

Protection
of
Persons with Neuro-developmental Disability
Trust Act, 2013

**Extraordinary Issue
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Bangladesh National Assembly

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The following Act passed by the parliament receives its assent of the President on 10 November, 2013 (26 kartik, 1420) and is hereby published for general information of the people:-

Act 52 of 2013

An Act to make provisions for the establishment of a trust and for the protection of the rights of the persons with neuro-developmental disability

Whereas it is necessary and expedient to make provisions for the establishment of a trust and for the protection of the rights of the persons with neuro-developmental disability.

Hence, therefore, it is enacted as follows:

Chapter one

Preliminary

1. **Short title and commencement.-** (1) This Act may be called the Protection of Persons with Neuro-Developmental Disability Trust Act, 2013.

(2) It shall come into force immediately.

2. **Definitions.**- Unless there is anything repugnant to the subject or context, in this Act,-

- (1) 'guardian' means father or mother of the persons with neuro-developmental disability or such other person appointed as such by them;
- (2) 'Advisory council' means the council constituted under section 11;
- (3) 'Chairperson' means the chairperson of the Board;
- (4) 'District Committee' means the committee constituted under section 20;
- (5) 'Trust' means Neuro-developmental Disability Protection Trust established under sub-section (1) of section 8;
- (6) 'Fund' means fund of the Trust;
- (7) 'prescribed' means prescribed by rules;
- (8) 'registered organization' means an organization registered as such under section 21;
- (9) 'appointed guardian' means a person appointed as such under section 23;
- (10) 'persons with neuro-developmental disability' means persons having disability of any form as described in section 3;
- (11) 'regulations' means regulations made under this Act;
- (12) 'Board' means the trustee board constituted under section 13;
- (13) 'rules' means rules made under this Act;
- (14) 'special educational institution' means an institution wherein persons with neuro-developmental disability are given special types of education in place of main stream education;
- (15) 'Managing Director' means a director appointed as such under section 30;
- (16) 'member' means a member including the Chairperson, and Vice-Chairperson, of the Board.

Chapter two

Neuro-Developmental Disabilities

3. **Types of Neuro-developmental disabilities.-** For the purposes of this Act, depending on physical, mental, intellectual, developmental, and sensory impairment and adversity, the types of neuro-developmental disabilities may be as follows:

- (a) autism or autism spectrum disorder;
- (b) down syndrome;
- (c) intellectual disorder;
- (d) cerebral palsy.

4. **Autism or autism spectrum disorder.-** Persons who have all the features mentioned in clauses (a), (b) and (c), along with one or more of the features mentioned in clauses (d), (e), (f), (g), (h), (i), (j) and (k) of the following may be considered as disable with autism or autism spectrum disorder, namely-

- (a) restricted verbal or non verbal communication;
- (b) restricted social and interactive behavior, limitations in exchange of views, and difficulties in imagination;
- (c) stereotype or repetitive restricted behavior;
- (d) comparatively lower or higher sensitivity to hearing, vision, smell, taste, touch, feel, balance and movement;
- (e) intellectual or other disability or seizure;
- (f) uncoordinated development and outstanding skill on one or more specific component;
- (g) no or poor eye contact with others;
- (h) hyperactivity, impulsivity, or irrelevant laughing and crying;
- (i) abnormal physical gesture;
- (j) high tendency to maintain same routine;
- (k) such other features as the government may, by gazette notification from time to time, prescribe.

[**Explanation:** Autism or autism spectrum disorder is such a complex disability of the normal development of brain which is usually found in a child from one and half years of age to three years. Persons with such disability do not usually have any problem or defect in physical growth, and their face or structure remain same like other sound and normal person. They fail to keep proper contact with their surroundings, such as: not skilled in using proper language, self contended, etc. But, they might articulate special skill in some cases like drawing, singing, computer operating, solving mathematical problems, and other complex maters.]

5. **Down syndrome.-** Persons who have genetic problem, due to the presence of an extra chromosome at 21st chromosome pair, causing lower to severe intellectual disability or poor muscles strengths, and physical shortness with mongoloid face may be considered as disable with down syndrome.

