

The Bangladesh (Freedom Fighters) Welfare Trust Order, 1972 (President's Order)

WHEREAS it is expedient to provide for establishment of a Trust for the Welfare of the disabled freedom fighters and dependants of Shaheeds of the war of liberation and for matters connected therewith; 1

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

- 1 1. (1) This Order may be called the Bangladesh (Freedom Fighters) Welfare Trust Order, 1972.

 (2) It extends to the whole of Bangladesh.

 (3) It shall come into force at once.
- 2 2. In this Order, unless there is anything repugnant in the subject or context,-

 2[(a) “beneficiaries” means disabled Freedom Fighters, their dependents or the dependents of the Shahids or members of Muktifauz in distress and requiring assistance;]

 (b) “Board” means Board of 3[Trustees];

 (c) “Chairman” means the Chairman of the Board;

 (d) “dependant” includes wife, husband, minor sons, unmarried daughters, parents, minor brothers, divorced or widowed sisters of a freedom fighter or of a Shaheed, who are dependant on him;

 (e) “disabled” means incapable of pursuing any normal vocation because of injuries suffered during the war of liberation;

 4[* * *]

 (g) “Trust” means the Bangladesh (Freedom Fighters) Welfare Trust established by this Order;

 5[(h) “freedom fighter” means any person who had served as a member of any force engaged in the war of liberation but shall not include the serving members of the defence services, police or the civil armed forces, or any Government pensioner, or any other person having

any regular source of income;]

(i) “Fund” means the Bangladesh (Freedom Fighters) Welfare Fund referred to in Article 12;

(j) “Government” means the Government of the People’s Republic of Bangladesh;

6[(jj) “Managing Director” means the Managing Director of the Trust;]

(k) “prescribed” means prescribed by rules or regulations made under this Order;

(l) “Shaheed” means a person who suffered death while engaged in the war of liberation 7[;

(m) “Trustee” means a member of the Board.]

3 (1) On the coming into force of this Order, there shall be established a corporation to be called the Bangladesh (Freedom Fighters) Welfare Trust.

(2) The Trust 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 its name sue and be sued.

4 (1) The Head Office of the Trust shall be located at Dacca.

(2) The Trust may establish such regional or other offices, branches and agencies as the Board may, with the prior approval of the Government, think fit.

5 (1) The functions of the Trust shall be to provide for the welfare of the beneficiaries and to provide assistance for their relief and rehabilitation, and to acquire property, to promote, establish, maintain and manage commercial and industrial undertakings and to do all things considered necessary for the discharge of the said functions.

(2) Without prejudice to the generality of the foregoing provision, the Trust shall, in particular, have power-

(a) to give assistance, in cash or kind, for the welfare, relief and rehabilitation of one or more beneficiaries;

(b) to promote, establish, undertake and manage projects and schemes the object of which is the welfare of one or more beneficiaries;

(c) to establish and maintain clinics, dispensaries or hospitals for

specialised treatment of disabled freedom fighters;

(d) to establish and maintain rehabilitation and training centres and homes for disabled freedom fighters;

(e) to provide vocational training facilities to beneficiaries;

(f) to sanction pension to such beneficiaries as are unable to pursue normal vocations;

(g) to award scholarships and stipends to deserving beneficiaries for prosecution of studies;

(h) to acquire, hold and dispose of property, both movable or immovable;

(i) to promote, establish, own, possess, manage, maintain and dispose of any industrial or commercial undertakings, with the prior approval of the Government, for the benefit of beneficiaries;

(j) to accept the management of any trust fund or endowment in which the Trust is interested;

(k) to receive moneys, securities, instruments or any other movable property for and on behalf of the Trust;

(l) to invest the moneys and funds of the Trust and to vary the investments as and when it may deem necessary or proper;

(m) to purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of the Government and any other securities as approved by the Government;

(n) to raise loans for its enterprises and undertakings and for this purpose, to pledge, hypothecate, mortgage or otherwise charge the properties of the Trust;

(o) to enter into contracts, engagements, arrangements and execute necessary documents;

(p) to do such other things as may be considered necessary or expedient for carrying out the purposes of this Order including complying with orders and directions issued by the Government from time to time;

(q) to do all other things as may be prescribed.

general direction and superintendence of the affairs and business of the Trust shall vest in a Board of 8[Trustees] which may exercise all such powers and do all such acts and things as may be exercised by the Trust.

(2) The Board, in discharging its functions, shall be guided by such directives as the Government may give from time to time.

