

The Islamic Foundation Act, 1975

(ACT NO. XVII OF 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;

³[(cc) "Governor" means a member of the Board;]

⁴[(d) "prescribed" means prescribed by rules ⁵[;]]

⁶[***]

Establishment of the

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

Foundation to be called the Islamic Foundation to carry out the purposes of this Act.

(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.

Head office

4. (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.

General direction

5. The general direction and administration of the affairs of the Foundation shall vest in a Board of ⁷[Governors] which may exercise all powers and do all things which may be exercised or done by the Foundation.

Director-General

⁸[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.

(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

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

(a) the Minister-in-charge of the ¹⁰[Ministry of Religious Affairs], who shall also be the Chairman of the Board, ex-officio;

¹¹[***]

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

¹²[(c) the secretary, Ministry of Religious Affairs, ex-officio;]

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

(e) the Chairman, Bangladesh Madrasa 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

(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.

(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.]

Meetings of the Board

7. (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 five¹³[Governors] shall be present.

(3) All questions at a meeting of the Board shall be decided by a majority of the¹⁴[Governors] present and voting, and in the case of an equality of

¹⁵[(4) All meetings of the Board shall be presided over by the Chairman and, in his absence, 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

¹⁶[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.

Meetings of the members

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

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.

¹⁷[¹⁸(3) A general meeting of the members of the Foundation shall be presided over by the Chairman and, in his absence, 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.]]

Appointment of Officers, etc.

¹⁹[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.

(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.]

Functions

11. The functions of the Foundation shall be-

(a) to establish, manage and maintain mosques and Islamic centres, academies and ²⁰[institutes];

(b) to render financial assistance to mosques and Islamic centres, ²¹[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 ²²[and to recommend