6. **Intellectual disability.-** Persons who have any one or more of the following features may be regarded as disable with intellectual disability, namely-

- (a) significant limitations to act according to age;
- (b) limitations on intellectual work, such as: to analyze cause and effect, to learn and solve problems;
- (c) limited skill to daily activities, such as: communication, self care, social activities, self control, health care and safety, self education, etc; or
- (d) lower intelligent quotients.

7. **Cerebral palsy.-** (1) After any trauma or infection to the immature brain, if any person's -

- (a) normal posture and movement affects his or her daily activities;
- (b) brain damage remains unchanged; and
- (c) skill to daily activities is not improvisable by appropriate health care;

then, he or she may be regarded as disable with cerebral palsy.

(2) The features of cerebral palsy may be as follows:

- (a) muscle tone either too stiff or too floppy;
- (b) uncoordinated or restricted movement of hands and legs;
- (c) poor or lack of balance in physical movement;
- (e) low or high degree of impairment in vision, hearing and intellect;
- (f) restricted behavior;
- (g) restricted communication; or
- (h) affected hands of single or both side, and legs of single or both side.

Chapter Three

Establishment of Trust, its purposes, etc

8. **Establishment of Trust.-** (1) As soon as may be after the commencement of this Act, the Government shall established a trust to be called Neuro-Developmental Disability Protection Trust in accordance with the provisions of this Act.

(2) The Trust shall be a statutory body and shall have perpetual succession and a common seal, and the power to acquire, hold, and dispose of property, both movable or immovable, and may by the said name sue and be sued.

9. **Office of the Trust.-** The principal office of the Trust shall be at Dhaka and the Board may, if necessary, with prior approval of the government, set up its branch office at any place in Bangladesh.

10. **Aims and objectives of the Trust.-** To make the persons with neuro-developmental disability capable to survive as a part of the society, the aims and objectives of the Trust are-

- (a) as far as possible, to give them physical, mental and financial support ;
- (b) to provide them appropriate knowledge and education;
- (c) to empower them in society.

11. Advisory Council.- (1) The Trust shall have an Advisory Council consisting of following members, namely:-

- (a) Prime Minister of the People's Republic of Bangladesh, who shall also be its President;
- (b) Minister or, as the case may be, State Minister, Ministry of Social Welfare, who shall also be its Vice-President:

Provided that where both the Minister and State Minister are in charge of the said Ministry, the State Minister shall be a Member;

- (c) Minister, Ministry of Finance;
- (d) Minister, Ministry of Law, Justice and Parliamentary Affairs;
- (e) Minister, Ministry of Education;
- (f) Minister, Ministry of Health and Family Welfare;
- (g) Minister, Ministry of Primary and Mass Education;
- (h) Minister, Ministry of Industry;
- (i) Minister, Ministry of Labour and Employment;
- (j) Minister, Ministry of Local Government, Rural Development and Cooperatives;
- (k) Minister, Ministry of Information;
- (l) Minister, Ministry of Women and Children Affairs;
- (m) Minister, Ministry of Food;
- (n) Minister, Ministry of Disasters Management and Relief;
- (o) Secretary, Ministry of Social Welfare, who shall also be its Member-Secretary.

(2) The Advisory Council may, if necessary, from time to time, give necessary directions and advices to the Board.

(3) The procedure of meetings of the Advisory Council, and duties and functions thereof shall be prescribed by rules.

12. Administration and management.- The general administration and management of the Trust shall vest upon the Trustee Board, and the Board may exercise all such powers and perform all such functions as the Trust may exercise and perform.