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7. 9[(1) The Board shall consist of the following Trustees, namely:-

(a) the Prime Minister, Government of the People's Republic of Bangladesh, who shall also be its Chairman;

10[(b) the Minister-in-charge of the Ministry of Liberation War Affairs, Government of the People's Republic of Bangladesh, who shall also be its Vice-chairman;]

(c) four members of Parliament (Freedom Fighter) to be nominated by the Prime Minister;

(d) Secretary-in-charge of the Ministry or Division dealing with finance;

(e) Secretary-in-charge of the Ministry or Division dealing with industries;

11[(f) Secretary-in-charge of the Ministry or Division dealing with Liberation War Affairs;]

(g) one representative of the Bangladesh Army (Freedom Fighter), not below the rank of a Brigadier, to be nominated by the Chief of Army Staff;

(h) Managing Director, Bangladesh (Freedom Fighters) Welfare Trust, ex-officio.

Explanation – Notwithstanding the definition of “freedom fighter” contained in clause (h) of Article 2 of this Order, for the purpose of this clause “Freedom Fighter” means a freedom fighter who actively participated in the war of liberation.]

(2) No act or proceeding 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.

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12[7A. (1) A Management Committee to perform the functions mentioned in clause (2) shall be constituted with the following members, namely:- 13[

8 8. 14[(1) The 15[Chairman] and other Trustees shall hold office for such period and on such terms and conditions as the Government may determine.]

16[(2) The Government may, at any time, remove any Trustee, other than an ex-officio Trustee, without assigning any reason.]

9 9. (1) The 17[Chairman] and other 18[Trustees] shall exercise such powers, perform such functions and discharge such duties as may be prescribed by the Board.

19[(2) In the absence of the Chairman, the powers and functions of the Chairman shall be performed by such officials of the Trust and the meetings of the Board shall be presided over by such Trustee as the Chairman may direct in writing.]

9A 20[9A. (1) The Trust shall have a full-time Managing Director to be appointed by the Government, who shall be the chief executive of the Trust.

(2) The Managing Director shall be appointed on such terms and conditions as may be determined by the Government.]

10 10. (1) The meetings of the Board shall be held at such times and at such places as may be prescribed:

Provided that a meeting may also be otherwise convened by the Chairman when he so thinks fit.

(2) The meetings of the Board shall be conducted in accordance with such procedure as may be prescribed by the Board and until such regulations are made in such manner as the Chairman thereof may direct.

(3) At a meeting of the Board each 21[Trustee] shall have one vote, and in the event of equality of votes, the Chairman thereof shall have a casting vote.

11 11. 22[(1)] The 23[Board] may, appoint or employ, in such manner and on such terms and conditions 24[* * *] such officers, advisers and employees as 25[it] considers necessary for efficient performance of the functions of the Trust.

26[(2) The Board, on the recommendation of the Management Committee, shall have power to take decisions on matters relating to employment, dismissal and any other disciplinary action against any officer or employee of the Trust.]

11A 27[11A. The Board may, by resolution, delegate such of its powers and functions to the Managing Director or any other officer of the Trust as it may deem fit.]

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12. (1) The Trust shall have its own Fund to be called the Bangladesh (Freedom Fighters) Welfare Fund which shall consist of-

(a) grants and loans from the Government;

(b) donations from the public or any agency, institutions, organisations-foreign, national or international;

(c) aid and assistance received from foreign Governments; and

(d) income from the undertakings and properties held or managed by the Trust.

(2) The Trust, with prior approval of the Government, borrow money from a Commercial Bank or any other financial institution for the purpose of carrying out its functions under this Order.

(3) All receipts of the Trust from any source whatsoever shall be credited to the Fund and shall be administered in such manner as may be prescribed by the Board, and until such regulations are made, by the Chairman thereof, and shall be applied to meet all expenditure connected with the execution of the measures for which the Trust is responsible and all charges necessary for the discharge of its functions.

(4) The Fund shall be kept in any bank or banks approved by the Government.

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13. (1) The Trust shall maintain proper and complete accounts in accordance with such general directions as may be issued, and in such form, as may be prescribed, by the Government.

28[(2) The accounts of the Trust shall be audited, as soon as possible after the end of the financial year but not later than the 30th day of October of the following financial year, by not less than two auditors, being chartered accountant within the meaning of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973), who shall be appointed by the Government.]

(3) Every auditor appointed under clause (2) shall be given the account books and connected documents of the Trust for examination and shall at all reasonable times have access to the books, accounts and other documents of the Trust and, may in connection with such accounts examine the Chairman or any 29[Trustee] or officer of the Trust.

