of the activities of the Foundation during the next preceding year to be laid before the meeting by the Director-General;
- b) to offer suggestions in respect of the functions and activities of the Foundation for the consideration of the Board; and
- c) to elect, as and when necessary, the Governors required to be elected to the Board by the members of the Foundation.

(2) The Board may at any time convene other general meetings of the members of the Foundation to consider such matters as may be placed before the meeting.

¹²[(3) A general meeting of the members of the Foundation shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and, in the absence of both, by a Governor nominated for the purpose by the Chairman.]

(4) The proceedings of the general meeting of the Foundation shall be regulated in such manner as may be prescribed by regulations made under this Act.]]

³**10.** (1) There shall be a Secretary of the Foundation who shall be appointed by the Government on such terms and conditions as it may determine and perform such functions as the Board or the Director-General may assign to him. Appointment of Officers, etc.

(2) 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.]

¹ Sub-sections (3) and (4) were substituted by section 5 of the Islamic Foundation (Amendment) Ordinance, 1983 (Ordinance No. LXVII of 1983).

² Sub-section (3) was substituted by section 5 of the Islamic Foundation (Amendment) Ordinance, 1985 (Ordinance No. XXII of 1985).

³ Section 10 was substituted by section 4 of the Islamic Foundation (Second Amendment) Ordinance, 1976 (Ordinance No. LXIV of 1976).

Functions

11. The functions of the Foundation shall be-

- (a) to establish, manage and maintain mosques and Islamic centres, academies and ¹[institutes];
- (b) to render financial assistance to mosques and Islamic centres, ²[academies, institutes and organisations dedicated to social services];
- (c) to undertake research 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 ³[and to recommend measures, including institutional development, for the realisation of Islamic values and principles in the cultural, social and economic life of the community];
- (e) to organize and promote studies and research in Islamic history, philosophy, culture, law and jurisprudence ⁴[with a view to popularising Islamic values and principles and to publish, and promote the publication and dissemination at cheap prices of popular Islamic Literature];
- ⁵[(f) to translate, compile and publish books, periodicals and pamphlets on Islam and Islamic subject;]

¹ The word “Institutes” was substituted for the word “Institute” by section 8 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

² The words and comma “academies, institutes and organisations dedicated to social services” were substituted for the words “academies and institute” by section 5 of the Islamic Foundation (Second Amendment) Ordinance, 1976 (Ordinance No. LXIV of 1976).

³ The words and commas “and to recommend measures, including institutional development, for the realisation of Islamic values and principles in the cultural, social and economic life of the community” were added by section 8 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

⁴ The words and comma “with a view to popularising Islamic values and principles and to publish, and promote the publication and dissemination at cheap prices of popular Islamic Literature” were added by section 8 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

⁵ Clause (f) was substituted by section 6 of the Islamic Foundation (Amendment) Ordinance, 1983 (Ordinance No. LXVII of 1983).

- (g) to organize conferences, lectures, debates and symposia on matters relating to Islamic history, philosophy, culture, law and jurisprudence;
- (h) to institute prizes and medals for outstanding contributions in the field of Islamic studies;
- ¹[(hh) to sponsor, undertake or assist projects on Islam;]
- (i) to award scholarships for Islamic studies;
- (j) 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. (1) There shall be a Fund of the Foundation to which Fund 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 Act and all payments of the Foundation shall be made out of that Fund.

(3) All moneys of the Foundation shall be deposited with any bank.

¹ Clause (hh) was inserted by section 6 of the Islamic Foundation (Amendment) Ordinance, 1983 (Ordinance No. LXVII of 1983).

Accounts	13. The Foundation shall keep its account in such manner as the Government may direct.
Budget	14. 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.
Audit	<p>15. (1) 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.</p> <p>(2) For the purpose of an audit under sub-section (1), 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 ¹[Governor, the Director-General] or any other officer or employee of the Foundation.</p> <p>(3) The Auditor-General shall submit his audit report to the Government and shall forward a copy thereof to the Foundation.</p>
Reports, etc.	<p>16. (1) The Foundation shall furnish to the Government such reports and statements as the Government may from time to time require.</p> <p>(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.</p>
Delegation of powers	17. 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 ² [any Governor, the Director-General] or any other officer or employee of the Foundation as may be so specified.

¹ The words and comma "Governor, the Director-General" were substituted for the words "Trustee, the Secretary" by section 9 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

² The commas and words ", any Governor, the Director-General" were substituted for the words "or by any Trustee or by the Secretary" by section 10 of the Islamic Foundation (Amendment) Ordinance, 1976 (Ordinance No. XXXVI of 1976).

¹[18. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Act. Power to make rules

18A. (1) The Board may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act and the rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act. Power to make regulations

(2) All regulations made under this section shall be published in the *official Gazette* and shall come into force on such publication.

18AA. (1) Notwithstanding anything contained in any other law for the time being in force or in any agreement or contract, Fixation of rent of properties of the Foundation

- (a) the Foundation shall fix the rent of its properties in accordance with the schedule of rent fixed by the Government, from time to time, keeping in view the prevailing market rate;
- (b) the Foundation shall re-fix the rent of its properties in accordance with the schedule fixed under clause (a):

Provided that the rent of any property or any portion thereof shall not be re-fixed within twelve months in respect of each tenancy.

(2) If any tenant refuses or fails to pay the rent fixed or re-fixed under sub-section (1), he shall be deemed to be an unauthorised occupant and shall be evicted from the property of the Foundation.]

19. 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. Winding up

¹ Sections 18, 18A, 18AA were substituted for the former section 18 by section 7 of the Islamic Foundation (Amendment) Ordinance, 1983 (Ordinance No. LXVII of 1983).

Dissolution of
Baitul
Mukarram and
Islamic
Academy

20. (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 (XXI of 1860), hereinafter referred to as the said society, and the institute known as the Islamic Academy, Dacca, hereinafter referred to as the said institute, shall stand dissolved;
- (b) the *ad hoc* committee or any other committee or body of management of the said society, by whatever name called, shall stand dissolved, and all members of the said society and all members and the Administrator of the said 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 said society and the said 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 said society and the said 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 said society and the said 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 said society and the said 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 (1), 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 Act.

21. (1) The Islamic Foundation Ordinance, 1975 (Ord. XVII of 1975), is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken, including any order made, notification issued or direction given under any provision of the said Ordinance shall be deemed to have been done, taken, made, issued or given, as the case may be, under the corresponding provision of this Act.

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