13. Constitution of the Trustee Board.- (1) The Trustee Board shall consist of following members, namely:-

- (a) a person, having experience and expertise in neuro-developmental disability, to be nominated by the Government, who shall also be its Chairperson;
- (b) Managing Director, National Handicap Development Foundation, who shall also be its Vice-Chairperson;
- (c) Director General, Directorate of Social Welfare;
- (d) Director General, Directorate of Health;
- (e) Joint-Secretary (Development), Ministry of Social Welfare;
- (f) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry of Women and Children Affairs;
- (g) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry of Health and Family Welfare;
- (h) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry Labour and Employment;
- (i) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry of Education;
- (j) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry Primary and Mass Education;
- (k) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry of Youth and Sports;

- (l) an officer, not below the rank of a Joint-Secretary, to be nominated by the Ministry of Food;
- (m) an officer, not below the rank of a Joint-Secretary, to be nominated by the Finance Division;
- (n) an officer, not below the rank of a Joint-Secretary, to be nominated by the Bank and Financial Institution Division;
- (o) an officer, not below the rank of a Joint-Secretary, to be nominated by the Local Government Division;
- (p) an officer, not below the rank of a Joint-Secretary, to be nominated by the Legislative and Parliamentary Affairs Division;
- (q) a representative to be nominated by the Steering Committee on autism and neurological development problems formed, at national level, by the Ministry of Health and Family Welfare;
- (r) 7 (seven) persons to be nominated by the Government from the representatives of the persons with neuro-developmental disability or their parents, guardians or registered organizations:
 - Provided that among the 7 (seven) representatives, 4 (four) representatives shall be nominated from the parents or guardians of the persons with neuro-developmental disability;
- (s) 2(two) representatives to be nominated by the Government from among the persons or organizations involved in charities;
- (t) Managing Director, ex-officio, who shall also be its Member-Secretary.

(2) The Members under clause (a), (q), (r) and (s) of sub-section (1) shall hold their office for a period of 3 (three) years from the date of their nomination.

(3) No act or proceedings of the Board shall be invalid or be called in question merely on the ground of any vacancy in the office of any member or any defect in the constitution of the Board.

(4) The Government may, if necessary, by notification in the official Gazette, increase or decrease the number of members.

14. Qualifications and disqualifications of the Chairperson and the Members.- (1) A person having professional experience and vast knowledge and skill in neuro-developmental disability shall be eligible to be appointed as Chairperson.

(2) No person shall be eligible to be appointed as Chairperson or a Member, if he is-

- (a) not a citizen of Bangladesh;
- (b) a defaulter of any bank or financial institution;
- (c) not discharged of insolvency after being declared as insolvent by a competent court; and
- (d) sentenced to imprisonment on conviction for an offence involving moral turpitude by a competent court.

15. Resignation, removal or incapability to discharge duties.- (1) The Chairperson or any nominated Member may, with a notice prior to 3 (three) months, resign his post by writing under his hand addressed to the Government, and the relevant post shall fall vacant from the date of acceptance of the resignation letter by the Government.

(2) Notwithstanding anything contained in sub-section (1), the Government may remove the Chairperson or any nominated Member from his post, if he-

- (a) is declared insolvent by a competent court;
- (b) is convicted by a competent court of an offence involving moral turpitude;
- (c) is declared by a competent court to be of unsound mind;
- (d) is suffering from physical or mental incapacity to discharge his functions;
or
- (e) neglects to discharge his duties or breaches trust or illegally takes any financial or other benefits.

16. Filling up temporary vacancy in the office of the Chairperson.- If a vacancy occurs in the office of the Chairperson or if the Chairperson becomes incapable to discharge his duties on account of absence, illness or any other cause, the Vice-Chairperson shall discharge

the duties temporarily unless the newly appointed Chairperson takes charge of his office or the Chairperson is able to resume the functions of his office.

17. Functions of the Trust.- To carry out the purposes of this Act, the Trust shall have the following functions, namely-

- (a) to identify the persons with neuro-developmental disability, and to take steps to determine their degree of severity;
- (b) to provide necessary support to the persons with neuro-developmental disability so as to ensure their safe stay with their family;
- (c) to provide support to the registered organizations rendering necessary services to the persons with neuro-developmental disability during their or their family's crisis period;
- (d) to give support, to those persons with neuro-developmental disability who are in deprivation of family or unable to solve their problems, and as the case may be, to give all possible assistance to their guardian or family so as to ensure their rights and lifelong care;
- (e) on the event of death of the parents or guardian of the persons with neuro-developmental disability, to take steps for their lifelong care, for protecting their rights, and for their safety and rehabilitation;
- (f) on the event of death of the persons with neuro-developmental disability, to give support to their family, in the case of necessity;
- (g) to give support to the persons with neuro-developmental disability ensuring their rights, and their full, effective and equal participation in the social activities with others;
- (h) to do good to the persons with neuro-developmental disability, and their family;
- (i) to get the government, the riches, and the non-government organizations involved for the benefit of the persons with neuro-developmental disability;