(4) The auditors shall submit an audit report to the Government in which they shall state whether, in their opinion, accounts of the Trust are properly drawn up and, if they have called for any explanations or

information from the Trust, whether it has been given and whether it is satisfactory.

14 (5) The Trust shall comply with any directive issued by the Government for the rectification of the matters objected to in the audit.
14. (1) The Trust shall furnish to the Government such returns, reports and statements as the Government may from time to time require.

(2) The Trust shall, as soon as possible after the end of every financial year, furnish to the Government a statement of accounts audited under Article 13 together with an annual report of the workings of the Trust during that year and its proposal for the next ensuing financial year.

15 (3) The copies of the audited accounts and annual report received by the Government under clause (2) shall be published in the official Gazette and shall be laid before the Legislature.

15 15. The Trust, by such date as may be prescribed by rules, submit to the Government, for approval, a statement, to be called the Annual Budget Statement, in the prescribed form for each financial year showing the estimated receipt and expenditure and the sums which are likely to be required from the Government during that financial year.

16 16. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Order.

17 17. (1) The Board, may, with previous approval of the Government, make regulations, not inconsistent with the provisions of this Order or the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Order.

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

1 Throughout this order the word “Trust” wherever occurring was substituted for the word “Foundation” by the Bangladesh (Freedom Fighters) Welfare Foundation Amendment) Order, 1972 (President’s Order No. 159 of 1972)

2 Clause (a) was substituted by Article 4 of the Bangladesh (Freedom Fighters) Welfare Foundation (Amendment) Order, 1972 (President’s Order No. 159 of 1972)

3 The word “Trustees” was substituted for the words “Directors of the Foundation” by Article 4 of the Bangladesh (Freedom Fighters) Welfare Foundation (Amendment) Order, 1972 (President’s Order No. 159 of 1972)

4 Clause (f) was omitted by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Act, 1974 (Act No. XXXVII of 1974)

5 Clause (h) was substituted by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust

(Amendment) Act, 1980 (Act No. XLI of 1980)

6 Clause (jj) was inserted by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

7 The semi-colon (;) was substituted for the full stop (.) and thereafter clause (m) was added by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Act, 1974 (Act No. XXXVII of 1974)

8 The word “Trustees” was substituted for the word “Directors” by Article 5 of the Bangladesh (Freedom Fighters) Welfare Foundation (Amendment) Order, 1972 (President’s Order No. 159 of 1972)

9 Clause (1) was substituted by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Act, 1993 (Act No. XIV of 1993)

10 Sub-clause (b) was substituted by section 3 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Act, 2001 (Act No. LXI of 2001)

11 Sub-clause (f) was substituted by section 3 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Act, 2001 (Act No. LXI of 2001)

12 Article 7A was inserted by section 4 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

13 Sub-clause (a) was substituted by section 4 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Act, 2001 (Act No. LXI of 2001)

14 Clause (1) was substituted by Article 7 of the Bangladesh (Freedom Fighters) Welfare Foundation (Amendment) Order, 1972 (President’s Order No. 159 of 1972)

15 The word “Chairman” was substituted for the words “Managing Director” by section 3 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1976 (Ordinance No. XXXVIII of 1976)

16 Clause (2) was substituted by Section 5 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

17 The word “Chairman” was substituted for the words “Managing Director” by section 4 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1976 (Ordinance No. XXXVIII of 1976)

18 The word “Trustees” was substituted for the word “Directors” by Article 8 of the Bangladesh (Freedom Fighters) Welfare Foundation (Amendment) Order, 1972 (President’s Order No. 159 of 1972)

19 Clause (2) was substituted by section 4 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1976 (Ordinance No. XXXVIII of 1976)

20 Article 9A was inserted by section 6 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

21 The word “Trustee” was substituted for the word “Director” by section 7 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

22 Article 11 was numbered as clause (1) by section 8 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

23 The word “Board” was substituted for the word “Chairman” by section 5 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1976 (Ordinance No. XXXVIII of 1976)

24 The words “as may be approved by the Government” were omitted by section 8 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

25 The word “it” was substituted for the word “he” by section 5 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1976 (Ordinance No. XXXVIII of 1976)

26 Clause (2) was added by section 8 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)

27 Article 11A was inserted by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust (Second Amendment) Ordinance, 1983 (Ordinance No. LXIV of 1983)

28 Clause (2) was substituted by section 2 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1986 (Ordinance No. XII of 1986)

29 The word “Trustee” was substituted for the word “director” by section 9 of the Bangladesh (Freedom Fighters) Welfare Trust (Amendment) Ordinance, 1983 (Ordinance No. XIV of 1983)