- (j) to establish or to encourage other persons or organizations to establish suitable educational and training institutes for the development of merit and skill of the persons with neuro-developmental disability, and to that end, to determine the curriculum and the criteria for selecting the teachers of such institutes;
- (k) depending on the nature and severity of disability, to organize special or integrated education for the persons with neuro-developmental disability, and to that end, to establish or encourage other persons or organizations to establish special educational institutes;
- (l) to establish or encourage other persons or organizations to establish special educational institutes for those persons with neuro-developmental disability who are severe and are not able to receive education from main stream education;
- (m) to publish research report, bulletin, journal, periodicals, and books, on disability;
- (n) to give health care to, and to manage suitable materials for, the persons with neuro-developmental disability suffering for long term;
- (o) to take steps for specifying a separate unite or ward for proper treatment of the persons with neuro-developmental disability in the hospitals across the country;
- (p) to take proper steps for ensuring food security and nutrition for the destitute persons with neuro-developmental disability;
- (q) to take steps for the development of the cultural and artistic skill of the persons with neuro-developmental disability, and to make such skill publicized through print and electronic media;
- (r) to take steps for ensuring their effective participation in sports and athletics;

- (s) to give financial and technical support to the persons with neuro-developmental disability, for their employment or self employment, identifying suitable work and help them to be involved in such work;
- (t) to take proper steps for ensuring the rights of the persons with neuro-developmental disability to inherit properties, and to enjoy all kinds of properties devolved upon them by inheritance;
- (u) to build residential hostels and shelter homes for the persons with neuro-developmental disability;
- (v) to formulate policy on selection of guardians and trustees, in the event of death of the parents and guardians of the persons with neuro-developmental disability;
- (w) to formulate policy for providing financial support, from the fund, to the destitute persons with neuro-developmental disability;
- (x) to perform such other relevant function as directed by the Government and the Advisory Council from time to time.

18. Meetings of the Board.- (1) The Board may, subject to other provisions of this section, determine the procedure of its own meetings.

(2) The agenda, date, time and venue of the meeting shall be determined by the Chairperson, and the Member-Secretary of the Board shall, with approval of the Chairperson, convene such meeting:

Provided that at every 4 (four) months at least one meeting of the Board shall have to be convened.

(3) The Chairperson shall preside over all the meetings of the Board, but in his absence, the Vice- Chairperson shall preside over the meeting.

(4) To constitute a quorum at a meeting of the Board, the simple majority of the total number of its members shall be necessary, but in an adjourn meeting no such quorum shall be required.

(5) The decision of a meeting shall be taken by the majority of the members present, but in the event of equality of votes, the Chairperson or, as the case may be, the Vice- Chairperson shall have a second and a casting vote.

(6) The Chairperson may, in consultation with the members, if necessary, invite any person relevant to the agenda of the meeting, but the person shall have no right to cast vote in taking decision.

19. Responsibilities of the Board.- Without prejudice to the generality of section 12, the Board shall, among others, discharge the following responsibilities, namely-

- (a) to regulate and administer the activities of the trust;
- (b) to collect, preserve and invest the fund of the Trust;
- (c) to prepare annual work plan for carrying out the purposes of the Trust, and to finance them, if necessary;
- (d) to manage and protect all the properties of the Trust;
- (e) subject to government approval, to establish communication with different organizations for collecting money from the sources other than the government;
- (f) to select guardians for the persons with neuro-developmental disability, and to that end, to form, control and monitor, the District Committee;
- (g) with a view to achieving the aims and objectives of the Trust, to take and launch programs including the development projects;
- (h) for the expansion of the purposes of the Trust, to enter into agreement with any government or non-government organizations including the local government institutions, and with national and international organizations, and to administer coordinated programs;
- (i) for the increase in the Trust fund, to invest and launch income generating activities; and
- (j) to take such other relevant steps as may be necessary for discharging the aforesaid responsibilities.

20. District and other committees.- (1) The Board may, to carry out the purposes of this Act, form in every district a committee consisting of the following members, namely-

- (a) Deputy Commissioner, who shall also be its Chairperson;

- (b) Vice-Chairperson of the District Social Welfare Council;
- (c) District Civil Surgeon;
- (d) District Education Officer;
- (e) District Primary Education Officer;
- (f) District Women Affairs Officer;
- (g) Disable Affairs Officers of the Disable Service and Support Centre;
- (h) General Secretary of the District Legal Aid Organization;
- (i) two representatives nominated by the Deputy Commissioner from among the parents or guardians of the persons with neuro-development disability;
- (j) a renowned person of the District, and a representatives from among the registered organizations, nominated by the Deputy Commissioner;
- (k) Deputy Director of the District Social Welfare Office, who shall also be its member secretary.

(2) The powers, functions, and working procedure of the District Committee shall be determined by the rules.

(3) Despite anything contained in sub-section (1), the Board may, determining the terms of references, form one or more committees to give support to the smooth functioning of the Trust.

Chapter Four

Establishment and Registration of Organization, Appointment of Guardians, etc.

21. Organization, registration, etc.- (1) Despite anything contained contrary in any other law for the being in force, any organization of the persons with neuro-developmental disability or of the their guardians may be formed for the welfare of such persons:

Provided that unless registered under this Act, it shall not qualify for receiving any benefit out of this Act.

(2) To carry out the purposes of sub-section (1), the organization mentioned in the said sub-section shall, subject to fulfilling the form and payment of fee, have to apply in the manner prescribed by rules to the Board for registration:

Provided that the organizations which have already been established before the commencement of this Act shall, subject to fulfilling the form and paying the fee, have to apply in such time and manner as may be prescribed by rules, to the Board for registration.

(3) The Board may, subject to its satisfaction, either accept the application for registration or reject the same assigning reasons thereof.

(4) If an application for registration is rejected under sub-section (3), the aggrieved person or organization may lodge an appeal to the government in the prescribed manner.

(5) The process to scrutinize applications, of inspection, of registration and to dispose of appeal shall be prescribed by rules.

22. Providing support to registered organization, etc.- (1) Every registered organization may, to launch the programs referred to in sub-section (3), apply to the Board for financial support.

(2) The Board may, upon scrutiny of the application submitted under sub-section (1) and assessing the financial support already given, grant financial support in the prescribed manner.

(3) An application for the financial support may be made to implement the following programs, namely-

- (a) to create opportunity and environment for the dignified survival of the persons with neuro-developmental disability in the society;
- (b) to impart training and provide counseling to the family members of the persons with neuro-developmental disability:

Provided that in the case of imparting training and providing counseling, preference is to be given to the family members of those persons with neuro-developmental disability who are women, children, 65 or more years older, and whose disability is severe;

- c) to provide or encourage recreational care, foster family care or day care for the persons with neuro-developmental disability;

(d) to establish and administer the residential hostels and shelter homes for the persons with neuro-developmental disability;

(e) to form self reliant team to build awareness as to the rights of the persons with neuro-developmental disability.

(4) The Board may monitor, supervise and assess the activities of the registered organizations that have received the financial help.

(5) For the purposes of inspection, the Board may ask the registered organization to submit the files, documents, publications before it , and accordingly, the organization shall be bound to submit the same before the Board.

(6) Every year the registered organization shall hold an annual general meeting and prepare a statement of all income and expenditure, and submit a copy of the same to the Board.

23. Application for guardianship, appointment of guardian, etc.- (1) Despite anything contained contrary in any other law for the being in force, any disable friendly person or registered organization may, subject to the provisions of this section, take as a guardian the responsibility of any persons with neuro-developmental disability.

(2) Every disable friendly person or registered organization desiring to take guardianship of any persons with neuro-developmental disability shall have to apply in the prescribed manner for the same to the District Committee:

Provided that no application shall be acceptable without a written consent by the parents or guardian of the persons with neuro-developmental disability.

(3) The District Committee shall, after receiving applications under sub-section (1), assess the necessity of guardianship, and appropriateness, ability and purposes of taking such responsibility.

(4) The District Committee shall, after assessing the applications for guardianship in the prescribed manner, specify the responsibility of guardianship and shall submit its recommendation to the Board.

(5) The Board may, after receiving the recommendation under sub-section (4), approve the guardianship upon scrutiny.

(6) Subject to approval of the Board, the District Committee may appoint guardian by signing an agreement in the prescribed manner:

Provided that the responsibilities for the care of the persons with neuro-developmental disability, management of their property and their care shall be determined by the agreement.

(7) Within 6 months from the date of appointment of guardianship under sub-section (6), the appointed guardian shall submit to the Board, and the District Committee, all the information of the properties of the persons with neuro-developmental disability, along with a report containing the statement of debts.

(8) Within 3 (three) months after the completion of every financial year, the appointed guardian shall submit to the Board, and the District Committee, a statement of all properties and assets placed under him/her along with a balance sheet containing all the income received and expenditure made for the persons with neuro-developmental disability.

24. Interview, inspection, etc.- Every parent or guardian of the person with neuro-developmental disability who is under the guardianship of an appointed guardian under section 23, or every registered organization, or every member of the Board may meet the persons with neuro-developmental disability, and inspect his or her total condition.

25. Release of appointed guardian, etc.- (1) During inspection under section 24, if it appears that there is evidence of negligence or torture to the persons with neuro-developmental disability, or misappropriation or misuse of their property; the inspecting person may lodge a complaint to the District Committee for the release of the appointed guardian.

(2) If a complaint is received under sub-section (1), the District Committee may, in the prescribed manner, investigate the complaint, and if necessary, verify the complaint giving a hearing.

(3) If there is reasonable cause to release the appointed guardian, the District Committee may, on approval of the Board, release the appointed guardian assigning reasons thereof, and appoint new guardian for the persons with neuro-developmental disability in

furtherance of section 23, or may take other proper steps-governmental or non-governmental for the care and protection of the persons with neuro-developmental disability.

(4) The guardian released under sub-section (3) shall, through District Committee, be bound to handover to the newly appointed guardian or to such other person or organization as determined by the Board, accounts of all income received and expenditure made by him or her, and of all the debts and assets of the persons with neuro-developmental disability.

(5) If the guardian released under this section shows negligence to the persons with neuro-developmental disability, or does not take care them or tortures them, or misappropriates or misuses their properties, or fails or decline to handover the accounts under sub-section (4); legal action is to be taken against him for such activities or failure or denial.

Chapter V Fund of the Trust, etc.

26. Fund of the Trust.- (1) There shall be a fund of the Trust which shall remain divided into two part, namely-

- (a) Permanent fund; and
- (b) Evolving Fund.

(2) After the establishment of the Trust under this Act, the government shall, as soon as may be, allocate an amount of money as grant in favour of the Trust for carrying out the purposes of the Trust.

(3) The following money shall be credited to the permanent fund established under clause (a) of sub-section (1), namely-

- (a) one time gift or grant made by the government or any person or organization;
- (b) any profit accrued from the money so deposited.

(4) The money credited to the permanent fund shall have to be kept deposited as permanent savings in any nationalized bank and the money of that fund shall not be used for the purposes of any day to day business of the Trust:

Provided that subject to the approval of the Board, maximum 50% of the profit accrued from the permanent fund may be used for endowing scholarship or stipend to the poor and

meritorious, and for providing health services to the destitute persons with neuro-developmental disability.

(5) The following money shall be credited to the revolving fund established under clause (b) of sub-section (1), namely-

- (a) any allocation made by the government;
- (b) any gift or grant made by any local authority;
- (c) any financial support made by any financial or commercial organization;
- (d) subject to approval of the government, any money procured by administering lottery;
- (e) any grant made by any rich person of the society, industrialist or business man;
- (f) subject to approval of the government, any gift or grant made by any foreign organization or society or person, or money from other sources; and
- (g) subject to approval of the government, money from other sources.

(6) To carry out the purposes of the Trust, any person or organization may, for the welfare of any particular person with neuro-developmental disability, make a gift of any property, movable or immovable, in favour of the Trust:

Provided that in the deed of gift, if it contains name of any particular neuro-developmental disability, the Board shall ensure to be known of the living standard of the person with neuro-developmental disability, and other reasons of making such gift:

Provided further that after meeting the necessity of that particular person with neuro-developmental disability from the property so gifted; the residue, if any, may, for carrying out the purposes of this Act, be used for other beneficial purposes.

(7) The money credited to the evolving fund referred to sub-section (5) shall have to be kept deposited in any nationalized bank and the money of that fund may be used for executing all functions of the Trust including day to day business.

(8) The bank accounts of the Trust shall be administered by the Board in the manner prescribed by rules.

(9) The money of the fund is investable to such purposes as may be approved by the government.

27. Budget.- The Trust shall, by such date each year as may be determined by the Government, submit the Annual Budget Statement for the next financial year to the Government showing the estimated money to be required for the Trust from the Government during that financial year.

28. Audit and Accounts.- (1) The Trust shall maintain its proper accounts and prepare annual statement of the accounts.

(2) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, shall audit the accounts of the Trust every year and submit a copy of the audit report to the Government and the Trust.

(3) Besides the audit mentioned in sub-section (2), the accounts of the Trust may be audited by a Chartered Accountant defined in article 2(1)(b) of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973) and the Trust may appoint one or more Chartered Accountants in this behalf.

(4) The Chartered Accountant appointed under sub-section (3) shall be entitled to such remuneration as may be determined by the Government in this behalf.

(5) For the purposes of audit under sub-section (2) or (3), the Auditor-General or any person authorized by him in this behalf or, as the case may be, the Chartered Accountant shall have access to all records, documents, cash or bank deposit, securities, store or other properties of the Trust and may examine any Member and officer or employee of the Trust.

Chapter VI Officers and Employees

29. Officers and employees of the Trust.- The Trust may, for the efficient performance of its functions, appoint such number of officers and employees as may be required in accordance with the organizational structure approved by the Government and the terms and conditions of their service shall be prescribed by regulations.

30. Managing Director.- (1) The Trust shall have a Managing Director.

(2) The Managing Director shall be appointed from the officers, not below the rank of a Joint-Secretary, by the Government.

(3) The Managing Director shall be the full time Chief Executive Officer of the Trust, and he shall -

- (a) be responsible for executing the decision of the Board;
- (b) perform the functions and duties assigned to by the Board; and
- (c) conduct the administration of the Trust.

Chapter VII Miscellaneous

31. Report.- (1) The Trust shall, within 30th June of the next financial year, furnish to the Government an annual report containing the statement of all its affairs/activities in a financial year.

(2) The Government may, if necessary, at any time, require the Trust to furnish a statement or report on any of its activities, and the Trust shall be bound to comply with every such requisition.

32. Delegation of power.- The Board may delegate any of its powers to the Chairperson, the Vice-Chairperson, the Managing Director or any other officer.

33. Power to make rules.- For the purposes of this Act, the Government may, by a notification in the official Gazette, make rules.

34. Power to make regulations.- The Board may, with prior approval of the Government, by a notification in the official Gazette, make regulations not being inconsistency with this Act or the rules.

35. Removal of discrepancies.- If there appears any discrepancies to give effect of any provision of this Act, the government may, by a notification in the official gazette, remove such discrepancies, subject to keeping it consistent with the provisions of this Act.

36. Publication of Authentic English Text.- After the commencement of this Act, the Government may, if necessary, by a notification in the official Gazette, publish an Authentic English Text of this Act:

Provided that in the event of any conflict between the Bangla and the English Text, the Bangla Text shall prevail.

Md. Asraful Makbul
Senior Secretary